

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

AB 109 - Public Realignment Act

Purpose

The purpose of this Training Bulletin is to familiarize and provide guidelines for police personnel when contacting offenders under Post Release Community Supervision or Mandatory Supervision.

Background

On April 4, 2011, Governor Jerry Brown signed into law AB 109, the Public Safety Realignment Act. This legislation was enacted on October 1, 2011 in an effort to alleviate the constraints placed on the California Department of Corrections and Rehabilitation (CDCR). Responsibility for incarceration, treatment, and supervision was transferred from state to county levels for low level felony offenders.

The Orange County Probation Department created the Post Release Community Supervision (PCS) Unit to monitor and supervise these offenders.

In January of 2012, the Santa Ana Police Department created their own PCS detail and assigned two full-time officers to the unit. The officers were designated to assist Orange County Probation's PCS unit with the monitoring of PCS offenders.

There are over 400 AB 109 offenders residing in the City of Santa Ana at the time this Training Bulletin was developed.

I. New Types of Supervision

Two new types of supervision have been created as a result of AB 109 - Public Safety Realignment Act.

A. Post Release Community Supervision (PCS)

Inmates released from CDCR on or after October 1, 2011, who's **most recent conviction** are non-violent (PC 667.5(c)), non-serious (PC 1192.7(c)), and are non-high risk sex offenders (as defined by CDCR) are eligible for PCS. "Non-serious, non-violent, and non-high risk sex offenders" are commonly referred to as "non-non-non" or "triple non" offenders. This type of supervision can be instituted for a period of up to three years. Those who are on PCS have

terms similar to individuals on formal probation as outlined under PC 3452 but are referred to as “offenders”. However, the terms for the PCS population can be individually tailored by the supervising probation officer. Offenders are eligible for discharge after six months with no violations and a recommendation by their supervising probation officer. Offenders must be discharged after one year of supervision if no violations or new crimes have been committed.

Under PC 3465, "Every person placed on post release community supervision, and his or her residence and possessions, shall be subject to search or seizure at any time of the day or night, with or without a warrant, by an agent of the supervising county agency or by a peace officer."

It should be noted subjects on Post Release Community Supervision may have a prior conviction and time served in prison for violent or serious crimes. Only their controlling offense or most recent conviction have been classified as “non-non-non”. Officers are encouraged to research an offender’s criminal history prior to making contact when reasonable and appropriate. Furthermore, appropriate officer safety tactics should be used when dealing with subjects on Post Release Community Supervision.

There are two types of PCS violations. The first is a flash incarceration, which can occur for any technical violation of the offender’s supervision terms. The incarceration can be anywhere from one to 10 consecutive days in county jail. Offenders booked for a flash incarceration are booked under **PC 3454(c)**.

A revocation is another type of violation which can be enforced by the supervising probation officer. It is issued at the discretion of the supervising probation officer. As a result of a revocation, the offender can be incarcerated for a period of up to 180 days in county jail. The offender’s sentence is determined by a judge during their hearing. When a revocation is issued, the offender is booked under **PC 3455(a)(4)**.

Officers assigned to the PCS unit **do not** have the authority to violate supervised offenders. It is the supervising probation officer who issues either a flash incarceration or revocation. The on-call probation officer may issue a hold for an offender after hours or they will attempt to contact the supervising probation officer.

B. Mandatory Supervision

Mandatory Supervision is instituted under the authority of PC 1170(h). Qualifying felony convictions can be sentenced in two ways: (1) the full term can be served in county jailor (2) a split sentence can be imposed. A split sentence occurs when the offender has a specified sentenced term. The first portion of the term is served in county jail and the remaining term under Mandatory Supervision (i.e., Defendant is sentenced to a split sentence of five years in which the first year is served in county jail and is placed on Mandatory Supervision for the remaining four years).

Offenders falling under Mandatory Supervision are the true “non-non-non” population. In order to be eligible for Mandatory Supervision, an offender cannot have a prior conviction for a serious or violent offense. Furthermore, any PC 290 registrant cannot be placed on Mandatory Supervision.

Those who are under Mandatory Supervision have terms similar to individuals on formal probation and are subject to search and seizure. Offenders booked solely for a Mandatory Supervision violation shall be booked under PC 1203.2(a). Due to the short length of time Mandatory Supervision has been in existence, the parameters of the program are continuously changing.

II. Resources

Currently, there are six probation officers assigned to supervise the PCS offenders in the City of Santa Ana. Three of these probation officers are assigned to the Santa Ana Police Department and work alongside the Santa Ana Police Department officers assigned to the PCS Unit.

Responsibilities and roles of the police officers assigned to the Santa Ana PCS unit are as follow:

1. Provide assistance to probation officers and additional monitoring of those supervised under PCS.
2. Apprehension of PCS violators and absconders.
3. Assist probation with address/residence verification.
4. Receive notification of newly released inmates on PCS.
5. Receive notification of PCS violators and absconders.
6. Act as a liaison between Orange County Probation PCS Unit and the Santa Ana Police Department.
7. Keep Santa Ana police officers and detectives informed.

Anytime a subject under supervision is booked for a new law violation, a hold can be obtained by either contacting the supervising probation officer or probation's after-hours line (after 1700 hours) at (714) 935-7632. The probation officer will determine whether a flash or revocation hold will be issued.

Some offenders, especially sex offenders, are required to wear a GPS anklet. The whereabouts of an offender with a GPS anklet can be determined by calling the GPS monitoring center. The monitoring center's phone number is (714) 935-6281. The tracking system can also be used as an investigative tool as it has the capability to make known the previous locations of a monitored individual. These locations can be used during an investigation to show a suspect's specific location, including date and time. An example of this would be during a robbery investigation, a suspect denies ever being at the McDonalds located at Main and Warner on a specific date and time. The information from the GPS database can either confirm or dispute this claim, thus indicating if the suspect is being truthful.

III. Supervision Identification

A records check can be completed when attempting to identify what type of supervision an offender is under. The heading section under the Supervised Release File section will provide this information. The three types of heading which most commonly appear are:

“PRCS Community Supervision”

“County Probation Record”

“CDC Parole Record”

These headings will indicate what type of supervision an offender is under. Offenders on Mandatory Supervision will have a hit under “County Probation Record”.

“PRCS” and “PCS” are acronyms used interchangeably when referring to Post Release Community Supervision. The county of Orange uses “PCS” when referring to Post Release Community Supervision. The following is an example of the screen which will appear on the Mobile Data Terminal or a printout provided when records check is completed through ELETE.

SRF HIT # 001

HIT MADE ON NAM/POSADAS,JESUS LIONEL RAMIREZ

** NOT A WARRANT** PRCS COMMUNITY SUPERVISION RECORD **NOT A WARRANT **

** DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE **

ENT/1

NAM/POSADAS,JESUS LIONEL RAMIREZ SEX/M DOB/19780529 RAC/H HGT/508

WGT/135 EYE/BRO HAI/BLK OLN/D5292093.CA SOC/626-40-3575

CII/A11969669 FBI/14047HB4 CDC/P69212

RESIDENCE: COUNTY/ORANGE CITY/SANTA ANA

*****PRCS COMMUNITY SUPERVISION INFORMATION*****

PRIMARY OFFENSE/PC459 2ND

BEGIN SUPERVISION/20111229 DISCHARGE DATE/99999999

AKA/POSADAS,JESUS LIONEL R POSADAS,JESUS RAMIREZ

POSADAS,JESUSL RAMIREZ POSADAS,MANUAL

RAMIREZ,JESUS RAMIREZ,JESUS LEONEL

RAMIREZ,MANUEL POSADAS RAMIREZ-POSADAS,JESUS

RAMIREZPOSADAS,JESUS

SCRS/MKS/TT/TAT ABDOM POB/CALIFORNIA

AGENCY/CDC-PAROLE-COMM SERV ORI/CA034015G

CONTACT/ORANGE COUNTY, PROBATION UNIT/PRCS ORANGE

PHONE/714 935-6351

MISC/PRCS SUBJECT-DISREGARD BEGIN AND DISCHARGE PAROLE DATES-CONTACT

COUNTY PROBATION TO VERIFY CURRENT STATUS-SUBJECT NO LONGER UNDER CDCR

JURISDICTION-SUBJECT WILL NOT BE RETURNED TO CDCR CUSTODY FOR

VIOLATIONS OF PRCS CONDITIONS-CDCR WARR UNIT CANNOT PLACE HOLD ON

SUBJECT

It is possible for an offender to be on more than one type of supervision at the same time. An example of this is when an offender is under both PCS and formal probation. In such cases, there will be two hits for the offender under the Supervised Release File section. Each separate hit will provide information for the type of supervision the offender is under. Below is an example of what will appear when an offender is under two different types of supervision. The first hit of the section provides information pertaining to the offender's formal probation status. The second hit of the section provides information pertaining to the offender's PCS status.

SRF HIT # 001

HIT MADE ON NAM/STOELTING, CIERA MONIQUE

** NOT A WARRANT** COUNTY PROBATION RECORD **NOT A WARRANT **

** DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE **

ENT/1

NAM/STOELTING, CIERA MONIQUE SEX/F DOB/19890221 RAC/W HGT/505

WGT/160 EYE/BRO SOC/622-30-5667

CII/A25444541 OCA/A334727

RESIDENCE: COUNTY/ORANGE CITY/SANTA ANA

*****COUNTY PROBATION INFORMATION*****

PRIMARY OFFENSE/SEE BELOW

BEGIN PROBATION/20110128 DISCHARGE DATE/20150621

AGENCY/ORANGE CO PROB - #4 ORI/CA030043G

CONTACT/PROBATION RECORD OFFICE, *

PHONE/714 935-6351

MISC/CONTACT OC PROBATION DEPARTMENT FOR OFFENSE AND T&C INFO

*****CONTACT MESSAGE*****

NUMBER OF PRIOR CONTACT MSGS/ 0

SEND CONTACT MESSAGE IDENTIFYING CLETS MNE/BLFF

RECORD TYPE/PRO AND IDN/A334727 , OR ONLY FCN/N041303200727

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SRF HIT # 002

HIT MADE ON NAM/STOELTING,CIERA MONIQUE

** NOT A WARRANT** PRCS COMMUNITY SUPERVISION RECORD **NOT A WARRANT **

** DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE **

ENT/1

NAM/STOELTING,CIERA MONIQUE SEX/F DOB/19890221 RAC/W HGT/506

WGT/127 EYE/BRO HAI/BRO SOC/622-30-5667

CII/A25444541 FBI/229971EC7 CDC/WA3010

RESIDENCE: COUNTY/ORANGE CITY/SANTA ANA

*****PRCS COMMUNITY SUPERVISION INFORMATION*****

PRIMARY OFFENSE/H11379(A)

BEGIN SUPERVISION/20120622 DISCHARGE DATE/99999999

POB/CALIFORNIA

AGENCY/CDC-PAROLE-COMM SERV ORI/CA034015G

CONTACT/ORANGE COUNTY,PROBATION UNIT/PRCS ORANGE

PHONE/714 935-6351

MISC/PRCS SUBJECT-DISREGARD BEGIN AND DISCHARGE PAROLE DATES-CONTACT

COUNTY PROBATION TO VERIFY CURRENT STATUS-SUBJECT NO LONGER UNDER CDCR

JURISDICTION-SUBJECT WILL NOT BE RETURNED TO CDCR CUSTODY FOR

VIOLATIONS OF PRCS CONDITIONS-CDCR WARR UNIT CANNOT PLACE HOLD ON

SUBJECT

***** *CONTACT MESSAGE*****

NUMBER OF PRIOR CONTACT MSGS/ 0

SEND CONTACT MESSAGE IDENTIFYING CLETS MNE/CRPO

RECORD TYPE/PRC AND IDN/WA3010, OR ONLY FCN/9591216600388

CHECKING NCIC

***** END OF SUPERVISED RELEASE FILE MESSAGE *****

When an offender is in custody for a new charge and is subjected to multiple forms of supervision, it is **not** required to obtain two separate probation holds. It is only necessary for the officer to contact one probation officer to obtain one type of hold to prevent the offender from bailing out of custody. The other probation officer will receive notification of the offender's new charge and will proceed to place a second hold on the offender the following day. It is the discretion of the arresting officer which supervising probation officer they wish to contact in obtaining the hold.

Summary

Police officers can safely and effectively deal with offenders on PCS or Mandatory Supervision with the knowledge and resources provided in this Training Bulletin. The Santa Ana Police Department's PCS Unit is available to assist police officers, detectives, and probation officers when coming in contact with these offenders.

Acknowledgment: This training bulletin was researched and prepared by Officer Tony Lee