

**RIVERSIDE COUNTY  
COMMUNITY CORRECTIONS PARTNERSHIP  
EXECUTIVE COMMITTEE**

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DOWNTOWN LAW BUILDING  
3960 ORANGE STREET, 5<sup>TH</sup> FLOOR CONFERENCE ROOM, RIVERSIDE, CA

JUNE 3, 2014, 1:30 P.M.

AGENDA

1. CALL TO ORDER – ROLL CALL
2. APPROVAL OF MINUTES – ACTION ITEM
  - a) APRIL 1, 2014
3. 3-JUDGE PANEL UPDATE REGARDING NONVIOLENT SECOND STRIKERS – DISCUSSION ITEM
4. COURT RULING – PEOPLE VS. SCOTT – DISCUSSION ITEM
5. LAO RECOMMENDATION REGARDING THE REALIGNMENT ALLOCATION FORMULA – DISCUSSION ITEM
6. BUDGET PRESENTATIONS – DISCUSSION ITEMS
  - a) PROBATION
  - b) POLICE
  - c) PUBLIC DEFENDER
7. PUBLIC COMMENTS
8. NEXT MEETING: JUNE 10, 2014; 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](http://www.probation.co.riverside.ca.us) under Related Links tab or at Probation Administration, 3960 Orange St., 6<sup>th</sup> Floor, Riverside, CA.*
- *Items may be called out of order.*

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

April 1, 2014 – 1:30 p.m.

Downtown Law Building, 3960 Orange St. 5<sup>th</sup> Flr., Riverside  
**MINUTES**

1. CALL TO ORDER – ROLL CALL

The meeting was called to order by the Chairman, Mark Hake at 1:32 p.m.

Roll call of the members:

Mark Hake, Chief Probation Officer, Chairman  
Frank Coe, Chief of Police, Beaumont  
Steven Harmon, Public Defender  
Jerry Wengerd, Director, Mental Health

Not Present:

Adriaan Ayers, Countywide Operations Deputy, Superior Court  
Stan Sniff, Sheriff  
Paul Zellerbach, District Attorney, Vice Chairman

Mark Hake announced that Chief Deputy Andrea Greer will be retiring in June 2014 and Chief Deputy Ron Miller will take over half of field services and oversee realignment.

2. APPROVAL OF MINUTES

Mark Hake entertained a motion to approve the minutes of the Community Corrections Partnership Executive Committee (CCPEC) meeting from January 7, 2014. The motion was moved by Steven Harmon and seconded by Jerry Wengerd. Mark Hake requested a roll call vote of the motion which passed as follows:

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

3. AB 109 BUDGET UPDATE

a) MIDYEAR BUDGET REPORT FOR FY 13/14

Chief Deputy Probation Administrator Doug Moreno reviewed the Midyear Budget Report for FY 2013/14 and discussed the following:

The CCPEC Budget \$68.7M (including contingency of \$9.08M) consists of:

- \$51.24M, FY 2013/14 Annual Budgets, including contingency \$1.69M
- \$13.14M FY 2012/13 Rollover Funds, including contingency \$3.07M
- \$4.32M FY 2012/13 Growth Funds, allocated to the contingency fund

Other Funds \$1.87M:

- \$1.33M, additional funding for the District Attorney and Public Defender
- \$0.54M, AB 109 Planning Grant

Doug Moreno reported that all of the CCPEC respective agencies have provided copies of their financial reports. The Sherriff's Department, Public Defender's Office, and the Police agencies plan to fully expend their funds for FY 2013/14. The Probation Department, District Attorney's Office, and the Department of Mental Health expect to have rollover funds that will be available for FY 2014/15.

Mark Hake entertained a motion to approve the Midyear Budget Report. The motion was moved by Frank Coe and seconded by Jerry Wengerd. Mark Hake requested a roll call vote of the motion which passed as follows:

Aye: Hake, Coe, Harmon, Wengerd

Nay: None

Absent: Ayers, Sniff, Zellerbach

Abstain: None

#### 4. CALIFORNIA FORWARD PROJECT

Mark Hake advised that California Forward has offered technical assistance to Riverside County with implementing a data driven decision making process (handout). California Forward plans to review the Riverside County criminal justice system by looking at the data that is currently being collected and how the county uses the data, and assist in identifying areas that can be improved. The goal is to have a more efficient and effective criminal justice system. The Probation Department will take the lead and coordinate the meetings with California Forward.

#### 5. MEASURABLE GOALS WORKGROUP UPDATE

Andrea Greer reported that the Measurable Goals Workgroup has drafted a Scope of Work for an assessment and evaluation of Riverside County's implementation of realignment. Once the draft has been finalized, it will be brought before the CCPEC for approval.

All of the CCPEC partner agencies (excluding the police agencies) submitted a blank report template to analyze the data that is tracked. The goal is to create a universal report template for all involved agencies. Frank Coe stated that they are still in the process of completing a universal PACT report.

#### 6. RCRMC PROGRESS REPORT

Christopher Hans, Interim Chief Financial Officer of the Riverside County Regional Medical Center distributed a memorandum and packet which included FY 2012/13 report on Detention Health costs, plans to expand inmate Medi-Cal coverage, Detention Health concerns, and a status report from Assistant Hospital Administrator Bill Wilson on Detention Health Services. He provided the following statistics:

- Total inmate inpatient costs (all in-custody population) for FY 2012/13: \$12.34M
- Average cost per day (all in-custody population) for FY 2012/13: \$1,915

Christopher Hans stated that they are unable to identify the realignment population; therefore the numbers that have been given reflect the entire inmate population in Riverside County. He discussed the guidelines that determine Medi-Cal eligibility for inmates and plans for the expanding population.

## 7. BUDGET DEVELOPMENT SCHEDULE

Mark Hake stated that at this time, the State has not yet released the AB 109 funding allocation numbers for FY 2014/15. The Realignment Allocation Committee (RAC) is still working on the funding formula. The AB 109 funding base allocation has been anticipated to be reduced due to the projected reduction of PRCS offenders being released from State prison to County supervision. The projection by the State is not holding true in that the inmate population in State prison is still high. The growth allocation is expected to make up for the dip in the AB 109 base funding allocation. Mark Hake anticipates that RAC will finalize a funding formula in time for a realignment number to be included in the Governor's May Revise.

Mark Hake reviewed the FY 2014/15 Proposed Budget Timeline and AB 109 funding which is projected to be around \$67.22M. The Probation Department, Public Defender and Police agencies are scheduled to conduct budget presentations to the CCPEC on June 3, 2014. The Department of Mental Health, District Attorney's Office and Sheriff's Department are scheduled to conduct budget presentations to the CCPEC on June 10, 2014. The CCPEC proposed budget adoption is scheduled for July 15, 2014.

## 8. STAFF REPORTS

a) PROBATION: Andrea Greer reviewed the AB 109 Status Report dated March 26, 2014, as follows:

Post-Release Community Supervision (PRCS):

- Clients Assigned to a Caseload: 1,715
- Grand Total Active Supervision: 1,970
- Revocation Petitions: 3,410
- Flash Incarcerations: 1,339

Mandatory Supervision (MS):

- Clients Ordered by the Court: 3,794
- Clients Assigned to a Caseload: 1,302
- Grand Total Active Supervision: 1,702
- Revocation Petitions: 3,979

Total PRCS and MS Offenders Assigned to a Caseload: 3,017

The PRCS Fact Sheet, Active PRCS Supervision Population by City, MS Offender Population by City and Active MS Population by City (handouts) were also reviewed. Jerry Wengerd requested clarification regarding the PRCS and MS homeless populations. Andrea Greer stated that the Probation Department is working with the Riverside Police Department to distribute information on resources and assistance for the homeless. She also provided an update regarding obtaining housing for the realignment offenders. Division Director Stacy

Adams indicated that there are three vendors that responded to the Request for Proposal (RFP) for transitional housing and the department is in the process of reviewing the vendors.

b) SHERIFF: Chief Deputy Jerry Gutierrez stated that there are three AB 109 Impact Updates distributed (handouts) but he will focus on the most recent report dated April 1, 2014. He stated that the inmate daily head count remains at maximum capacity or 97%. As of April 1, 2014, the early releases for 2014 total 3,171. He also stated that the Sheriff's Department has a contract with the State for 200 beds in the fire camps but unfortunately only have 55 beds occupied. They are working to maximize the inmates that can fill these beds. They are also continuing to look into contracting bed space, most recently with Imperial County. Custody alternatives to incarceration were briefly discussed.

c) MENTAL HEALTH: Jerry Wengerd reviewed the CCPEC Report Data for January and February 2014 (handouts). He stated that they have identified several holes in the electronic record system (ELMR) and are working to have these issues addressed by July 2014. He also provided the following statistics from one jail location:

The Department of Mental Health tracked the following for February 6 to March 13, 2014:

- AB 109 Screenings – 228 Clients
- AB 109 Treatment Services – 212 Clients
- AB 109 Contact (refused services) – 189 Clients

d) POLICE: Frank Coe stated that the PACT Teams are doing fine and the agencies are working well together. He briefly touched on the topic of habitual offenders.

e) DISTRICT ATTORNEY: Not in attendance.

f) PUBLIC DEFENDER: Assistant Public Defender Chad Firetag reviewed the Public Defender Report dated April 1, 2014 (handout). He indicated that many of the cases they receive are repeat offenders. He provided the following statistics:

- Average number of PRCS cases per month for FY 2013/14 – 140 cases (25% increase from FY 2012/13)
- Total Parole Cases for FY 2013/14 (as of 3/21/14) – 530 cases
- Average monthly Appearances on Violations of MS for FY 13/14 – 474 appearances (52% increase from FY 2012/13)
- Split Sentences – 162 average cases per month (no increase from FY 2012/13)
- Executed Sentences – 76 average cases per month (117% increase from FY 2012/13)

Assistant Sheriff Steve Thetford asked if there is a system for the Public Defender's Office to identify the "problem" repeat offenders; if so the jail could work to ensure they are incarcerated as long as possible. Riverside Police Department Captain Michael Perea summarized how they are tracking repeat realignment offenders.

g) COURT: Not in attendance.

## 9. PUBLIC COMMENTS

Arceli Vasquez from the Office of Assemblyman V. Manuel Perez requested to address the CCPEC. She distributed and reviewed packets which included a letter requesting support from the CCPEC for the "Smart on Crime" legislative items and assembly bills (handouts). She indicated that Assemblyman Perez has requested support for the following Assembly Bills:

- AB 1860 Increasing Access to Peace Officer Training
- AB 1919 Criminal Justice Risk and Needs Assessment
- AB 2060 Workforce Investment for the Re-Entry Population
- AB 1449 Public Safety Realignment

Mark Hake indicated that if Assemblyman Perez's office is seeking support from the CCPEC they would need to submit a request to be placed on the next meeting agenda and provide a letter of support to be approved by the committee.

10. NEXT MEETING: June 3, 2014; 1:30 p.m.

Meeting adjourned at 2:48 p.m.

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

*Minutes submitted by Allison Paterson, Executive Secretary, Riverside County Probation Department.*

2014 WL 2048420

Only the Westlaw citation is currently available.  
Supreme Court of California.

The PEOPLE, Plaintiff and Appellant,

v.

James Russell SCOTT, Defendant and  
Respondent.

No. S211670. | May 19, 2014.

Superior Court, Monterey County; Mark E. Hood, Judge.

#### Attorneys and Law Firms

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Gerald A. Engler, Assistant Attorney General, Laurence K. Sullivan and Bridget Billeter, Deputy Attorneys General, for Plaintiff and Appellant.

Dallas Sacher, under appointment by the Supreme Court, and Laura Burgardt, under appointment by the Court of Appeal, for Defendant and Respondent.

#### Opinion

CANTIL-SAKAUYE, C.J.

\*1 In 2011, the Legislature enacted and amended the 2011 Realignment Legislation addressing public safety (Stats.2011, ch. 15, § 1; Stats.2011, 1st Ex.Sess.2011–2012, ch. 12, § 1 (the Realignment Act or the Act)). As relevant here, the Realignment Act significantly changes the punishment for some felony convictions. Under the terms of the Act, low-level felony offenders who have neither current nor prior convictions for serious or violent offenses, who are not required to register as sex offenders and who are not subject to an enhancement for multiple felonies involving fraud or embezzlement, no longer serve their sentences in state prison. Instead, such offenders serve their sentences either entirely in county jail or partly in county jail and partly under the mandatory supervision of the county probation officer. (Pen.Code, § 1170, subd. (h)(2), (3), (5)).<sup>1</sup> Felony offenders who are sentenced to county jail may be eligible for a county home detention program in lieu of confinement (§ 1203.016, subd. (a)) and are not subject to parole, which extends only to persons who have served state prison terms. (§ 3000 et seq.) The Legislature provided that the sentencing changes made by the Realignment Act “shall be applied prospectively to any

person sentenced on or after October 1, 2011.” (§ 1170, subd. (h)(6) (hereafter section 1170(h)(6)).)

<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

A conflict in Court of Appeal decisions has developed regarding the applicability of the Realignment Act to the category of defendants who, prior to October 1, 2011, have had a state prison sentence imposed with execution of the sentence suspended pending successful completion of a term of probation, and who, after October 1, 2011, have their probation revoked and are ordered to serve their previously imposed term of incarceration. (Compare *People v. Clytus* (2012) 209 Cal.App.4th 1001, 1006–1009 (*Clytus*) [the Realignment Act applies, defendant to serve term in county jail] with *People v. Gipson* (2013) 213 Cal.App.4th 1523, 1528–1530 (*Gipson*) [the Realignment Act does not apply, defendant to serve term in state prison].)<sup>2</sup> In this case, the Court of Appeal agreed with the decision in *Clytus* and held that the trial court had properly directed that defendant’s sentence should be served in county jail rather than in state prison. We granted review to resolve the conflict in the Court of Appeal decisions on this issue.

<sup>2</sup> There are a number of other published cases that consider this issue. Beside the Court of Appeal in this case, only one other appellate court has agreed with *Clytus*. (*People v. Reece* (2013) 220 Cal.App.4th 204, review granted Jan. 15, 2014, S214573.) All other Courts of Appeal have agreed with *Gipson*. (*People v. Montrose* (2013) 220 Cal.App.4th 1242, 1250; *People v. Moreno* (2013) 218 Cal.App.4th 846, 849–851; *People v. Wilcox* (2013) 217 Cal.App.4th 618, 622–627; *People v. Kelly* (2013) 215 Cal.App.4th 297, 301–306 (*Kelly*); *People v. Mora* (2013) 214 Cal.App.4th 1477, 1481–1482.)

We conclude that the Realignment Act is not applicable to defendants whose state prison sentences were imposed and suspended prior to October 1, 2011. Upon revocation and termination of such a defendant’s probation, the trial court ordering execution of the previously imposed sentence must order the sentence to be served in state prison according to the terms of the original sentence, even if the defendant otherwise qualifies for incarceration in county jail under the terms of the Realignment Act. Accordingly, we reverse the Court of Appeal’s contrary determination.

## I. BACKGROUND

\*2 In May 2009, defendant was charged with transportation or sale of a controlled substance (Health & Saf.Code, § 11352, subd. (a); count 1), possession of cocaine base for sale (Health & Saf.Code, § 11351.5; count 2), possession of a controlled substance (Health & Saf.Code, § 11350, subd. (a); count 3), misdemeanor possession of marijuana while driving (Veh.Code, former § 23222, subd. (b), as amended by Stats.1998, ch. 384, § 2, p. 2897; count 4), and misdemeanor possession of drug paraphernalia (Health & Saf.Code, § 11364, subd. (a); count 5). The information alleged that defendant had suffered a prior conviction for possession of a controlled substance, cocaine base, within the meaning of Health and Safety Code section 11370.2, subdivision (a).

Pursuant to a plea bargain, defendant pleaded guilty to count 2 (possession of cocaine base for sale) and admitted the prior conviction on the condition that he be placed on felony probation with a suspended seven-year prison sentence.

In June 2009, the trial court imposed on defendant a seven-year state prison sentence, composed of a four-year middle term for defendant's conviction of possessing cocaine base and a three-year term for the prior conviction enhancement. However, the trial court suspended execution of the seven-year sentence and placed defendant on formal probation for a period of three years. The remaining charges were dismissed pursuant to section 1385.

Defendant's probation was revoked and reinstated on two subsequent occasions. On October 4, 2011, a third petition to revoke probation was filed pursuant to section 1203.2. It alleged defendant had violated his probation by failing to complete a residential drug treatment program. On November 1, 2011, defendant admitted the violation and acknowledged that he faced a seven-year sentence.

On December 13, 2011, the trial court revoked defendant's probation and lifted the suspension of the previously imposed sentence. The court continued the hearing, however, to allow briefing addressing whether defendant should serve the previously imposed but suspended seven-year term of incarceration in state prison or locally in county jail. After briefing and argument, the court ruled that defendant qualified for a local commitment because the court's decision whether to reinstate defendant's probation was "essentially a sentencing proceeding" occurring after October 1, 2011,

making the provisions of the Realignment Act applicable under section 1170(h)(6). On December 22, 2011, the trial court ordered the defendant to serve his seven-year term in county jail pursuant to section 1170(h).

On the People's appeal, the Court of Appeal affirmed the trial court's order sentencing defendant to county jail, agreeing with the reasoning of *Clytus, supra*, 209 Cal.App.4th 1001 and disagreeing with *Gipson, supra*, 213 Cal.App.4th 1523. We granted review.

## II. DISCUSSION

"As in any case involving statutory interpretation, our fundamental task here is to determine the Legislature's intent so as to effectuate the law's purpose. [Citation.] We begin by examining the statute's words, giving them a plain and commonsense meaning. [Citation.] [Citation.] 'When the language of a statute is clear, we need go no further.' [Citation.] But where a statute's terms are unclear or ambiguous, we may "look to a variety of extrinsic aids, including the ostensible objects to be achieved, the evils to be remedied, the legislative history, public policy, contemporaneous administrative construction, and the statutory scheme of which the statute is a part." ' [Citation.]' (*People v. Harrison* (2013) 57 Cal.4th 1211, 1221–1222.)

\*3 Section 1170(h)(6) provides that "[t]he sentencing changes made by the [Realignment Act] ... shall be applied prospectively to any person sentenced on or after October 1, 2011." (Italics added.) The language we have highlighted appears clear on its face for any felony offender whose punishment is imposed and not suspended, but ordered executed at the same time. If such a sentence is pronounced before October 1, 2011, the Act does not apply. However, the meaning of the term "sentenced" in section 1170(h)(6) is potentially ambiguous regarding felony offenders, like defendant in this case, whose state prison terms of incarceration were imposed but execution was suspended pending successful completion of a term of probation prior to October 1, 2011, and who subsequent to October 1, 2011, have their probation revoked and are ordered to serve the previously imposed term of incarceration. Are such defendants "sentenced," within the meaning of section 1170(h)(6), when the sentence is originally imposed and suspended, or are they "sentenced," for purposes of this statute, when the court subsequently orders execution of the sentence? There is no definition of "sentenced" in the Realignment Act itself and nothing in the legislative history of the Act indicates how the Legislature intended the Act to be



applied in this situation. As we have noted, the Courts of Appeal are divided on the issue.<sup>3</sup>

<sup>3</sup> Defendant contends the important word in section 1170(h)(6) is the word “any” and argues that it broadly reflects a legislative intent to require a county jail sentence in his situation. We focus instead on the term “sentenced” because it provides the relevant limiting language of the statute. If defendant was sentenced on or after October 1, 2011, the changes affected by the Realignment Act apply to him because he is “any” person sentenced on or after that date. On the other hand, if he was sentenced before the operative date, he is not “any person sentenced on or after October 1, 2011.” (§ 1170(h)(6).)

In *Clytus, supra*, 209 Cal.App.4th 1001, the Court of Appeal held that the Realignment Act applied to a defendant whose probation was revoked and whose previously imposed and suspended sentence was ordered to be executed after October 1, 2011. The court acknowledged that a defendant is “sentenced” when his or her sentence is imposed and suspended, but concluded that the defendant is *also* “sentenced” within the meaning of section 1170(h)(6) when the court orders execution of sentence after October 1, 2011. (*Clytus, supra*, at p. 1007.) According to the *Clytus* court, an order of execution of a previously imposed sentence constitutes sentencing because the decision to revoke probation is discretionary and the court must articulate its reasons for revoking probation and executing the sentence. (*Ibid.*) The *Clytus* court distinguished this court’s decision in *People v. Howard* (1997) 16 Cal.4th 1081 (*Howard*), in which we held that a trial court does not have power to modify a previously imposed and suspended sentence when it later revokes probation and orders the sentence executed. (*Clytus*, at p. 1008.) The *Clytus* court concluded *Howard* was inapplicable because *Howard* could not have anticipated realignment and was concerned only with the length of an individual’s sentence rather than the location of incarceration. (*Clytus, supra*, at p. 1008.)

The Court of Appeal in *Gipson, supra*, 213 Cal.App.4th 1523, disagreed with *Clytus*, holding instead that “a defendant is sentenced on the date that sentence is first announced and imposed even if execution of the sentence does not happen until a later date.” (*Gipson, supra*, at p. 1526.) The *Gipson* court concluded that the word “sentenced” in section 1170(h)(6) “means the time when the trial court first announced and imposed sentence as opposed to the time when the sentence was executed.” (*Gipson, supra*, at p. 1529.) The court determined that under *Howard, supra*, 16 Cal.4th at pages 1087–1088, and *People v. Chagolla* (1984) 151 Cal.App.3d 1045,

1049, a defendant who has a sentence imposed and suspended has had a final judgment entered and upon revocation of the suspension of execution of the judgment, the court lacks jurisdiction “to do anything other than order the execution of the previously imposed state prison sentence.” (*Gipson, supra*, at pp. 1529–1530.)

\*4 The Court of Appeal in *Kelly, supra*, 215 Cal.App.4th 297, agreed with *Gipson*. It observed that “[t]he principles discussed in *Howard* are derived from section 1203.2, subdivision (c).” (*Kelly, supra*, at p. 302, citing *Howard, supra*, 16 Cal.4th at pp. 1087–1088.) Subdivision (c) of section 1203.2 provides in part that “[u]pon any revocation and termination of probation the court may, if the sentence has been suspended, pronounce judgment for any time within the longest period for which the person might have been sentenced. *However, if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke the suspension and order that the judgment shall be in full force and effect.*” (Italics added.) *Kelly* noted that “California Rules of Court, rule 4.435(b), which implements section 1203.2, subdivision (c), provides that, upon revocation of probation, ‘(1) If the imposition of sentence was previously suspended, the judge must impose judgment and sentence after considering any findings previously made and hearing and determining the matters enumerated in rule 4.433(c)’ or ‘(2) If the execution of sentence was previously suspended, the judge must order that the judgment previously pronounced be in full force and effect and that the defendant be committed to the custody of the Secretary of the Department of Corrections and Rehabilitation for the term prescribed in that judgment.’” (*Kelly, supra*, at p. 302.) *Kelly* repeated our comment in *Howard* that “[t]hese provisions, ‘by their terms, limit the court’s power in situations in which the court chose to impose sentence but suspended its execution pending a term of probation.’” (*Howard, supra*, 16 Cal.4th at p. 1088 [discussing § 1203.2, subd. (c) and Cal. Rules of Court, former rule 435, now rule 4.435].) (*Kelly, supra*, at pp. 302–303.) *Kelly* concluded that the failure of the Legislature to “repeal or amend section 1203.2, subdivision (c)” and the absence of any language in section 1170, subdivision (h) indicating an intent to “abrogate *Howard*” constituted evidence that the Legislature intended the Realignment Act to be applicable only to defendants who have their sentences imposed after October 1, 2011. (*Kelly, supra*, at pp. 305–306.)

We agree with *Gipson* and *Kelly* that the statutory provisions and case law existing at the time of the Legislature’s enactment of section 1170(h)(6) in 2011 established that a defendant is “sentenced” when a judgment imposing punishment is pronounced even if

execution of the sentence is then suspended. A defendant is not sentenced again when the trial court lifts the suspension of the sentence and orders the previously imposed sentence to be executed.

In our 1997 decision in *Howard*, *supra*, 16 Cal.4th 1081, we discussed the distinction between suspending imposition of a sentence and suspending execution of a sentence. We explained that “[w]hen the trial court suspends imposition of sentence, no judgment is then pending against the probationer, who is subject only to the terms and conditions of the probation. [Citations.] The probation order is considered to be a final judgment only for the ‘limited purpose of taking an appeal therefrom.’ [Citation.] On the defendant’s rearrest and revocation of her probation, ‘... the court may, if the sentence has been suspended, pronounce judgment for any time within the longest period for which the person might have been sentenced.’” (*Id.*, at p. 1087.) However, “[u]nlike the situation in which sentencing itself has been deferred, where a sentence has actually been imposed but its execution suspended, ‘The revocation of the suspension of execution of the judgment brings the former judgment into full force and effect....’ [Citations.]” (*Ibid.*)

\*5 We found these principles reflected in section 1203.2, subdivision (c), and former rule 435(b)(2) of the California Rules of Court,<sup>4</sup> which “by their terms, limit the court’s power in situations in which the court chose to impose sentence but suspended its execution pending a term of probation.” (*Howard*, *supra*, 16 Cal.4th at p. 1088.) We concluded that “[o]n revocation of probation, if the court previously had imposed sentence, the sentencing judge must order *that exact sentence* into effect....” (*Ibid.*, italics added.)

<sup>4</sup> Effective in 2001, rule 435 was renumbered as rule 4.435. All further rule references are to the California Rules of Court.

Admittedly we did not consider in *Howard* the court’s authority under the Realignment Act to change the location of where a defendant is to serve a previously imposed term of incarceration—at the time of *Howard* all felony sentences were to be served in state prison. Nevertheless, *Howard* establishes that when a court elects to impose a sentence, a judgment has been entered and the terms of the sentence have been set even though its execution is suspended pending a term of probation. Contrary to the claim of defendant, a sentence includes more than the length of the term of confinement. (See, e.g., *People v. Garcia* (2006) 147 Cal.App.4th 913, 916–917 [sex offender registration requirement was part

of sentence imposed and could not be removed when court ordered sentence executed].)

It is a settled principle of statutory construction that the Legislature “‘is deemed to be aware of statutes and judicial decisions already in existence, and to have enacted or amended a statute in light thereof. [Citation.]’ [Citation.]” (*People v. Yartz* (2005) 37 Cal.4th 529, 538.) Courts may assume, under such circumstances, that the Legislature intended to maintain a consistent body of rules and to adopt the meaning of statutory terms already construed. (*People v. Harrison* (1989) 48 Cal.3d 321, 329; *People v. Wood* (1998) 62 Cal.App.4th 1262, 1270.) Applying this principle here, we conclude that the Legislature intended the term “sentenced” in section 1170(h)(6) to be consistent with *Howard* and section 1203.2, subdivision (c), as implemented by rule 4.435(b)(2).

Defendant contends, however, that the Legislature intended the Realignment Act to apply to his situation because the hearing on June 12, 2009, at which his sentence was imposed and suspended pending his successful completion of probation, and the hearing on December 22, 2011, at which the court considered whether to order defendant to serve his previously imposed term of incarceration locally or in state prison, were both “sentencing hearings.” Section 1170(h)(6) does not state that the provisions of the Realignment Act are to be applied in all sentencing hearings held after October 1, 2011, but to all defendants “sentenced” after that date. As we have explained, under established law, a defendant is sentenced when the trial court originally pronounces judgment. Therefore, we need not consider whether the hearing at which a court declines to reinstate probation and instead orders execution of the previously imposed sentence may appropriately be characterized as a sentencing hearing.

\*6 We also reject defendant’s argument that our construction of the term “sentenced” renders section 1170(h)(6) inconsistent with the Legislature’s use of the same term in subdivision (d) of section 1170. Section 1170, subdivision (d)(1), provides, in pertinent part, that “[w]hen a defendant subject to [section 1170] or subdivision (b) of Section 1168 has been *sentenced* to be imprisoned in the state prison *and* has been *committed* to the custody of the secretary, the court may, within 120 days of the *date of commitment* ... recall *the sentence and commitment* ....” (Italics added.) By requiring the defendant to have been both “sentenced” and “committed” before granting the trial court authority to recall the “sentence and commitment,” as well as by tying the time limit for the court to exercise that authority to the

“date of commitment,” section 1170, subdivision (d)(1) evidences the Legislature’s recognition and understanding that sentencing may occur separately from commitment to custody, i.e., execution of the sentence. Our interpretation of section 1170(h)(6) is, therefore, consistent with the Legislature’s use of the term “sentenced” in section 1170, subdivision (d).

Defendant claims that the purpose of the Realignment Act “is to reduce the number of defendants sent to prison and redirect resources so that nonviolent felons are to be punished in the county jail and rehabilitated locally.” He argues that a construction of section 1170(h)(6) that requires him to serve his sentence in prison is contrary to the Legislature’s intent. We disagree.

The Legislature’s stated purposes concerning the Realignment Act are codified in section 17.5. (Stats.2011, ch. 39, § 5.) Reaffirming its commitment to reducing recidivism, the Legislature, in section 17.5, declares its belief that: “Criminal justice policies that rely on building and operating more prisons to address community safety concerns are not sustainable, and will not result in improved public safety. [¶] ... California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices that will achieve improved public safety returns on this state’s substantial investment in its criminal justice system. [¶] ... Realigning low-level felony offenders who do not have prior convictions for serious, violent, or sex offenses to locally run community-based corrections programs, which are strengthened through community-based punishment, evidence-based practices, improved supervision strategies, and enhanced secured capacity, will improve public safety outcomes among adult felons and facilitate their reintegration back into society.” (§ 17.5, subd. (a)(3)-(5).) Despite these findings and declarations, however, the Legislature did not provide that *all* low-level felony offenders must be sentenced or transferred to serve their term of incarceration in local custody. Instead, the Legislature expressly provided that the sentencing changes made by the Act apply “prospectively to any person sentenced on or after October 1, 2011.” (§ 1170(h)(6).) The provisions of the Act were “not intended to alleviate state prison overcrowding.” (§ 17.5, subd. (b).)

\*7 Finally, we reject defendant’s argument that if we find section 1170(h)(6) to be ambiguous, we must accept his proposed interpretation of it pursuant to the “ ‘rule of lenity,’ ” ‘ under which courts resolve doubts about the meaning of a statute in a criminal defendant’s favor. (*People ex rel. Lungren v. Superior Court* (1996) 14 Cal.4th 294, 312.)” (*People v. Cornett* (2012) 53 Cal.4th 1261, 1271.) We once again note that the rule of lenity applies “ ‘only if two reasonable interpretations of the statute stand in relative equipoise.” [Citation.]’ [Citations.]” (*People v. Soria* (2010) 48 Cal.4th 58, 65; accord, *People v. Lee* (2003) 31 Cal.4th 613, 627.) “The rule ‘has no application where, “as here, a court ‘can fairly discern a contrary legislative intent.’ “ ‘ [Citations.]” (*Cornett*, at p. 1271.)

We conclude that the Realignment Act is not applicable to defendants who have had a state prison sentence imposed and suspended prior to October 1, 2011. Therefore, when the trial court decided not to reinstate defendant’s probation and to order the previously imposed seven-year sentence to be executed, defendant was not entitled, under section 1170(h)(6), to an order committing him to the county jail. We disapprove *People v. Clytus, supra*, 209 Cal.App.4th 1001.

### III. DISPOSITION

The judgment of the Court of Appeal is reversed and the matter is remanded to the Court of Appeal for further proceedings consistent with this opinion.

WE CONCUR: BAXTER, WERDEGAR, CHIN, CORRIGAN, LIU, JJ., and KENNARD, J.\*

\* Retired Associate Justice of the Supreme Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

# Public Safety Realignment Funding Allocation

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LEGISLATIVE ANALYST'S OFFICE





## Background

<b>Realignment Funding for Felony Offenders<sup>a</sup></b>			
<i>(In Millions)</i>			
	2012-13	2013-14	2014-15
Community Corrections Subaccount	\$843	\$999	\$934
Community Corrections Growth Special Account	87	64	160
<b>Totals</b>	<b>\$930</b>	<b>\$1,063</b>	<b>\$1,094</b>

<sup>a</sup> 2013-14 and 2014-15 amounts represent estimated and projected allocations based on sales tax revenue projections as of January 2014.

- Public Safety Realignment.** In 2011, the state enacted a series of measures that realigned responsibility for managing certain lower-level felony offenders from the state to the counties.
- Realignment Funding for Counties.** The 2011 realignment legislation provided a portion of the state's sales tax revenues to counties to offset the cost of managing the realigned felony offenders. This funding is deposited in two accounts: the Community Corrections Subaccount (a set amount of sales tax revenue) and the Community Corrections Growth Special Account (any growth in sales tax revenues). As shown in the above figure, upon full implementation in 2014-15, almost \$1.1 billion will be allocated to counties from these accounts.
- Allocating Funds Among Counties.** The 2011 realignment legislation only specified the first-year allocation (2011-12) of realignment funding among counties. It requires the Department of Finance (DOF) to determine allocations after 2011-12. The DOF has asked the California State Association of Counties to create the subsequent allocation formulas.



## 2011-12 Allocation

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- The 2011-12 allocation provided funding for the first nine months of realignment (October 2011 through June 2012).
- The three least populated counties were provided \$76,833 each and the largest county (Los Angeles) was provided \$112.6 million.
- A formula based on the following three factors was used to determine the allocations for the remaining counties.
  - **Caseload.** Sixty percent of each county's allocation was based on DOF's projection of the number of offenders the county would be responsible for upon full implementation of realignment.
  - **Population.** Thirty percent of each county's allocation was based on its population of adults ages 18 to 64.
  - **Felony Probation Performance.** Ten percent of each county's allocation was based on its performance under the grant program established by Chapter 608, Statutes of 2009 (SB 678, Leno). Each county's performance under SB 678 is measured by its ability to reduce the rate at which it incarcerates felony probationers.



## 2012-13 and 2013-14 Allocations

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- Based on One of Several Formulas.** For the second and third year of realignment, each county (except Los Angeles, which was separately given an allocation of \$267.8 million in 2012-13 and \$317.3 million in 2013-14) received an allocation based on whichever of the following formulas benefitted it the most.
  - Double the county's 2011-12 allocation.
  - The 2011-12 formula with updated population and SB 678 performance data.
  - A caseload-driven formula based on the number of offenders the county would be responsible for upon full implementation of realignment as estimated by DOF in 2011.
  - A population-driven formula based on the county's population of adults ages 18 to 64.
  
- Adjusted Based on Available Funding.** A final adjustment is then made to some counties' allocations in order to ensure that the total allocation fits within the amount of available funding.
  
- Current Formula Sunsets at End of 2013-14.** The current funding formula is temporary and its expiration presents a critical time for the state to determine the future and ongoing funding formula.



## Current Allocation Has Several Shortcomings

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- ☑ ***Unclear Policy Rationale.*** Under the current methodology, the formula used to determine each county's allocation varies. For example, some counties' allocations are based on their population, while others are based on SB 678 performance. The result is that each county's allocation is based on whichever formula is most advantageous for that county rather than on a clear policy justification, such as variations in county caseload or performance.
- ☑ ***Unpredictable and Lacks Transparency.*** Because the total amount of funding available is fixed and each county's allocation is based on whichever formula results in the greatest allocation, some counties' allocations must be adjusted to fit within the total amount of funding available. As a result, it is impossible for a county to project what its future allocations would be if the formula remained in place. This limits the transparency of the process and makes it difficult for counties to plan for the future.
- ☑ ***Inflexible.*** The formula is largely based on projected caseload as estimated by DOF in 2011 rather than actual caseload. Accordingly, the allocation would not likely be sensitive to future changes affecting counties, such as increases in crime, if used in future years.
- ☑ ***Lacks Incentives.*** By allowing counties to choose from several formulas—including some that are not tied to outcomes—the current allocation method does not necessarily provide an incentive for counties to achieve outcomes that are consistent with legislative priorities.





## Legislature Currently Not Involved in Determining Future Allocation Formula

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### **Realignment Allocation Formula Has Important State Policy Implications. . .**

- The design of the funding formula can place emphasis on certain measures to ensure sufficient funding and incentivize specific county actions.
- As a result, it impacts the success or failure of the realignment of felony offenders, as well as the state's ability to achieve certain policy goals (such as reducing recidivism among realigned offenders and complying with the federal court ordered prison population cap).



### **. . .But Current Process for Establishing Formula Excludes Legislature**

- While existing state law requires DOF to specify a formula to be used for 2014-15, it does not require that the formula be approved by the Legislature. Thus, the administration currently has the authority to implement a new formula without legislative approval.
- At this time, the administration has not yet presented a new allocation formula for 2014-15. However, the administration has indicated that it will replace the current formula in the near future.



## Issues for Legislative Consideration

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### Increased Legislative Oversight

- Given the state level policy implications, the Legislature may want to consider taking a larger role in determining the allocation formula.
- For example, the Legislature could amend state law to (1) require the use of a specific allocation formula, (2) direct DOF to incorporate certain factors or metrics into the formula, or (3) require DOF to submit its proposed formula for legislative approval prior to implementation.



### Evaluation of New Allocation Formula

- In evaluating or developing a new funding allocation, we recommend that the Legislature consider the following:
  - **County Need.** Does the formula account for variations among counties in (1) their share of the total statewide population of realigned offenders and (2) their ability to provide county-level financing to manage such offenders?
  - **Predictability.** Is the formula predictable enough to allow counties to plan for the financing of new facilities and programs?
  - **Transparency.** Is the formula easily understood by stakeholders and the public?
  - **Flexibility.** Is the formula flexible enough to adapt to changing county needs (such as fluctuations in population and crime rates)?
  - **Incentives.** Does the formula encourage local decision-making that aligns with legislative priorities?



## Options for Modifying Allocation Formula

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**Factors and Metrics.** The first steps in developing an allocation formula are (1) deciding what factors to incorporate and (2) identifying the metrics that most accurately measure those factors. We recommend that the new allocation formula include factors related to:

- **Caseload.** To account for caseload, the formula could include metrics such as the number of offenders in each county who are sentenced under Penal Code Section 1170(h) and the number who are released to Post-Release Community Supervision.
- **Resources.** To account for variation in county resources, the formula could include a metric such as average per capita county income, which would assist counties with less local resources.
- **Performance.** To incentivize performance that is consistent with state policy priorities, the formula could include metrics that reward county success. For example, the formula could reward counties for reducing the rate of commitments to state prison per crime committed.
- We note that all of the above metrics are currently available. Additional metrics, such as the recidivism rates of realigned offenders, could be incorporated into future formulas as they become available.



## Options for Modifying Allocation Formula

*(Continued)*

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- Minimum Funding Levels for Small Counties.*** In order to avoid significant fluctuations in allocations for small counties, the formula could incorporate some minimum allocation level for such counties.
  
- Weighting of Factors.*** The final step in developing an allocation formula involves determining how much weight to assign to each of the selected factors. The weighting of the selected factors should reflect their relative importance, which could change over time. For example, the formula could initially assign relatively more weight to caseload but gradually shift the weighting towards performance in future years. This would allow counties that have historically relied heavily on the prison system to invest in recidivism reduction programs in the short term and then, in the long term, reward counties that are able to implement such programs effectively.

**AB 109 Community Corrections Partnership Executive Committee (CCPEC)  
Estimated Available Funding  
Fiscal Year 2014/15**

<b><u>CCPEC Funds</u></b>	<b>Amount</b>
CCPEC Operating Funds (\$934.1M x Riv Co 5.13%)	\$ 47,919,330
CCPEC Estimated Growth Funds (\$64.3M x Prior Year 4.98%) (1)	\$ 3,200,327
FY 2013/14 Estimated Carry forward (3rd quarter reports) (2)	\$ 6,655,145
Contingency Funds (One-time funds)	\$ 9,077,247
<b>Total Available CCPEC Funds (3)</b>	<b>\$ 66,852,049</b>

<b><u>Other Funds</u></b>	
<b><u>District Attorney/Public Defender</u></b>	
District Attorney/Public Defender Funds (\$15.8M x Riv Co 5.84%)	\$ 922,325
DA/DPD Growth Funds (\$4.3M x Prior Year 2.80%) (1)	\$ 120,477
<b>Total Available District Attorney/Public Defender Funds</b>	<b>\$ 1,042,802</b>

<b>Superior Court</b>	<b>Not Available</b>
<b>Local Police Jurisdiction (\$27.5M x Prior Year 6.40%)</b>	<b>\$ 1,760,149</b>
<b>Planning Grant</b>	<b>\$ 517,062</b>

(1) FY 2013/14 Growth will be received October 2014

(2) In FY 2013/14, the CCPEC has voted for each agency to keep their FY 2012/13 carry forward funds.

(3) FY 2013/14 Budget Requests were \$62.8M (net of \$9.1M Contingency)



RIVERSIDE COUNTY  
**PROBATION**  
DEPARTMENT

Community Corrections Partnership Executive Committee

June 3, 2014

FY 2014/15 Proposed Budget

# BUDGET ALLOCATION

## FY 2013/14

Riverside County Funding: **\$51.2M**

Probation's Approved Budget:

- Operating Budget \$12.4M
- FY 2012/13 Rollover Funds 3.4M

**Total** **\$15.8M**

# FY 2013/14

Description	Approved Budget
Staffing (FTE's)	143
Salaries and Benefits (143 FTE's)	\$12.3
Total Services, Supplies and Other Special Program Costs	3.5
<b>Total (in millions)</b>	<b>\$15.8</b>



# PRCS & MANDATORY SUPERVISION

AS OF APRIL 28, 2014

## PRCS Offenders:

- Total packets received from CDCR 5,829
- Active supervisions 1,942
- 69% were assessed as High Risk

## MS Offenders:

- Total Court ordered 3,936
- Active supervisions 1,650
- 58% were assessed as High Risk

# Riverside Day Reporting Center

FY 2013/14

## Programs

- Education – HS Diploma/GED/Computer Lab
- Parenting Classes (Mental Health staff)  
Positive Parenting Partners (Triple P)  
Educate, Equip, and Support (EES)
- Life/Social Skills (Mental Health staff)  
Criminal and Addictive Thinking (CAT)  
Wellness Recovery Action Plan (WRAP)  
Wellness and Empowerment in Life and Living (WELL)
- EDA/Workforce Development – Customers with Barriers
- Anger Management (Mental Health staff)
- Cognitive Behavior Treatment – Courage to Change (C2C)
- Substance Abuse Education (Mental Health staff)
- Public Health workshops

## Services

- Intake/Case Management
- Treatment Assessments/Referrals
- Benefits Assistance  
Cal Fresh – Food Stamps  
Medi-Cal  
General Relief
- Mental Health Services  
Individual / Couple / Family  
Counseling and Reunification
- Veteran's Assistance
- Child Support Services
- Housing
- Other (i.e. Clothing, Bus Passes, Food, Hygiene Products, Tattoo removal, Cal-ID and birth certificate procurement)
- HIV and STD testing (Public Health)

# Riverside Day Reporting Center

## Contracts and Agreements with Other Agencies FY 2013/14

- Sheriff's Department – Electronic monitoring
- Riverside County Office of Education – Educational services
- Department of Public Social Services – Eligibility Techs
- EDA – Workforce Development
- Child Support Services
- Mental Health
- Public Health
- Veteran's Services

# Riverside Day Reporting Center FY 2013/14

Opened October 1, 2012, on County Farm Road

## Moving to Iowa Street in Summer of 2014

- The building will be Medi-Cal certified and will increase the level of services (treatment vs. education) clients can receive (such as Substance Abuse counseling vs. education classes)
- An Eligibility Tech. will assist clients in receiving EBT cards
- Sheriff will provide electronic monitoring, referrals to the DRC and provide programming through the Riverside Alternative Sentencing Program (RASP)

## Staffed by:

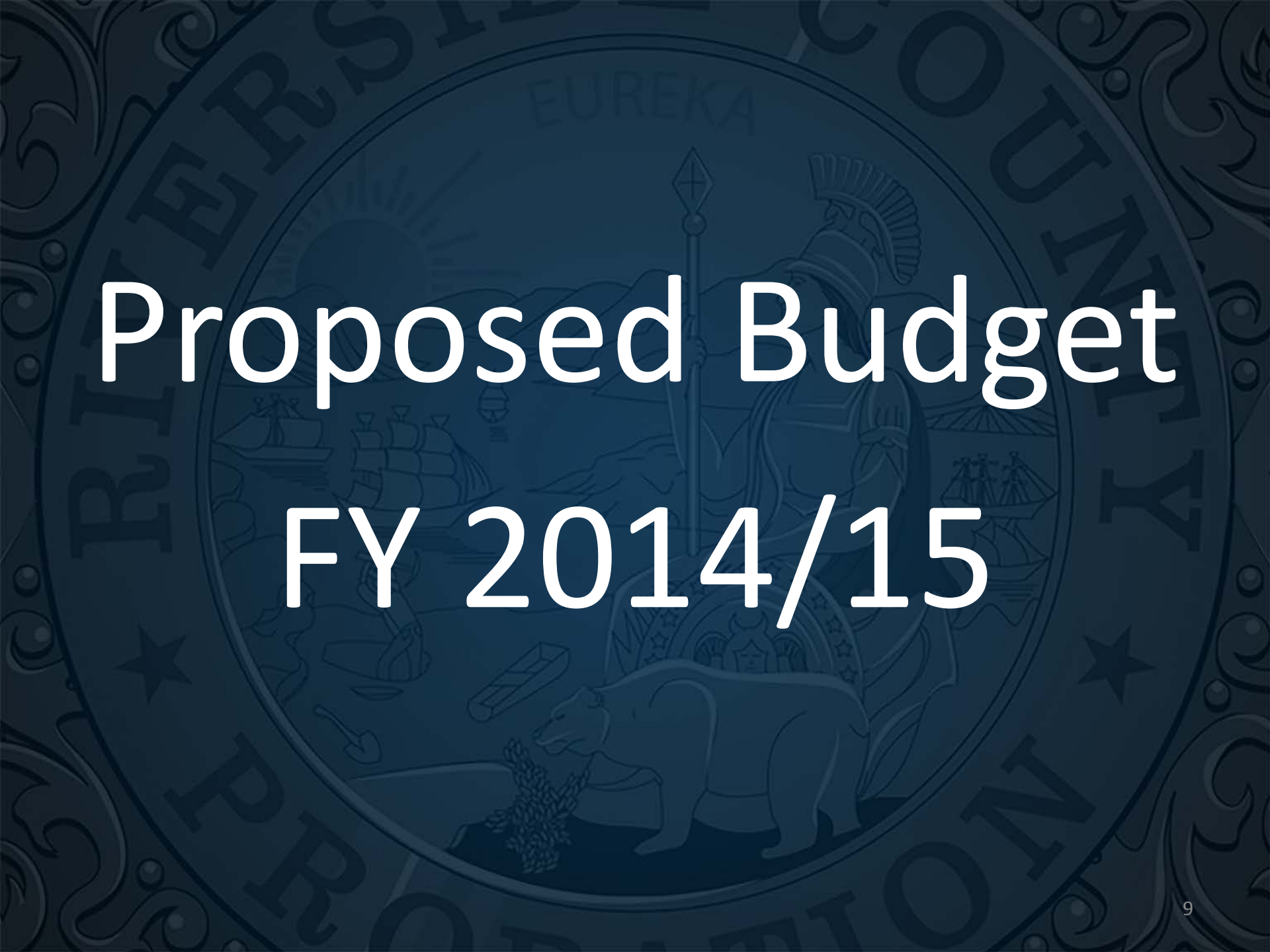
- Sr. Deputy Probation Officer
- Deputy Probation Officer
- Probation Specialist
- Office Assistant III

# Desert Day Reporting Center

## Progress Update

FY 2013/14

- Funding approved FY 2013/14
- Expected to be open in FY 2014/15
- Reduced costs - Repurpose of County building. Tenant improvements pending
- Will be staffed by:
  - Sr. Deputy Probation Officer
  - Deputy Probation Officer
  - Probation Specialist
  - Office Assistant
- Start-up cost savings will be applied to the Southwest Day Reporting Center.



# Proposed Budget FY 2014/15

Proposed Budget  
Southwest Day Reporting Center  
FY 2014/15

- Southwest Day Reporting Center building site has been located
  - Expected staffing
    - Sr. Deputy Probation Officer
    - Deputy Probation Officer
    - Probation Specialist
    - Office Assistant
  - Anticipated start-up and operating costs: **\$1,063,000**

Proposed Budget  
Program Expansion  
FY 2014/15

- Banning Probation office
    - Furniture/workstations, computers and other equipment. 1x costs: \$155,000
    - On-going services and supplies \$243,000
- Total: **\$398,000**



# Proposed Budget

## Transition and Re-entry Unit (TRU)

### FY 2014/15

- Phase 1 (FY 2014/15)
  - Pilot a program at one jail to complete a risk/needs assessment and to develop a case plan for the realigned population prior to their release from custody.
  - 2 additional Deputy Probation Officers + operational costs + 2 vehicles
  - Anticipated Operating Cost: \$209,000
- Phase 2 (Future Fiscal Years)
  - Continue the program at all of the other jail facilities. Conduct staffing assessment to determine additional needs to fully implement the TRU concept. Coordinate with partner agencies to create Multi-Disciplinary Teams.
- Phase 3 (Future Fiscal Years)
  - **Transitional Housing Component:** Offer a 30-90 day transitional housing component for the realigned offenders (depending on their case plan and/or assessment score) to re-enter gradually into the community with tools and skills. Outsource via the RFP process for a company to operate the program. This time in the program would be used to develop vocational skills, clear up child support issues, obtain identification and other critical documents (such as SSN, birth certificate, etc.)

# Proposed Budget

## New Strategies

### FY 2014/15

- STOP (Satellite Tracking of People)
  - A GPS monitoring tool to be utilized on the PRCS and MS high risk homeless population to verify homelessness
  - Anticipated Operating Cost: **\$40,000**
- Pre-Trial Services
  - Expand staffing (7 DPO's, 1 Sr. DPO, 1 Supervisor, and 1 OA III) to increase the range of hours available and the number of defendants to be contacted for a release report to the Court
  - Anticipated Operating Cost: **\$888,000**

Proposed Budget  
Increased Costs  
FY 2014/15

- Cost of living increases (COLA's)
- Increase in Workers' Comp. rates
- Increase in Inter-fund Transfer costs
- PSEC radio purchases and maintenance
- DA dispatch contract

– Total increased costs:

**\$519,000**

# Proposed Budget Summary

FY 2014/15

- Southwest DRC \$1,063,000
- Banning expansion 398,000
- Transition and Re-Entry Unit 209,000
- STOP 40,000
- Pre-Trial Services 888,000
- Increased operating costs 519,000

**Total**

**\$3,117,000**

# Proposed Budget FY 2014/15

Description	Approved Budget FY 2013/14	Proposed Budget FY 2014/15	Change
Staffing (FTE's)	143	159	16
Salaries and Benefits (143/159FTE's)	\$ 12.3	\$ 13.9	\$ 1.6
Total Services, Supplies and Other Special Program Costs	3.5	5.0	1.5
<b>Total (in millions)</b>	<b>\$ 15.8</b>	<b>\$ 18.9</b>	<b>\$ 3.1</b>

The background of the slide is a dark blue, semi-transparent seal of Riverside Community College. The seal is circular and features a central figure of a woman in a classical style, holding a staff with a cross. To her left is a ship on the water, and to her right is a bear. The word "EUREKA" is inscribed at the top of the seal. The outer ring of the seal contains the text "RIVERSIDE COMMUNITY COLLEGE" and "FOUNDED 1949".

# Thank You

QUESTIONS?

## 2014-15 Budget Request-Post-Release Accountability and Compliance Teams

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### Background:

The initial FY 2011/12 and the subsequent Operating Budgets approved by the CCPEC, and adopted by the Board of Supervisors, with the addition of State allocated funds designated by The Association of Riverside County Chiefs of Police and Sheriff, allowed for the creation of three Riverside County Post-Release Accountability and Corrections Teams that work with the Probation Department to assist them in identifying and locating those subjects on Post-Release Community Supervision (PRCS) who were failing to comply with the terms of their release and sentencing and were most likely committing new crimes within the County.

### Objectives:

1. Utilize Probation-provided data to identify and locate subjects on Post-release Community Supervision (PRCS) who have failed to comply with the terms of their supervision
2. Assist Probation Officers in monitoring “high-risk” offenders who have been placed on PRCS
3. Assist Probation Officers in monitoring compliance of “medium-risk” and “low-risk” offenders who have been placed on PRCS

### Goals:

1. Working with Probation Department to locate and return-to-custody ALL offenders who have failed to adhere to the terms of their PRCS sentence
2. Working with Probation Department to ensure that “high-risk” offenders on PRCS adhere to the terms of their PRCS sentence through monitoring and compliance checks
3. Working with Probation Department to ensure that “medium-risk” and “low-risk” offenders on PRCS adhere to the terms of their PRCS sentence through monitoring and compliance checks

### Budget Request:

In order to continue to support the objectives and goals of the Post-Release Accountability Teams (PACTs) the budget request for FY 2014/15 remains the same at is \$1.4 million dollars;

The requested funds, along with the funds received from the State to each county to address “public safety in their communities”, will allow for the continued operation of three region-specific teams: WEST-PACT, CENTRAL-PACT, and EAST-PACT.





LAW OFFICES OF THE  
**Public Defender**  
COUNTY OF RIVERSIDE

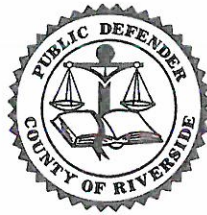
**STEVEN L. HARMON**  
PUBLIC DEFENDER

**BRIAN L. BOLES**  
ASSISTANT PUBLIC DEFENDER

**THOMAS M. CAVANAUGH**  
ASSISTANT PUBLIC DEFENDER

**CHAD W. FIRETAG**  
ASSISTANT PUBLIC DEFENDER

**TRACY M. MACUGA**  
ASSISTANT PUBLIC DEFENDER



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**Law Offices of the Public Defender**

**FY2014/15 AB109 Budget Presentation**

**June 3, 2014**

Since the Governor signed the Public Safety Realignment Act on April 4, 2011, the Justice Partners of Riverside County have worked very well together in dealing with the realignment population of the criminal justice system. There have been many successes; however, all of the partners continue to face numerous hurdles in dealing with these offenders: overcrowding in the jail, early releases and rising case loads, just to name a few. The Law Offices of the Public Defender is committed to meeting these challenges by providing quality representation throughout our court system. This proposal sets forth our budgetary needs in order to address these issues for the upcoming fiscal year.

As is known, the purpose of Realignment was to address overcrowding in California's prisons and assist in alleviating the State's financial crisis. In doing so, however, the Act transferred certain offenders to local communities in cases involving non-violent, non-serious and non-registerable sex offense crimes rather than placing or keeping them in state prison. Prior to AB109, these offenders came under the supervision of the California Department of Corrections during their periods of incarceration and also following their releases on parole. Now under the Act, these offenders occupy bed space in our Riverside County Jails and/or are released into our communities under the supervision of our Probation Department. Coupled with the County's lack of adequate jail beds, our justice system is experiencing a revolving-door problem from defendants who spend only a fraction of their sentence in custody.

Further, since July 1, 2013, the Public Defender's Office began representing parole offenders in addition to our normal duties. This was a significant change in the State's approach to public safety, which effectively changed the scope and the way the Public Defender's office represents our clients. Nevertheless, due in part to the funding that this office received from last year's budget, the office was able to maintain a high quality of service to the Courts.

This year our Department is not asking for any budget increases, indeed, the total amount we are requesting is slightly less than last year. However, we are seeking to maintain the same level of personnel from last year's budget in order to ensure our statutory and constitutional duties remain constant.

## PRCS cases

When a court sentences an individual for a “non-violent,” “non-serious,” and “non-high risk sex” offense and are released, they fall under county Probation’s community supervision. However, when those released individuals violate the terms of their release, (*i.e.*, they commit an additional offense or violate a specific term such as a “stay-away” order or fail a drug test), the Public Defender is required to represent the individual regarding the alleged violation. These cases are entitled “Post Release Community Supervision” or “PRCS,” which require the Public Defender’s office to appear on related proceedings.

Representation of these offenders has continued to rise since the inception of realignment. The following demonstrates the averages for these cases:

<u>AB109 Impact</u>	<u>FY11/12</u>	<u>FY12/13</u>	<u>FY13/14 (as of 4/30/14)</u>	<u>% Change</u>
Average Number of PRCS cases per month	Average 38 cases/mo (Total 342 cases for 9 months)	Average 112 cases/mo (Total 1346 cases)	Average 146 cases/mo (Total 1458 cases)	30% increase from FY12/13 to FY 13/14

It was believed by the Governor’s office and other state agencies that as realignment continued to evolve, that the overall number of PRCS cases would steadily decline. As can be seen from the above chart, this has not turned out to be the case. However, as our attorneys become more accustomed to the practice of representing this population, the Public Defender’s Office has developed certain proficiencies which mean that despite an increased workload for our attorneys, our staff has been able to absorb the case load. Therefore, rather than seek to increase our staff, the Public Defender’s office is seeking the same personnel as last year’s budget to fulfill these roles.

## Parole Cases

Since July 1, 2013, the office is responsible for representing all offenders who are alleged to have violated their parole in all other types of cases. Unlike PRCS cases, these individuals have been released from prison but their latest crime is not a “non-violent,” “non-serious,” or “non-high risk” sex offense. Indeed, their crimes for which they were incarcerated are generally more serious and their criminal background is typically much more significant. According to Penal Code section 3000.08(a), these crimes include:

- Serious “strike” felonies per Penal Code section 1192.7, subd. (c);
- Violent “strike” felonies per Penal Code section 667.5, subd. (c);
- Offenders sentenced under the Penal Code section 667, (*i.e.*, “Three Strikes” law);
- Any crime where the person eligible for release is classified as a “High Risk Sex Offender”
- Any crime where the person is required, as a condition of parole, to undergo treatment because they have been designated with a “severe mental disorder” per Penal Code section 2962

This category of alleged parole violators, which was never before the responsibility of the Public Defender’s office, has proven to be considerable. Since its inception, the number of parole hearings has continued to rise, beginning in July 2013 with an average of 37 cases per month, to April 2014 with an average of 101 cases a month.

## Funding for PRCS and Parole Cases

To carry out our responsibilities for PRCS and Parole cases in FY14/15, the Public Defender's office will need to maintain the following personnel:

- 2 Deputy Public Defender III
- 2 Legal Support Assistant II
- 1 Social Services Worker II

The attorneys will handle the defense for the PRCS and Parole caseload with assistance from the legal support personnel. Our attorneys have been very good in resolving these cases quickly, which ultimately leads to greater efficiencies for all agencies. A fast resolution means that the Sheriff's department will not have to transport an inmate multiple times and that the Courts and the DA will not have to commit further resources to these cases.

As for the other personnel, the Social Services Worker will coordinate with Probation to ensure that individuals released from custody are able to obtain needed community services. Cross department support for these individuals is likely to reduce recidivism and to ensure that all possible opportunities for successful reentry to the community are explored.

## 1170(h) Cases

Prior to the passage of AB109, persons convicted of crimes were either granted probation, in which the courts retained jurisdiction over the defendant, or sentenced to state prison, in which the courts transferred jurisdiction of the individual offenders to the Department of Corrections. Under the AB109 sentencing scheme, offenders can be sentenced to an "Executed Sentence," where the offender is sentenced to a specified period of time with no further supervision, or, the offender can be sentenced to a "Split Sentence," a sentence that splits a portion of their time with an in-custody sentence coupled with supervision by the Probation Department.

Under a split sentence, if an offender violates the terms of Mandatory Community Supervision, the Public Defender's Office is required to represent the person in court for the alleged violation of his/her terms of supervision. These cases are heard in the courtroom from which they were sentenced, whether it be from Riverside, Indio, Southwest or Blythe.

Everyone in the criminal justice system knows that in Riverside County an offender sentenced to County Jail, whether by an Executed Sentence or a Split Sentence, only spends a fraction of his/her time in county jail due to a lack of jail space. Thus, an individual sentenced to 8 months may only serve several weeks.

This creates a huge revolving door of clients and cases for our personnel. At the last CCPEC meeting, the Public Defender prepared a quarterly report showing how the early release of criminal defendants has affected our office. It would appear that the individuals who create the bulk of work for our Department are individuals with multiple cases with multiple violations of their community supervision.

As AB109 has progressed, the number of appearances for violations of community supervision has proven to be extensive. For example, in the FY11/12, Deputy Public Defenders made approximately such 716 appearances. For the FY12/13, they made 3743 appearances. (Note that these appearances are the number of times that an attorney appeared in court with a client and includes appearances made on multiple occasions.) However, for FY13/14, our attorneys have already surpassed last year, (and there is still two more months to go), by making 4515 appearances. The following demonstrates this increase:

<u>AB109 Impact</u>	<u>FY11/12</u>	<u>FY12/13</u>	<u>FY13/14 (as of 4/30/14)</u>	<u>% Change</u>
Average monthly Appearances on Violations of Mandatory Community Supervision	80 appearances/mo  (Total Appearances 716)	311 appearances/mo  (Total Appearances 3743)	452 appearances/mo  (Total Appearances 4515)	45% increase from FY 12/13 to FY 13/14

The Department believes that the total number of appearances will only continue to rise until Riverside County finds a solution to its over-crowding jail population. Moreover, it is important to note that each case require a great deal of additional work on behalf of our staff, which was not required prior to Realignment. In the past, when an offender was sentenced to prison, our office’s duties ceased. Now, however, if an offender violates the terms of his community supervision by committing a new offense, and it takes multiple appearances to resolve both the community supervision violation and the underlying offense, the office must count each appearance.

While split sentences appear to be stable, the number of executed sentences, (*i.e.*, cases where the offender is sentenced to a determinate term), has also skyrocketed from years past. In FY12/13, our office averaged roughly 35 cases each month. In the FY13/14, our office now averages nearly 75 a month, a 114% increase from one year to the next.

These cases are handled throughout Riverside County. In the past we have quantified our duties county-wide by taking an average of the time spent with the average number of appearances. We have concluded, however, that due to variations in the prison population and its impact on all of our staff, from attorneys to clerical to paralegals and social workers, the effects of Realignment have proven to be substantial on our office and requires a significant amount of resources to complete this task. We believe the better approach is to quantify the amount of work that our attorneys do county-wide. That is, it is impractical to devote an individual attorney on the violation of community supervision because this work is felt by nearly every attorney throughout the County.

Indeed, in nearly every category, the responsibilities placed on the Department due to Realignment have only continued to rise from just last year:

- PRCS case: 30% increase
- Appearances on Violation of Community Supervision: 45% increase
- Executed Sentences: 114% increase

The Law Offices of the Public Defender is committed to provide capable and skilled representation to each offender. Much like the PRCS cases, it is necessary that these courts be staffed with competent and experienced counsel. This will not only benefit the client, but qualified counsel in the courts is ultimately good for all of our justice partners. Good representation in the hearing stage will minimize the risk of error, which eventually will save money in appeals and further litigation.

**FUNDING:**

The Public Defender and the District Attorney will receive State funding for FY 14/15 in the sum of \$922,325, which is a significant decrease from last year’s allocation of \$1,173,338. (However, this year’s budget does not

include any growth fund.) Divided equally among the two agencies, each department will receive \$461,163, a decrease of \$125,506 from last year's budget of \$586,669. This amount is insufficient to effectively carry out all of our responsibilities under AB109. With the significant increases in the prison population, the Department must have adequate funding in order to maintain a high level of service.

We estimate that the DA/PD allocation will be sufficient to provide for the following:

2	Deputy Public Defender III	\$315,787
2	Legal Support Assistant II	\$99,052
1	Social Services Worker III	\$90,236
	Total	\$505,075
	Expected DA/PD funding offset	(\$461,163)
	FY14/15 AB109 Operations Budget request	<u>\$43,912</u>

This amount is clearly insufficient given our increased responsibilities under Realignment. Given the increased burdens on our staff, and because below represents essentially the same staffing as last year, the office is seeking to maintain our services to the Courts. Therefore, given our increased role as required by law and to maintain the same services in the courts with respect to the additional duties of our office, the Public Defender is requesting funding from the CCP for the continued support the following positions:

3	Deputy Public Defender IV	\$637,146
2	Legal Support Assistant II	\$146,847
3	Paralegal II	\$265,651
	Total FY14/15 Additional AB109 Request	\$1,049,644
	Expected FY13/14 carryover	(\$120,000)
	After carryover FY14/15 AB109 Operating Fund Budget request	<u>\$929,644</u>
	FY14/15 AB109 Operations Budget request (above)	+ <u>\$43,912</u>

Total FY14/15 AB109 Total Operations Budget Request \$973,556

\* \* \*

It is important to note that the Department is aware that the State is providing less money this fiscal year than last. In seeking to be a good justice partner the Department recognizes this limitation on our committee. That is why, due to efficiencies and consolidation of services, the Department is actually seeking less additional money from the committee than the previous year.

This committee found last year that the Department has numerous responsibilities under Realignment. It also adequately funded the Department by assessing this community's public safety needs in order to allocate the funds necessary to carry out the requirements of AB109. In the final analysis, if the Public Defender's office is not allocated the needed resources, the court process will not be able to function in an efficient and timely manner. We ask that the committee use the same prudent judgment and discretion in this year's budget.

## **EACH CLASSIFICATION'S ROLE IN PROVIDING AB 109 SERVICES:**

### **• Deputy Public Defender AB 109 Duties:**

- Negotiates with the Prosecution, Probation and/or Parole regarding the disposition of cases or modification of charges; performs specialized legal research and litigation in unique and/or complex area of law.
- Prepares and presents evidence and arguments for the defense of difficult felony cases involving multiple defendants and multiple charges, and having serious consequences of error or a high degree of public interest.
- Consults with other attorneys on points of law, evidence, and legal procedures; may assign, review, and evaluate the work of other deputies in the litigation of civil, misdemeanor, and felony cases.
- Directs the planning, implementation, and evaluation of specialized projects.
- Assists the chairman of the Community Correction Partnership Executive Committee. Duties include attending and participating on the AB 109 CCPEC Work Group Committee and the five AB 109 Sub-Work Group committees.
- Collect and review statistical information on AB 109 cases both within the Public Defender Office, and outside agencies.
- Reviews and updates office policies to comply with AB 109 statistical requirements.
- Oversees and analyzes AB 109 office files to determine/address the needs for attorney training.
- Coordinates efforts with justice partners including County Probation, District Attorney's Office, Sheriff's Department and court personnel to facilitate new court procedures created because of AB 109.
- Provides continuous training for the LOPD as well as outside agencies regarding the evolving laws pertaining to AB 109.

### **• Paralegal AB 109 Duties**

- Provides litigation support for Attorneys in hearings.
- Analyzes and compiles offenders' prison records.
- Analyzes and compiles offenders' mental health and/or juvenile records.
- Assists offenders with assistance in various county programs.

### **• Social Service Worker AB 109 Duties:**

- Carries a caseload of the more difficult types of social service cases requiring a high degree of technical competence where social or family problems or environmental forces adversely affect family life; assesses client's problems and develops treatment plans as they pertain to AB 109.
- Performs treatment plan casework with a high degree of independence.
- Prepares and maintains case records; writes court and other types of reports and answers correspondence.
- Takes part in staff development programs to increase knowledge of the social work processes and augment personal technical competence.
- Drives frequent and long distances to conduct field visits in order to carry out service plans; observes and assesses client needs; provides information and social work services.
- Assesses client family environment in order to determine program amenability and needs, and may assist a physically or mentally disabled adult into and out of a car or other location.
- Maintains up-to date electronic records of all aspects of client case management in a centralized database.

- Reviews legal documents and forms for completeness and conformance to specific requirements set forth in applicable legal codes.
- Obtains criminal record information, related documents, and gathers factual information to assist an attorney in determining an appropriate course of action.
- Receives telephonic and other communications to assist clients in ongoing logistical matters, such as, adding to calendar, credits for time served (CTS), medical issues, and modifications of sentencing.
- **Legal Support Assistant AB 109 duties:**
  - Serve as clerical support to attorneys, such as in scheduling appointments, screening callers, and initiating reply to routine correspondence.
  - Maintain files of correspondence, case files, and legal documents for cases arising under AB 109.



# RIVERSIDE COUNTY PROBATION DEPARTMENT

Serving Courts • Protecting Communities • Changing Lives



MARK A. HAKE  
CHIEF PROBATION OFFICER



## AB 109 STATUS REPORT

Date of Report: May 28, 2014

	POST-RELEASE COMMUNITY SUPERVISION	MANDATORY SUPERVISION
<b><u>Clients Ordered by the Court:</u></b>	N/A	4,088
<b><u>Clients Assigned to a Caseload:</u></b>	1,717	1,340
High:	1,159 68%	743 55%
Medium:	244 14%	260 20%
Low:	314 18%	337 25%
Pending Assessment:	228	346
Grand Total Active Supervision:	1,945	1,686
<b><u>Revocation Petitions:</u></b>	3,727	4,521
New Offense:	1,233 33%	1,840 41%
<i>New Offense Offenders:</i>	982	1,069
Technical:	2,494 67%	2,681 59%
<i>Technical Offenders:</i>	1,318	1,487
Dismissed/Withdrawn:	82	98
<b><u>Flash Incarcerations:</u></b>	1,455	N/A
<i>Flash Incarceration Offenders:</i>	981	N/A

Total PRCS and MS Offenders Assigned to a Caseload: **3,057**

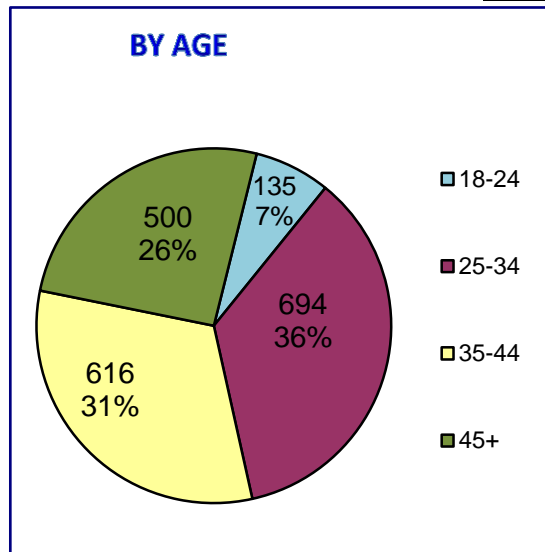
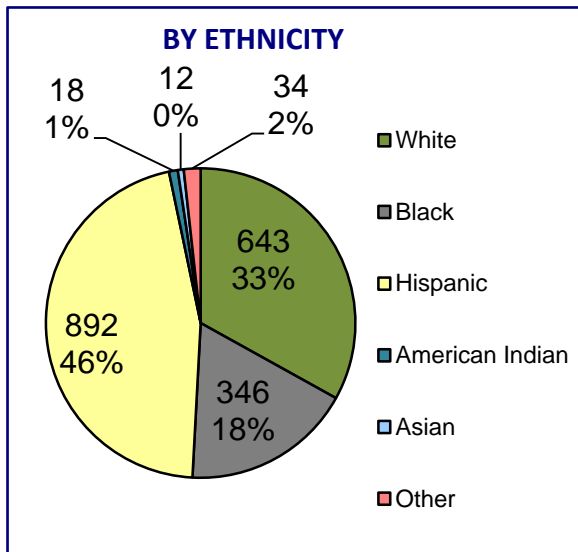
\*Pursuant to PC 1170(h)(5)(B)(ii), Supervised Release will be referred to as Mandatory Supervision

# RIVERSIDE COUNTY PROBATION

## Post-release Community Supervision Fact Sheet

### Offenders Under Supervision

Data as of  
May 28, 2014



#### \*Supervisorial District

District	Count	Percentage
District 1	436	23%
District 2	316	16%
District 3	294	15%
District 4	317	16%
District 5	419	22%
Out of County/State	163	8%
<b>Total</b>	<b>1,945</b>	

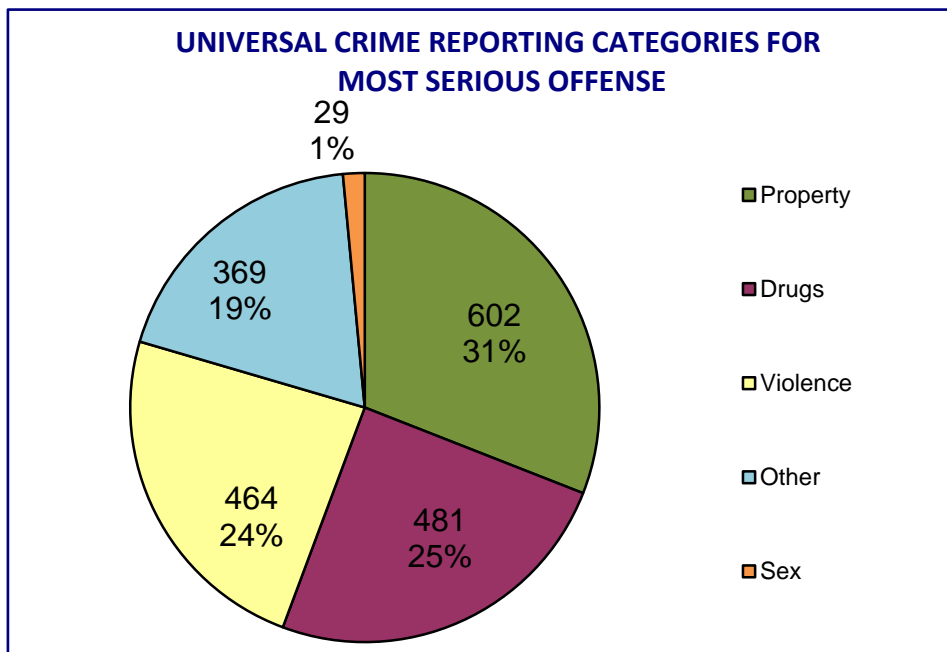
#### Gender

Males	1,768	91%
Females	177	9%
<b>Total</b>	<b>1,945</b>	

\*Districts Include Resident and Homeless

#### Resides In:

Aguanga	1	Homeland	5	Palm Springs	29	
Anza	1	Idyllwild	1	Perris	129	
Banning	44	Indio	57	Quail Valley	2	
Beaumont	20	Jurupa Valley	83	Rancho Mirage	1	
Bermuda Dunes	6	La Quinta	10	Ripley	2	
Blythe	18	Lake Elsinore	62	Riverside	243	
Cabazon	10	Mecca	1	Romoland	7	
Calimesa	4	Menifee	23	San Jacinto	45	
Canyon Lake	4	Mira Loma	11	Sun City	13	
Cathedral City	26	Moreno Valley	174	Temecula	23	
Cherry Valley	2	Mountain Center	1	Thermal	5	
Coachella	24	Murrieta	36	Thousand Palms	9	
Corona	94	Norco	16	Whitewater	2	
Desert Hot Springs	57	North Shore	2	Wildomar	26	
Eastvale	4	Nuevo	8	Winchester	4	
Hemet	140	Palm Desert	13			
					Resident	1,498
					Homeless	283
					Out of County/State Resident	146
					Out of County/State Homeless	18
					<b>Total</b>	<b>1,945</b>



#### Sub-Categories

Crimes Against Children	24
Domestic Violence	220
Drug/Manufacture/Sell	234
Drug/Possess/Use	247
DUI	60
Other	128
Possession of a Weapon	181
Property/Other	30
Property/Theft	572
Sex	29
Use of Firearms/Weapons	73
Violence	147
<b>Total</b>	<b>1,945</b>

**RIVERSIDE COUNTY PROBATION DEPARTMENT**  
**Post Release Community Supervision (PRCS)**  
**Population by City as of May 28, 2014**  
**Active Supervision 1,945 Offenders**  
**Male: 1,768; Female: 177**

<b>PRCS Riverside County</b>					
Aguanga	1	Idyllwild	1	Quail Valley	2
Anza	1	Indio	57	Rancho Mirage	1
Banning	44	Jurupa Valley	83	Ripley	2
Beaumont	20	La Quinta	10	Riverside	243
Bermuda Dunes	6	Lake Elsinore	62	Romoland	7
Blythe	18	Mecca	1	San Jacinto	45
Cabazon	10	Menifee	23	Sun City	13
Calimesa	4	Mira Loma	11	Temecula	23
Canyon Lake	4	Moreno Valley	174	Thermal	5
Cathedral City	26	Mountain Center	1	Thousand Palms	9
Cherry Valley	2	Murrieta	36	Whitewater	2
Coachella	24	Norco	16	Wildomar	26
Corona	94	North Shore	2	Winchester	4
Desert Hot Springs	57	Nuevo	8		
Eastvale	4	Palm Desert	13		
Hemet	140	Palm Springs	29	<b>Total</b>	<b>1,498</b>
Homeland	5	Perris	129	<b>Out of County</b>	<b>140</b>
				<b>Out of State</b>	<b>17</b>
<b>PRCS Homeless</b>					
Anza	1	Indio	17	San Jacinto	5
Banning	5	Jurupa Valley	3	Temecula	4
Beaumont	1	La Quinta	1	Thousand Palms	1
Blythe	7	Lake Elsinore	7	Wildomar	1
Cathedral City	9	Moreno Valley	10		
Coachella	2	Murrieta	3		
Corona	15	Palm Desert	1		
Desert Hot Springs	2	Palm Springs	16	<b>Total</b>	<b>283</b>
Hemet	19	Perris	19	<b>Out of County</b>	<b>6</b>
Homeland	1	Riverside	133	<b>Out of State</b>	<b>1</b>

**RIVERSIDE COUNTY PROBATION DEPARTMENT**  
**Mandatory Supervision Offenders**  
**Population by City as of April 29, 2014**  
**Court Ordered Mandatory Supervision Offenders: 4,088**  
**Male: 3,226; Female: 862**

<b>Court Ordered Mandatory Supervision Riverside County</b>					
Aguanga	4	Indio	153	Rancho Mirage	10
Anza	1	Jurupa Valley	135	Ripley	1
Banning	79	La Quinta	24	Riverside	543
Beaumont	39	Lake Elsinore	90	Romoland	10
Bermuda Dunes	6	Mecca	11	San Jacinto	70
Blythe	43	Menifee	36	Sun City	16
Cabazon	13	Mira Loma	19	Temecula	43
Calimesa	6	Moreno Valley	256	Thermal	19
Canyon Lake	7	Mountain Center	2	Thousand Palms	15
Cathedral City	72	Murrieta	49	Whitewater	6
Cherry Valley	5	Norco	26	Wildomar	45
Coachella	67	North Palm Springs	0	Winchester	11
Corona	194	North Shore	6		
Desert Hot Springs	115	Nuevo	14		
Eastvale	5	Palm Desert	35		
Hemet	234	Palm Springs	68	<b>Total</b>	<b>2,803</b>
Homeland	15	Perris	182	<b>Out of County</b>	<b>657</b>
Idyllwild	2	Quail Valley	1	<b>Out of State</b>	<b>46</b>
<b>Court Ordered Mandatory Supervision Homeless</b>					
Banning	10	Jurupa Valley	11	Riverside	239
Beaumont	8	La Quinta	4	San Jacinto	4
Blythe	3	Lake Elsinore	9	Sun City	1
Cabazon	2	Mecca	1	Temecula	3
Cathedral City	12	Menifee	1	Thermal	1
Coachella	8	Mira Loma	2	Thousand Palms	3
Corona	34	Moreno Valley	22	Winchester	1
Desert Hot Springs	20	Murrieta	2		
Hemet	27	Palm Desert	1	<b>Total</b>	<b>559</b>
Homeland	1	Palm Springs	39	<b>Out of County</b>	<b>21</b>
Indio	58	Perris	32	<b>Out of State</b>	<b>2</b>

**RIVERSIDE COUNTY PROBATION DEPARTMENT**  
**Active Mandatory Supervision Offenders**  
**Population by City as of May 28, 2014**

**Active Supervision: 1,686**

**Male: 1,286; Female: 400**

<b>Active Mandatory Supervision Riverside County</b>					
Aguanga	2	Indio	73	Quail Valley	1
Banning	28	Jurupa Valley	56	Rancho Mirage	3
Beaumont	15	La Quinta	16	Ripley	1
Bermuda Dunes	2	Lake Elsinore	44	Riverside	218
Blythe	14	Mecca	6	Romoland	6
Cabazon	8	Menifee	18	San Jacinto	27
Calimesa	1	Mira Loma	9	Sun City	6
Canyon Lake	2	Moreno Valley	106	Temecula	20
Cathedral City	33	Murrieta	26	Thermal	8
Cherry Valley	1	Norco	8	Thousand Palms	9
Coachella	25	North Palm Springs	0	Whitewater	4
Corona	89	North Shore	5	Wildomar	20
Desert Hot Springs	52	Nuevo	7	Winchester	6
Eastvale	2	Palm Desert	23		
Hemet	110	Palm Springs	28	<b>Total</b>	<b>1,218</b>
Homeland	3	Perris	77	<b>Out of County</b>	<b>224</b>
				<b>Out of State</b>	<b>26</b>
<b>Active Mandatory Supervision Homeless</b>					
Banning	5	Indio	20	Palm Springs	22
Beaumont	3	Jurupa Valley	3	Perris	17
Blythe	3	La Quinta	2	Riverside	73
Cabazon	1	Lake Elsinore	5	San Jacinto	3
Cathedral City	5	Mecca	1	Sun City	1
Coachella	3	Menifee	1	Temecula	1
Corona	12	Moreno Valley	7	Thousand Palms	1
Desert Hot Springs	8	Murrieta	1	<b>Total</b>	<b>211</b>
Hemet	12	Palm Desert	1	<b>Out of County</b>	<b>6</b>
				<b>Out of State</b>	<b>1</b>



## RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

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### STANLEY SNIFF, SHERIFF / CORONER

**TO:** CCP Executive Committee

**DATE:** May 1, 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 3,795 inmates, or 97% of our maximum capacity (3,914 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, 4,208 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 9,654 (6,300 booked for violation only; 3,354 had additional charges)

The number of 3056 PC only inmates currently in custody is 129.

**Flash Incarcerations (3454 PC)**

Total booked to date is 1,501. The number of these inmates currently in custody is 16.

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

Total booked to date is 3,674 (1,719 booked for a violation only; 1,955 had additional charges).

The number of 3455 PC only inmates currently in custody is 45.

**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 6,503. The number of these inmates that remain in custody is 640, or approximately 16.9% of the total jail population. 405 of these inmates have been sentenced to 3 years or more, with the longest local sentence standing at 12 years, 8 months.

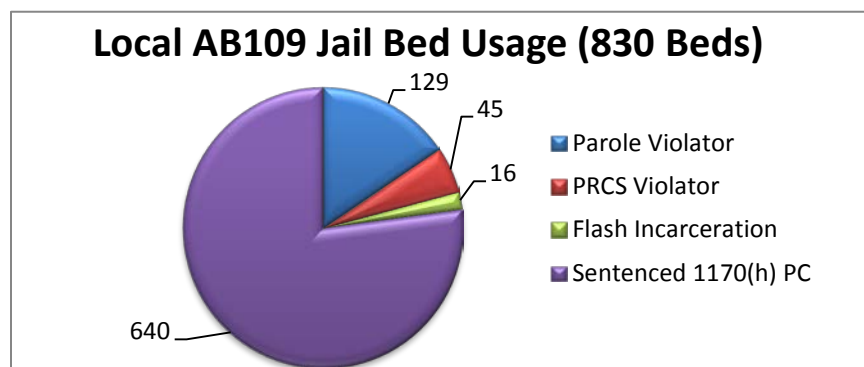
The total number of 1170(h) Fire Camp participants is 55.

Since January 2012, there have been 407 full-time SECP participants. There are currently 53 participants.

**Summary**

The total number of inmates to date booked directly or sentenced to jail due to realignment is 16,023.

The number of those currently in custody is 830, or approximately 21.9% 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

Re: Public Defender Report

Date: June 3, 2014

<u>AB109 Impact</u>	<u>FY12/13</u>	<u>FY13/14 (as of 4/30/14)</u>	<u>% Change</u>
Average Number of PRCS cases per month	Average 112 cases/mo (Total 1346 cases)	Average 146 cases/mo (Total 1458 cases)	30% increase
Total Parole Cases	n/a	Total 689 cases	n/a
Average monthly Appearances on Violations of Mandatory Community Supervision	311 appearances/mo (Total Appearances 3743)	452 appearances/mo (Total Appearances 4515)	45% increase
Spilt Sentences	161 cases/mo (Total 1934 cases)	161 cases/mo (Total 1609 cases)	0% change
Executed Sentences	35 cases/mo (Total 423 cases)	75 cases/mo (Total 749 cases)	114% increase