

RIVERSIDE COUNTY PROBATION DEPARTMENT

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MARK A. HAKE
CHIEF PROBATION OFFICER

August 6, 2014

Honorable Mark A. Cope, Presiding Judge
Superior Court of California, County of Riverside
4050 Main Street
Riverside, CA 92501

Reference: **Response to 2013-2014 Grand Jury Report: Impact of AB 109 upon
Riverside County Municipal Police Agencies.**

Dear Judge Cope:

Pursuant to California Penal Code Section 933 et. seq. the Riverside County Probation Department has submitted our response to the Grand Jury Report to the Riverside County Board of Supervisors within the designated 90 day period and the matter is scheduled to be heard by the Board on September 9, 2014.

Please find enclosed a copy of our response. The Riverside County Probation Department concurs largely with the Grand Jury's findings. We appreciate the Grand Jury's efforts in researching this topic and preparing the report for our review and response.

As always please feel free to contact me should you have any questions regarding this or any other matter. I may be reached at 951-955-2815.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. Hake".

Mark A. Hake
Chief Probation Officer

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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. ...

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. Two cities in PACT that contract for police services with the Sheriff's Department are Palm Desert and Moreno Valley. ...

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. ...

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.

Probation Department position concerning the finding: Respondent agrees with the finding.

Recommendation 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.

Probation Department's position concerning the recommendation: The recommendation will not be implemented because it is not warranted or is not reasonable.

The Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS), not the CCPEC, provides oversight of the PACT program. A representative of ARCCOPS sits on the CCPEC as a voting member and reports on PACT activities. The CCPEC funds only a portion of the PACT program with AB109 dollars. It is noted that PACT provides enforcement to any city in the county who requests assistance, whether or not that city has any personnel on the PACT teams.

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. ...

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 countywide updated and centralized data base for tracking PRCS, MS, and rearrested probationers. ... 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. ...

... 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 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. ...

... At the time of this report the police departments did not immediately receive a formal notification from Probation of Sheriff on offenders who were just released into their cities. This release information is given to the municipal police agencies in a 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.” Additionally 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 measure to become ready.”

Probation Department position concerning the findings: Respondent disagrees with the finding.

Although AB109 was implemented in October 2011, the Probation Department and law enforcement agencies in Riverside County began discussing a strategy much earlier to ensure information pertaining to PRCS offenders would be shared. On July 19, 2011, the Community Corrections Partnership Executive Committee held a meeting to discuss the impact of AB 109 on local law enforcement agencies. At that time, the Probation Department advised it would serve as a liaison to the law enforcement community and provide information regarding PRCS releases from CDCR.

Probation provides a weekly, updated PRCS "Warrant List", as well as a monthly list of PRCS offenders released from prison to law enforcement agencies. Additionally, a probation officer serves on each PACT team to ensure pertinent information is shared daily with law enforcement team members.

For clarification, PRCS offenders are not released from county jail but rather state prison. The only exceptions are 10-day flash incarceration(s) or arrests for violation of their conditions of PRCS. Additional notification is not provided to local law enforcement agencies for PRCS offenders being released from jail following a violation due to Probation maintaining jurisdiction. Law enforcement agencies can obtain information through the Law Enforcement Portal (see below). As it relates to MS offenders, the Probation Department is in the process of creating an MS release list for similar distribution.

The Probation Department understands the importance of data sharing. As such, the department created a Law Enforcement Portal (LEP) to the Juvenile and Adult Management System (JAMS) database which allows law enforcement agencies to access offender information and enables officers to enter information related to the offender contact. Data exchange between JAMS and LEP occurs nightly. In the event further information is needed, probation staff is available during non-business hours to ensure law enforcement agencies are able to ascertain additional information in the absence of the assigned probation officer.

On February 1, 2012, through ARCCOPS, 11 municipal law enforcement agencies, the Sheriff's Department, and the District Attorney's Office requested and were provided access to the LEP. Each respective agency was issued a user identification and password. Additionally, Probation has presented numerous trainings on the LEP to individual law enforcement agencies as well as at a recent Riverside County Law Enforcement Administrators Association (RCLEAA) meeting. Information pertaining to the use of the LEP has also been distributed to these agencies. Additional training is conducted when requested by agencies.

The California Department of Justice (DOJ) has developed a database called, "California SMART Justice." This statewide data sharing platform will provide public safety agencies across the state with a one-stop, user-friendly web portal to access information about offenders. The Sheriff and Probation departments are working with the State to launch SMART Justice in Riverside County. Probation has automated its Supervised Release Files to ensure readiness for implementation.

Recommendation 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.

Probation Department position concerning the recommendation: The recommendation has been implemented.

As noted under Findings 2 (Probation Department position on findings), the Probation Department has been communicating with law enforcement agencies throughout the county related to releases from prison on PRCS. For clarification, PRCS offenders are not released from county jail, but rather state prison. The only exceptions are 10-day flash incarceration(s) or arrests for violation of their conditions of PRCS. Additional notification is not provided to local law enforcement agencies for PRCS offenders being released from jail following a violation due to Probation maintaining jurisdiction. Access to this information is provided through the department's Law Enforcement Portal. As it relates to MS offenders, the Probation Department is in the process of creating an MS release list for similar distribution monthly. As it relates to the statewide program (SMART Justice), the Probation Department is prepared and awaiting implementation by the state.

Finding 3: Probation Officers at Jails

Due to overcrowding in the county jails, prisoners are released from 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 done 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. ... 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.

Probation Department position concerning the findings: Respondent disagrees partially with the finding.

The statement noted in the Grand Jury report, "The information for prisoners released on PRCS is communicated to Probation *after* the prisoner is released" is incorrect. CDCR advises the Probation Department of all pending releases ahead of the release, with minimal exception. As previously noted, this information is shared with law enforcement agencies throughout Riverside County on a monthly basis.

As it relates to MS offenders, the Probation Department is advised of these split sentence cases by the court on a daily basis and they are tracked in Probation's JAMS system. The Sheriff's Department provides the Probation Department with a daily list of offenders who are released early on a "fed-kick", and this includes MS offenders. To further enhance communication,

Probation is in the process of creating an MS release list for distribution to law enforcement agencies throughout the county monthly.

As it pertains to the PACT teams workload increasing due to receiving warrants for PRCS offenders who are non-compliant, serving warrants is a primary function of the PACT teams.

Recommendation 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.

Probation Department position concerning the recommendation: The recommendation has been proposed but not yet implemented, pending approval of a budget request to the CCPEC.

Probation proposed a new program, Transition and Reentry Unit (TRU), to the CCPEC on June 3, 2014, for the 2014-2015 budget year. The TRU program would place a probation officer in the jails to meet with offenders prior to release. The probation officer would verify address and other pertinent information, complete a risk/needs assessment, discuss housing, review conditions of PRCS or MS, and develop a case plan with the offender. Phase 1 (FY 2014/15) of the TRU program would begin as a pilot program at one jail. In Phase 2 (years 2-3), this program would be added to the other county jail facilities. Probation would coordinate with partner agencies to create Multi-Disciplinary Teams to link services for the offender in the community upon release. In Phase 3 (years 3-4), a 30-90 day transitional housing component would be added to give realignment offenders (depending on their case plan and/or assessment score) the ability to gradually reenter into the community.

As previously noted, the implementation of this program is dependent on approval of funding for Probation through the CCPEC.

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. ... 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.

Probation Department position concerning the findings: Respondent disagrees partially with the finding.

The Probation Department is aware of the need for housing for realignment offenders (PRCS and MS). To help meet this need, the Probation Department currently has an open Request for

Proposal (MHARC138) related to emergency and transitional housing (with or without treatment services). At this time, there are 30 emergency housing beds available in the western area of Riverside County. On July 1, 2014, the Board of Supervisors approved an additional 47 beds (emergency and transitional). Twelve of these beds will be located in San Jacinto. Thirty-five of these beds would be in the eastern end of the county (Indio).

As it relates to the referral process for housing, probation officers refer realignment offenders needing housing to Mental Health's Homeless Housing Opportunities, Partnership & Education Program (HHOPE) to provide housing and related services. Each approved "home" has a set of "house rules" that offenders must agree to. Since housing is a voluntary service, the offenders can, and most do, decline the referral as many do not want to follow the house rules. These rules include curfew times, sobriety, and goals to seek independent living or family reunification. From March 8, 2013 to July 2, 2014, 84 offenders accepted housing referrals. Of those, 69 offenders are no longer receiving housing (i.e. 27 obtained other housing; 9 failed to initiate housing from initial referral; 14 abandoned the housing provided; 18 were removed from housing for alcohol or drug use, failing to follow house rules, or new arrests; and one was hospitalized). Currently, there are 15 offenders receiving housing out of 506 realignment offenders (303 PRCS and 203 MS) who reported to be homeless. To verify their housing status and focus services, the Probation Department requires offenders who say they are homeless to report daily to the Kiosk machines located at each Probation office. In addition, the department submitted a FY 2014-15 budget proposal to CCPEC for the use of a GPS electronic monitoring system on homeless offenders to verify their reported housing status.

Recommendation 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 the communities.

Probation Department position concerning the recommendation: The recommendation will not be implemented because it is not warranted or is not reasonable at this time.

As previously mentioned, the Probation Department has a process in place for actively seeking transitional housing for realignment offenders. We also collaborate with Mental Health's Homeless Housing Opportunities, Partnership & Education Program (HHOPE) to provide housing and related services. Currently, there are 77 beds available. Should the need arise in the future for additional housing; Probation will reassess the need for the development of half-way houses.