



City of Palm Springs

Office of the City Manager

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September 11, 2014

The Honorable Mark A. Cope
Presiding Judge of the Superior Court
Riverside Superior Court, Department 1
4050 Main Street
Riverside, California 92501

✓ Riverside County Grand Jury
Post Office Box 829
Riverside, California 92502

Riverside County Clerk- Recorder
2720 Gateway Drive
Riverside, California 92507

RE: City of Palm Springs response to the Grand Jury Report Dated June 17, 2014

Dear Judge Cope,

This letter is in response to the 2013-2014 Grand Jury Report entitled "Impact of AB109 upon Riverside County Municipal Police Agencies" dated June 17, 2014. The Grand Jury has asked for a written response to the following Findings and Recommendations contained in the report pursuant to Penal Code Section 933 et seq. The City of Palm Springs submits the following responses:

Finding 1:

Post-Release Accountability and Compliance Team (PACT) Program

Investigation revealed the PACT units have allowed Probation more time and resources to focus on case management and compliance checks on individuals on probation and parole. According to several chiefs of police, the PACT units shared

information, served warrants, apprehended PRCS violators and reduced the number of PRCS offenders who abscond.

Further investigation revealed that the PACT units have been highly visible and hold individuals that break the law accountable, regardless of the level of offense. The participating police departments have worked to build infrastructures that support this type of critical enforcement. The police departments stated they have a responsibility to prevent the non-compliant PRCS individuals from re-offending and victimizing the communities.

Initially, when the PACT program began, only cities with their own municipal police departments could participate in PACT activities. With the additional funding from BSCC for the PACT program, the participation of cities who contract for their police services became eligible to participate in the PACT program. Two cities in PACT that contract for police services with the Sheriff's Department are Palm Desert and Moreno Valley. Current participating cities in PACT are shown on Chart B.

In order to be reimbursed for PACT funding and state funding, each of the participating agencies must have committed a full-time sworn officer for whom they are requesting reimbursement for the officer's salary, benefits and vehicle costs. The officer must serve the PACT unit for the entire period in which the agencies are seeking reimbursement. The city must provide the vehicle. The cars that were purchased for PACT activities by several-municipal police departments cost \$50,000-\$60,000 when fully loaded with computers, radios, and other law enforcement equipment. Verification of expenditure(s) is required prior to reimbursement from the fiscal agent. In fiscal years (FY) 2012-13 and 2013-14 the allocated amount was \$200,000 for each officer/vehicle per fiscal year for PACT expenses. See Chart C for FY 2012-13 summary of actual reimbursed expenses that were requested by each city. Several cities provide more than one officer and a car, but do not request reimbursement from the fiscal agents. Chart C reflects the first full year CCPEC expenses were reimbursed. The FY for BSCC funding is still in progress.

Probation provides PRCS and Parole non-compliance information to the PACT units. These PACT units are involved in non-compliance sweeps and provided support in conjunction with other PACT units, other task force teams, and also operate in the county's unincorporated areas. PACT member cities also support cities that do not have a PACT member on the PACT. (See Chart E)

Investigation revealed non-reimbursable costs were incurred by the cities to provide an officer to PACT activities (e.g. financial operational support, workers compensation costs and claims processing of PACT officers as well as personnel to process requests

for reimbursement funds for the officers). The cities provided these auxiliary services without any compensation due to the specific guidelines between the PACT cities and Probation. Some cities provided a sergeant with a higher salary rather than a lower ranked officer with a lesser salary.

Charts A and D show the percentage of population of a city to the county's total population versus the percentage of the total supervised individuals of a city to the total supervised population in the county. The following cities that have a significantly higher percentage of supervised individuals versus percentage of population are: Riverside, Indio, Hemet, Lake Elsinore, Perris, Palm Springs and Desert Hot Springs. All of these cities provide one or more PACT officers except the City of Perris and Lake Elsinore.

Response to Finding 1: The City agrees in part with the finding.

The Post-Release Accountability Team (PACT) program has proven to be a very successful partnership between local law enforcement and the Probation Department in addressing the impacts of realignment. When the PACT program was initially proposed to the County Community Corrections Partnership (CCPEC) for funding consideration, all law enforcement agencies in the County were invited to participate. Each agency elected to participate or not based on the needs and financial position of their agency at that time.

Grand Jury Recommendation as to Finding #1: The Community Corrections Partnership Executive Committee (CCPEC) should invite the City of Perris and Lake Elsinore to join the Post-Release Accountability and Compliance Team (PACT) program.

Response to Recommendation 1:

Every law enforcement agency has been asked to participate in the PACT program and elected to participate or not participate based on the needs or financial position of their agency.

Finding 2:

Data Sharing And Supervised Offender Tracking

In February, 2012, the ARCCOPS requested that Probation regularly share PRCS offender data with the county's 11 municipal police departments and with the Sheriff who oversees 17 contract cities and unincorporated areas of the County. This

information is released minimally on a monthly basis. The list includes the offender's name, address, city, most recent offense and probation officer contact information. The implementation of AB 109 prompted local law enforcement agencies to recognize that they have an important collaborative role to play in support of Probation's efforts to ensure the successful reintegration of this population back into local communities. Currently, Probation provides all local law enforcement agencies a weekly PRCS "Warrant List" for non-compliant probationers as well as monthly reports on all active PRCS and MS individuals. Probation communicates daily with the PACT members as there is a full-time probation officer assigned to each of the three teams. (See Chart B) California Penal Code §13300 (a) {b) states that the chiefs of police, as well as local law enforcement agencies, have a "need to know" for criminal history information to ensure the safety and security of their duly respective communities.

In March 2013, Probation advised the Riverside County Board of Supervisors via an *Update of the local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Implementation Plan Update of AB 109 Criminal Justice Alignment*, that the Sheriff and Probation developed a joint database system that reduced labor and information technology costs.

Investigation revealed as of the date of this report, there was no county-wide updated and centralized data base for tracking PRCS, MS, and re-arrested probationers. Some police departments have developed their own stand-alone system for their city to internally track repeat offenders as well as non-compliant PRCS and MS individuals. Testimony indicated released offenders frequently travel from city to city and from county to county once they are released from jail. Further testimony indicated that "data sharing is inadequate between Probation and the municipal police departments as well as between contiguous counties." Inconsistent data sharing prevents cities and other entities impacted by AB 109 to ascertain what programs and processes are successful and which ones are not successful.

When state prisoners are paroled, a parole officer confirms the parolees' residential address before prisoners are paroled. When the state prisoners are released from a state correction facility, all law enforcement agencies are notified statewide. If a state prisoner is released from a state facility to PRCS or MS under county probation, the county supervising agency oversees any special conditions for the prisoner's release and notifies all law enforcement agencies. However, when a prisoner is released from a county jail on PRCS or MS, no immediate notification is made to local law enforcement agencies.

Testimony confirmed that currently, when local law enforcement detains a PRCS or MS re-offender, the arresting officer attempts to verify criminal history with the

department's "dispatch officer." If the offender is on supervised release and a warrant has been issued for their arrest for non-compliance, they are immediately arrested and the probation officer contacted. At the time of this report the police departments did not immediately receive a formal notification from Probation or Sheriff on offenders who were just released into their cities. This release information is given to the municipal police agencies in the weekly update.

Investigation revealed one of the biggest problems the cities and the County faced when AB 109 was enacted, was that there "wasn't any preparation for a uniform or standardized statistical tracking system." Additional testimony revealed that data sharing is not consistent between Probation and the police departments as well as between counties because the PRCS and MS people *moved* around and no agency had a centralized database to keep track of these later arrests.

The California Department of Justice has developed a new program that is designed to enable public safety officers to collaborate and share information between all counties and state agencies in tracking individuals on supervised release. Probation is aware of the new program; however, it has not yet met the final data requirements, but is "actively developing measures to become ready."

Response to finding 2: The City agrees in part with the finding.

While the challenge of sharing information was initially a hurdle for the Probation Department to implement due to varying legal opinions, the Probation Department as well as the California Department of Justice have responded to local law enforcement's need for information and have continued to actively seek remedies to ensure that law enforcement officers on the street access to the most updated and reliable information available.

The Palm Springs Police Department receives at least weekly Post-Release Community Supervision information from the Probation Department. Probation and the Sheriff's Department also provide quarterly updates at the Coachella valley Association of Governments meetings, which are attended by both elected and public safety representatives from every municipality in the Coachella Valley, including the City of Palm Springs.

Grand Jury Recommendation as to Finding #2: Both the Sheriff's Department and the Probation Department shall communicate information on released prisoners placed on Post-Release Community Supervision (PRCS) or Mandatory Supervision (MS) from county jails to all law enforcement agencies at the time of the prisoners' release including local police agencies and adjoining counties. An updated summary of prisoner release information shall continue to be

communicated to law enforcement agencies weekly and monthly. Probation shall finalize its interface system with the state-wide program for tracking released prisoners on PRCS and MS.

Response to Recommendation 2:

The Palm Springs Police Department will continue to work to ensure that data and information needed by our agency is available and accessible.

Finding 3:

Probation Officers at Jails

Due to overcrowding in the county jails, prisoners are released from the jails at varying times of the day. The deputy sheriffs at the jails are responsible for reviewing the terms and conditions of release which were laid down at the time of a prisoner's sentencing. This meeting to review the terms of release with the prisoner is done at the jail. No discussion of a "case plan" while on probation is made at this time. A case plan may include follow-up meetings, evaluations needed for re-integration, residency reports and other requirements dictated by the Probation officer. The prisoner is released based on the last known address in the prisoner's file.

The information for prisoners released on PRCS is communicated to Probation *after* the prisoner is released. This information includes the prisoner's residence and contact information at the time of sentencing. There is a disconnect between the time the prisoner is released from jail and when the prisoner makes contact with Probation, sometimes more than two days. Investigation revealed that many times the prisoner's residence and contact information changed after time was served in jail. Once Probation has the released prisoner's (now probationer's) information, it is up to the probationer to contact Probation. If the probationer has not reported into Probation, then a warrant is issued for the probationer for non-compliance of his probation for failing to report in. The warrants for non-compliant probationers are sent from Probation to the respective PACT units for follow-up, adding workload to the team.

Response to Finding 3: The City agrees in part with the finding.

While there continues to be a challenge with the release of offenders—these offenders are released from both State and County facilities making the tracking and sharing of information as to the where the offender will reside difficult. Because offenders are

allowed to claim “transient” status, tracking has become even more difficult for both Probation and local law enforcement to track residency.

Grand Jury Recommendation as to Finding #3: An officer of the Probation Department shall meet with prisoners prior to release and confirm the case plan, residential address and review terms of release at the time of sentencing, and confirm first appointment with Probation officers.

Response to Recommendation 3:

This recommendation does not pertain to the City Of Palm Springs, but instead involves staffing, operations and deployment decisions of Probation and Sheriff’s Department. The City of Palm Springs would defer to their determinations regarding the management of their respective departments.

Finding 4:

Public safety enterprise communication (PSEC)

According to Grand Jury investigation the County's public safety radio network is obsolete and does not reach newer neighborhoods. Today, County law enforcement and other safety officers use the radio more frequently to talk and send data. The Public Safety Enterprise Communication (PSEC) system, recently launched by the Sheriff, has expanded prior coverage and built radio links to other agencies that support the public and safety agencies. This system is not used in all cities in Riverside County.

The new communication system is more comprehensive than the existing systems. When AB 109 was enacted, the public safety agencies throughout the County began seeing an increase in law enforcement activities. Many cities reported a sharp increase in property crimes and a decrease in violent crimes. Criminals and re-offenders crossed city boundaries and often County boundaries. In some areas, the improved communication system of PSEC enabled faster apprehension and arrests of these offenders. Many of the local law enforcement agencies within the County are still using radios with different frequencies and different bands than their neighboring communities. The resultant lack of contact with neighboring law enforcement agencies and counties has resulted in numerous unsuccessful operations. Communication among some County agencies is often lost due to patchwork coverage.

Grand Jury investigation revealed that the PACT was active in the recent pursuit of accused officer Christopher Dorner. WEST-PACT provided communication equipment for many Riverside personnel involved in the investigation and pursuit. This

additional equipment allowed Riverside County personnel to communicate with San Bernardino agencies. During the pursuit, many agencies who followed this suspect only had cell phones to call in their location and/or status to local police agencies.

All PACT officers have the PSEC system. However, at the time of this report, non-PACT officers in Palm Springs, Desert Hot Springs, Cathedral City and Murrieta did not have PSEC accessibility. This digital network, which handles voice and data transmissions, has roughly tripled the number of radio towers of the prior analog system and provides coverage to 95 percent of the County, compared to 60 percent under the old network.

Investigation showed that portions of Riverside County currently operate on an 800 MHz radio system that is lacking in full coverage and functionality. Population growth within the County has necessitated the expansion of the coverage footprint. Several smaller cities often have no wide-area coverage. Sometimes different departments in the same city are out of contact.

The Riverside County Information Technology Department oversaw the PSEC rollout, which took seven years to achieve. Many cities that contract with the Sheriff for police services have PSEC, although non-contract cities have limited accessibility to PSEC in event of emergencies.

Response to Finding 4: The City disagrees with this finding.

While communication amongst first responders has always been a concern of all public safety entities, it is not specific to AB109 or its impact on the County. The City of Palm Springs participates in the Eastern Riverside County Interoperable Communications Authority (“ERICA”) which has the ability to “patch” with Riverside PSEC to allow for interoperability between the County and ERICA agencies as needed. The other ERICA partners include the cities of Beaumont, Cathedral City, Indio, and Desert Hot Springs. All have the ability to patch as necessary.

Grand Jury Recommendation as to Finding #4: Municipal police agencies in Riverside County without direct Public Safety Enterprise Communication (PSEC) capability shall develop and implement a consistent communication system to ensure reliable and seamless coverage between the cities, the Sheriff’s Department, and the safety agencies of other counties.

Response to recommendation 4:

The City of Palm Springs supports a consistent communication system to ensure reliable and seamless coverage. The City participates in the Eastern Riverside County

Interoperable Communications Authority (“ERICA”) which has the ability to “patch” with Riverside PSEC to allow for interoperability between the County and ERICA agencies as needed.

Finding 5: Transitional Housing

In the past two years, approximately 4,500 prisoners have been released from the County jails on some type of supervised release. Investigation revealed that when an inmate had problems with housing, physical or mental issues, it resulted in difficulty in re-entering a community. There is a lack of transitional housing and services for assisting these types of released prisoners who are in need of daily assistance transitioning back into the community.

The California Department of Parole has a system of half-way houses for released paroled offenders who had nowhere to go or needed time to adjust to being in a community after release. The County has nothing comparable, especially for the MS probationers. As of December 31, 2013, there were 682 supervised PRCS and MS probationers who were homeless. Temporary emergency housing is provided at five different locations in the City of Riverside and Southwest Riverside County. No emergency housing is available in the desert communities. Emergency housing is available for up to 30 days, but due to a lack of long term transitional housing, the emergency stays have been extended multiple times for several offenders. As of the date of this report, Probation had 15 supervised individuals in emergency housing.

The Riverside County Board of Supervisors voted in June 2013, to enact an ordinance, establishing a regulatory framework for half-way houses, or places renting to two or more unrelated parolees and probationers. Under the ordinance, the homes would only be allowed by permit in certain commercial and industrial zones. These homes cannot be near where children gather.

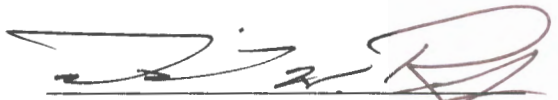
Response to Finding 5: The City of Palm Springs agrees in part with the finding.

The City agrees that transitional housing is necessary and is aware that the Probation Department and the Department of Mental Health oversee transitional housing needs within the county.

Grand Jury Recommendation as to Finding #5: The Probation Department shall oversee the development of half-way houses to provide services to the released supervised inmates to assist them with re-entry into communities.

Response to Recommendation 5:

This recommendation does not pertain to the City Of Palm Springs, but instead involves staffing, operations and deployment decisions of the Probation Department. The City would defer to their determination regarding the management of their respective department.



David H. Ready, City Manager



Alberto Franz, III, Police Chief