

**THE IMPACT OF CALIFORNIA PRISON REALIGNMENT  
ON THE YUBA COUNTY SUPERIOR COURT**

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# **THE IMPACT OF PRISON REALIGNMENT ON THE YUBA COUNTY SUPERIOR COURT**

**Bonnie Sloan**

## **Abstract**

“The 2011 Public Safety Realignment (Realignment) [Act] is the most significant criminal justice legislation passed in three decades in California.” (CAFWD.ORG, 2012). To help solve both the ongoing state budget crisis, and in response to a federal court order to reduce prison population, California Governor Edmund G. Brown, Jr., signed realignment legislation that transferred jurisdiction of many post-release prisoner oversight responsibilities from the state Board of Parole Hearings (BPH) to local counties. New felony sentencing laws were implemented to reduce the numbers of felons sentenced to state prison.

New felony sentencing schemes under Penal Code section 1170(h) were created giving several new sentencing options for judges, effective for sentencings after October 1, 2011. The new “straight” sentence under PC 1170(h)(5)(A) would require defendants to serve a full term of “prison” time in the local county jail in lieu of being sent to state prison. Upon release from custody, a “straight” sentence defendant would not be subject to parole or community supervision upon release. PC 1170(h)(5)(B) allows for a defendant to be given a “split” or “blended” sentence to be served in the county jail with a portion of that sentence suspended. Upon release from custody, a “split” sentence defendant would be subject to local “mandatory supervision” for the remainder of his suspended sentence. Judges still retain the ability to place felons on probation as before. There are exceptions to the new sentencing schemes and generally violent, dangerous and sex offenders are excluded from PC 1170(h). Inmates released from

prison will now be returned to local county supervision by the probation department under “Post Release Community Supervision” (PRCS). Inmates released on PRCS are usually limited to the “Three Non’s;” Non-violent, Non-serious, and Non-sexual offenders.

This research paper examines the new area of prison realignment and will consider the following questions:

- How can California’s goal of prison realignment and the trial court’s oversight of post-release prison violations, assimilate into the mission of the judiciary?
- What challenges is the Yuba County Superior Court (YCSC) facing as they undertake unprecedented new responsibilities?
- What is the workload impact of the Yuba County Superior Court?
- What are some of the best practices identified that could be considered for implementation in the Yuba County Superior Court – what went right and what went wrong?

Although this is a new area for California courts since prison realignment’s implementation in 2011, there was a variety of literature available from both private and public sources, covering the history, sentencing structures and goals of the legislation. The literature laid out the basis for the introduction, including a background of how and why the court was given the new jurisdiction and what exactly that would entail.

Personal interviews were held with staff, judges and criminal justice partners as to impacts and work processes. Statistical data was examined to determine workload impacts. Personal interviews and meetings were held to analyze workflow processes and issues

The results of this research showed that the YCSC felt properly trained and prepared for prison realignment and were able to assimilate prison realignment into the mission of the judiciary. The modest workload increase for the YCSC was absorbed into existing operational work processes. New realignment hearings were also consolidated into existing courtroom calendars. The workload impacts were lower than expected and funding for this new mandate has appeared adequate to date.

Several problems arose during prison realignment implementation in the YCSC with the most notable being the lack of understanding the California Department of Adult Parole Operations' jurisdiction and how they operated. While there was a shortage of statistical data due to the short time frame prison realignment has been in effect, there was enough information to establish a good base of information to use for comparisons in the future.

One conclusion revealed that the best planning efforts might not answer all the questions, and staying flexible and remaining in communication with justice partners is critical. Another determination was made that you are only able to automate processes to the level of the justice partner with the oldest technology.

The YCSC was able to successfully integrate prison realignment into the court culture and work processes. In the future, the court should analyze statistics over time to determine any trends in workload. The court should also strive to complete technology projects, such as electronic signatures on warrants, warrant tracking systems, as well as the creation of new statistical gathering tools to ensure accurate data for both work analysis and funding purposes.



## Introduction

The California Trial Courts now have a new jurisdictional role – sentencing defendants to prison with time to be served in the local county jail in lieu of state prison and hearing parole violations and revocations. In part to ease the budget burdens of the State of California and to comply with a federal court order addressing prison overcrowding, Governor Edmund G. Brown, Jr., signed into law the California Public Safety Realignment Acts of 2011, also known as the Prison Realignment Acts. One of California’s leading legal experts on realignment, the Honorable J. Richard Couzens (Ret.) stated, “The realignment legislation has just dramatically changed the structure of California sentencing. It is really the biggest change that has occurred since California became a state.” (Video interview, 2012).

Coleman v. Brown No. 2:90-cv-00520-LKK-JFM, and Plata v. Brown, No. 09-1233, were two federal class action lawsuits brought by California prisoners alleging violations of their 8<sup>th</sup> Amendment rights due to inadequate mental health care. The federal court agreed that California prisons were seriously overcrowded at more than double the original design capacity, resulting in inadequate mental and medical health care, including the unnecessary death of some inmates. (Figure 1).

**Figure 1**



In October 2005, the entire California Department of Corrections and Rehabilitation (CDCR) medical care system was placed under federal receivership. The state appealed the rulings in Coleman and Plata while overcrowding in California's prisons continued. Plaintiffs Coleman and Plata filed a joint motion in 2007, and prevailed before a federal 3-judge panel, that issued a ruling ordering California to reduce its prison population to 137.5 % of design capacity within 2 years.

California had continuous state budget problems culminating in a record budget deficit of \$20 billion. In 2011, Governor Brown enacted the Safety Realignment Acts to help solve the problems of reducing the state's inmate population and easing the burden on the state budget. One of the main realignment acts, California Assembly Bill (AB109), transferred the oversight of released state prisoners to the counties. The California Trial Courts are the Third Branch of government, as a unified superior court, and not a state or county agency. AB109 also transferred jurisdiction and duties of handling parole violation and revocation hearings for most types of prisoners, from the BPH to the California Trial Courts. New felony sentencing schemes were also put in place, designed to help keep new and re-offending prisoners from being sent to state prison.

Prior to the passage of the Prison Realignment Acts, once a defendant was sentenced to state prison the trial courts generally lost jurisdiction over that defendant. Inmates who had served their entire time in CDCR were released on parole under the supervision of a state parole agent. Under realignment, those inmates would now be released to the counties on local probation supervision under a new program called Post Release Community Supervision (PRCS). The only inmates eligible for this type of

supervision are those whose violations fall under the “Three Non’s:” Non-serious crimes, Non-violent crimes, Non-sexual crimes. The number of people under local county PRCS should decline over time as fewer PRCS are released from CDCR.

In addition to hearing parole violations and revocations, PC 1170(h) created a new sentencing scheme known as “split” sentences, effective for persons sentenced after October 1, 2011. PC 1170(h) reflects a sentence of state prison time to be served in the local county jail. There is no release from county jail on parole. Upon release from county jail, persons that fall under the “Three Non’s” category and are sentenced under PC 1170(h) would be subject to local community supervision known as “Mandatory Supervision” by the county probation department rather than state parole agents. Mandatory supervised persons would remain under the jurisdiction of the court for mandatory supervision violations and revocation hearings. Mandatory supervision also includes inmates that fall under the “Three Non’s” category. Mandatory supervision inmates will increase in numbers as more felons are sentenced to local county jail time.

There are several new sentencing options for trial court judges under PC 1170(h). “Straight” sentences are imposed under PC 1170(h)(5)(A) when the defendant is sentenced to the full term of their sentence, to be served in the county jail. In the case of a “straight” sentence, the defendant would not be subject to parole or community supervision upon release from custody. Under “split” or “blended” sentences, pursuant to PC 1170(h)(5)(B), the defendant is sentenced to county jail with part of that sentence suspended. The defendant is released from county jail under local county mandatory supervision through the probation department.

Trial court judges will retain their discretion to place felons on probation, as realignment sentencing laws were structured to address where prison time will be served. Violations of probation and mandatory supervision fall under the control of the probation department, who may work with the local district attorney's office, or file Petitions to Revoke directly with the court.

Local county probation departments will now have several categories of sentenced felons to supervise; felony formal probation, mandatory supervision, and PRCS. Along with the new supervision category responsibilities, a new set of intermediate sanction tools that probation could utilize were provided. Probation officers have authority under PC 3450(b)(8)(A) to impose an intermediate sanction of "flash incarceration" to incarcerate a person on probation, mandatory supervision, PRCS, or parole, in the county jail for a period of up to 10 days without any court involvement and with or without a warrant. Parole officers can also impose flash incarceration on parolees. Probation can file petitions with the court for violations in any of their supervision categories should intermediate efforts, such as flash incarceration, be ineffective or inappropriate.

The court will treat probation's petitions for revocation, modification, or termination in the same manner as former violations of probation under PC 1203.2. As with other hearings under PC 1203.2, the defendant can agree to a prearranged settlement, waive a hearing and admit to the violation. For probation and mandatory supervision violations, the court can order a number of sanctions if the defendant is found in violation, such as reinstating, modifying, or terminating probation or mandatory supervision. Those sanctions also include ordering additional jail time, not to exceed

time that had not been served on the original sentence. Under PRCS, if the person is found in violation, they may be sentenced to up to 180 days in county jail, have their PRCS reinstated, modified, revoked or terminated, or be ordered to a re-entry or drug court. (Couzens & Bigelow, T.A., 2014, pp. 70).

Violent and dangerous inmates that do not qualify under the “Three Non’s” category will be released from state prison on parole, to be supervised by CDCR, Division of Adult Parole Operations (DAPO), under traditional parole. After July 1, 2013, the courts will also handle requests for warrants on state-supervised parolees. Previously, parole violations were heard as an administrative hearing before the state Board of Parole Hearings (BPH) and were electronically recorded. For the first time, state parole officers will also appear before the local superior courts for parole revocation and violation hearings. As Couzens and Bigelow (2014) noted, these “. . . adversarial judicial proceedings [will] be conducted in the superior courts under [PC] section 1203.2,” effectively in the same manner as a violation of formal probation. (pp. 74, 75). These new superior court hearings will have courtroom staff present, including clerks and court reporters. *Morrisey* hearings (*Morrisey v. Brewer*, 408 U.S. 471), formerly held in county jails, will also be handled as revocation hearings before the court under PC 1203.2. Pursuant to PC 3000.08, the superior court may have a judge, magistrate, or revocation officer hear parole revocations and violations, including other subordinate judicial officers as appointed.

The superior courts will have several sanctions available when adjudicating revocation and violation of parole petitions. The court will not be able to send the defendant back to state prison as a sanction under most circumstances. If a parolee is

found in violation of the conditions of their parole, the court can revoke parole or reinstate parole and order up to 180 days in county jail, order electronic monitoring or refer the person to drug or re-entry court. The parolee will remain under the supervision of the DAPO. The potential increase in local county jail population for the new type of supervised persons was a serious consideration for local sheriffs.

With such a shift in prison population from CDCR to local jails, there was much anticipation that the prisoner overcrowding problem would just be transferred from one jurisdiction to another. With the overcrowding issue in mind, state justice partners worked with the California legislature to build in some protections for county sheriffs, along with the alternative tools of intermediate sanctions for probation departments mentioned above, to help keep local incarceration populations under design occupancy levels. PC 4024.1(a) allows the sheriff to seek relief from jail overcrowding through court approval, by releasing inmates for a period of up to 30 days to balance maximum inmate capacity.

Prior to the California Public Safety Realignment Acts of 2011 being formally signed into law, the state legislature passed Senate Bill 678 in 2009, which established the creation of a local Community Corrections Partnership (CCP) in each county, to be chaired by the Chief Probation Officer. AB109 subsequently established an Executive Committee of the CCP to recommend a county plan for local realigned inmates and parolees, to be considered and adopted by the county Board of Supervisors. The Presiding Judge and another court designee may serve as voting members (non-financial issues) of the local CCP and Executive Committee. The Honorable J. Richard Couzens (Ret.) said that realignment, “. . . is really creating an opportunity for the courts

to get more involved with local justice policy . . . how we're going to use local resources and how we're going to deal with this new population." (Video interview, 2012).

This paper will examine the impact on the Yuba County Superior Court (YCSC), as well as how our court will assimilate realignment into our mission. This research will be important to the YCSC by examining implementation issues, such as what went wrong, what went right, problems that arose which may or may not have been foreseen or prevented. Local court procedures for processing warrant requests and Petitions to Revoke Parole or PRCS were established with the state parole agents who would still supervise some violent offenders. Staffing and court calendar needs were reviewed, as court reporters and clerks are required at the new hearings due to the shift in jurisdiction from the state BPH to the superior court.

The YCSC utilized both internal and external working groups, and held meetings with local justice partners. Operational concerns were examined as to the establishment of new case types and files, as parolees may not have had a prior case in Yuba County. The California Administrative Office of the Courts (AOC) established a set of data elements for statistical tracking, which were changed and adjusted over time. How to track such data points and anticipating new data requirements was another consideration for court operations. Case numbers and filings were calculated and considered for workload impact as well as court calendar schedules. Although realignment is a new area of jurisdiction for the trial courts, statistics on realignment were available, although limited to a period of one year, leading to caution in interpreting possible future data trends.

The research included in this report will aid in establishing future work processes and identifying best practices. The courts interaction with justice partners both prior and subsequent to realignment implementation, brought to light some problems in both the processing area and jurisdiction. Future determinations to be made by the YCSC will include whether to establish a new rehabilitation and re-entry court, or absorb most of the target offenders in the existing drug court program. The local AB109 plan adopted by the Yuba County Board of Supervisors was examined to understand their focus on rehabilitative services and programs, and to how that plan would integrate with the court.

Ample literature and resources were available on the topic of prison realignment. The California Judicial Council maintains an excellent realignment resource center web site (2013, a.) that courts, justice partners and the public can access. Leading experts in the field of realignment, such as the Honorable J. Richard Couzens (Ret.) and the Honorable Tricia A. Bigelow, are continually updating information they share and publish. The Judicial Council has worked with the legislature to standardize sentencing and revocation processes and established optional forms for justice partners to use, such as the Petition for Revocation, CR300. (See Appendix A). The last phase of prison realignment occurred on July 1, 2013, when parolees were released to their county of residence under PRCS. In the future as more statistics become available, the impact on courts will be more evident and a greater body of anecdotal information as to work processes and best practices should be identified.

The research methods applied were both qualitative and quantitative. Personal interviews of staff, judges, and communications with other justice partners, were

conducted as many of the impacts to the court would not only be numerical. Anecdotal information, as well as other challenges and problem solving issues were relevant to developing an analysis of work processes and best practices. Although somewhat limited, numerical data was studied to identify the increase in hearings and associated realignment paperwork.

As the trial courts are adjusting to their new jurisdictional role, it was important to ask the question: How can realignment assimilate into the mission of the judiciary? By developing a new paradigm in working with local justice partners in post-sentence programs, the court could be an effective partner in aiding rehabilitation, reducing recidivism.

Challenges are expected when implementing new initiatives and processes, and realignment was no exception. While the YCSC struggled to anticipate problems that would arise, they experienced a few surprises along with the way. As realignment is still a developing role in the trial courts, best practices are being discovered and improved upon.



## **Literature Review**

The passage of the California Public Safety Acts of 2011, also known as the Prison Realignment Acts, transfers jurisdiction of parole violations and revocation hearing processes from the state to the California Trial Courts. Other impacts to the trial court will be new sentencing schemes known as “split” and “straight” sentences wherein defendants sentenced to prison will serve their time in the local county jail in lieu of state prison. Numerous public and private organizations have researched and reported on prison realignment issues.

### **The Goals of Prison Realignment**

California Assembly Bill (AB) 109 and Assembly Bill (AB) 117, were passed by the California Legislature and signed by Governor Jerry Brown in 2011. The realignment statutes define new applicable felony violations and sentencing schemes that mandate local county incarceration of “prison” sentences. The bills also redefine custody credits, housing, standards of medical care and treatment of prisoners. AB 109 also established the Post Community Release Supervision Act (PRCS).

One of the stated goals of prison realignment has been the concern for public safety. The report, *Evaluating the Effects of California’s Corrections Realignment on Public Safety* (Loftstrom, Petersilia, and Raphael, 2012), through the Public Policy Institute of California, focuses on the effects of realignment to date, and whether the goals of assuring public safety in a cost-effective manner will be achieved. The report considers the measurable outcomes of crime rates, offender recidivism, prosecutorial discretion, plea bargaining, judicial sentencing, court processing, and jail and prison populations, as well as costs. The state established the Board of State and Community Corrections (BSCC) to coordinate and report statistical information gathered by the

California Trial Courts and local law enforcement agencies. Loftstrom, Petersilia, and Raphael (2012) also note that currently there is insufficient data to make an assessment of “specific county approaches” as to the use of any specific sanction or program in rehabilitation. (p.9).

Another stated concern for the prison realignment acts, or public safety acts, has been the recidivism rate in low-level offenders returning to the state prison. The Stanford Law School Criminal Justice Center released the report, *Realigning the Revolving Door: An Analysis of California Counties’ AB109 2011-2012 Implementation Plans* (Abarbanel, McCray, Newhall, and Snyder, 2013). The report covers the background of AB 109, prison overcrowding, and the appointment of a federal receiver to manage the state prisons’ medical system. The authors explain the importance of effective risk assessment tools and evidence-based practices that will be used by local probation departments. Limited funding for prison realignment will necessitate the careful expenditure of funds and the best return on investment for reducing recidivism. Of particular note in this article, is the mention of court rehabilitation and re-entry program, which the authors determined are a key to preventing recidivism.

### **The Oversight Role of Post-Release Prisoner Violations as a Mission of the Judiciary**

The original goals of prison realignment and the reduction of prisoner inmate populations due to federal court order, gained traction with the pressing issues of the state’s severe budget crisis. Parole violations, revocations, and new statutes requiring split prison sentences automatically became a new mission of the California Judicial Branch upon the jurisdictional transfer from the state.

The California Trial Courts are now concerned with post-prisoner release violations and recidivism rates. The Sacramento Bee article, "Gov. Jerry Brown takes notice of realignment complaints," (Siders, 2013) illustrates that gathering statistics to determine whether crime rates have increased due to prison realignment is extremely complex and as of yet cannot be ascertained. Encouraging work is being performed by the Public Policy Institute of California in their report on jail population impacts entitled, *Impact of Realignment on County Jail Populations* (Loftstrom and Raphael, 2013) and the impacts of bail on jail populations report entitled, *Assessing the Impact of Bail on California's Jail Population* (Tafoya, 2013). As realignment has only been in place for a short time, recidivism rates will be outside the scope of this research. The relationship between realignment and recidivism was important to understand as the courts will be working more closely with local justice partners in the oversight of released prisoners while under supervision.

Another concern of the judiciary is the role of the judges as independent decision makers in the sentencing process. California has strict sentencing guidelines that at times can challenge judicial independence. Now, with new split sentencing guidelines, that authority has been tested even further. In the KTVU (2013) article, "Agency: Prison realignment law undermines role of judges," it is noted that a state oversight committee, the Little Hoover Commission, commented in their report to the governor and legislature that local sheriffs are finding themselves forced into making decisions on what category and how many prisoners to release from their jails. The article argues that law enforcement is being tasked with unconstitutional responsibilities outside of their jurisdiction.

## **New Court Challenges and Impacts**

In an effort to facilitate the unprecedented transfer of jurisdiction from the state to the trial courts, the legislature passed California Senate Bill (SB) 678 (2009), the California Community Corrections Performance Incentives Act of 2009, which established a local Community Corrections Partnership (CCP) in each county. *The Yuba County AB109 Implementation Plan* was developed in 2011, by the Yuba County CCP (2011). The plan covers an overview of the Public Safety Realignment Acts and culminates in a series of recommendations to the Yuba County Board of Supervisors for implementation, all of which were accepted and adopted. The plan also includes a detailed description of the CCP and a roster of its members, including the court's participation. The CCP committee in Yuba County includes the Presiding Judge as a non-participating member (due to conflict of interest concerns) and the YCSC Criminal Division Manager as a committee member, without voting rights as to financial issues (as it relates to county funds). The plan describes the new inmate and defendant populations and funding levels and mechanisms. Of particular importance is the projected impact on the various justice partner entities, including the court, which are essential to understanding the impact of prison realignment on the YCSC. Besides establishing local CCPs, SB 678, also provided guidelines for county probation departments to implement evidence based practices in an effort to reduce recidivism.

Funding is an ongoing concern when undertaking a new mandated task. The California Department of Corrections 2011 Public Safety Realignment Fact Sheet, explains AB 109 funding and the various Assembly and Senate Bills enacted to secure funding to the counties for implementing the goals of realignment. The Fact Sheet also

defines the different categories of offenders eligible under the acts. The court received money separately through the California AOC, which is noted in the *Yuba County AB 109 Implementation Plan* (Community Corrections Partnership Executive Committee, 2011).

Designing new operational processes and locating best practices will be an important part of the YCSC's AB 109 implementation plan. The CDCR issued a *Public Safety Realignment Handbook* (2011) that aids the counties in implementing public safety realignment legislation. While mainly aimed at the county level with a concentration on housing and classifying prisoners, the handbook contains examples of the current state forms for Petitions to Revoke Parole, Probable Cause Affidavits and other documents that will be submitted to the trial courts. The California Department of Corrections and Rehabilitation's Public Safety Realignment web site (2013) has a list of documents showing trends in hearing revocations, inmate populations, and projected impacts on local courts and counties.

The Kraig St. Pierre (2011) article, "The Los Angeles County Post release Community Supervision/Parole Revocation System: A Work in Progress," notes the importance of the Los Angeles Superior Court in making two key decisions; to use a dedicated courtroom to hear all revocation cases and establishing a separate case type numbering system to differentiate those cases from others. The article further explains the case type hearings; arraignments, probable cause and revocation hearings. The article also mentions the court staff that will be involved, such as clerks, bailiffs and court reporters that were previously not required when these hearings were held at the

state level. This research will help in researching best practices within other California trial courts, both large and small.

The California Administrative Office of the Courts (AOC) broadcast handout for the training entitled, *Realignment's Next Chapter: New Parole Procedures*, (2013) includes the Parole Revocation Flowchart. (See Appendix B). This flowchart is particular helpful in considering the impact on court operation processes. The handout also has important information on operational impacts to consider, such as internal processes for handling warrants and petitions, as well as ensuring the collection of restitution revocation fines and victim restitution.

The California AOC has instituted a new statistical gathering tool, currently submitted by each county trial court, via Survey Monkey, on a quarterly basis. The first quarterly report was filed at the end of April 2013, to reflect realignment data from the first quarter (Q1) of calendar year 2013. At the time of this reports conclusion, all four quarters of 2013 will have been reported. This report reflects specific amounts of work activity, such as number of new felony cases filed, prison sentences, felony probation grants, straight and split sentences, violations of probation revoked, warrants issued, petitions to revoke parole and community supervision, probable cause and revocation hearings. The statistics are further broken down into the following areas: regular felonies, formal probation cases, mandatory supervision cases, post-release community supervision, and parole cases.

## Methods

To examine the various challenges associated with implementing prison realignment processes into local court operations, it was important to consider the future volume of work and how that would translate to staffing requirements.

While prison realignment is a new subject in the court community, there was ample material available on the history and reasoning for the new legislation, numerical goals the state had established, as well as their intention regarding jurisdictional transfer to the courts. As realignment was undergoing rapid changes statewide throughout the creation of this report, some data became a moving target. What data points seemed important at any given time, would often give way to a different set of data points that would glean more useful information. It was, at times, difficult to discern the correct questions to ask.

The goal of this research was to identify problems with realignment implementation, where things and processes went wrong, what went well, and to help identify best practices going forward. Both internal and statewide statistics have only been tracked for a one-year period. Applying a proper quantitative analysis to the limited time span of data available posed a challenge in determining any trend analysis. It was also difficult to factor in the control variables that would influence the data, such as judicial sentencing preferences in the new and changing sentencing schemata. Because the subject matter being researched was also undergoing a phase-in process over time, new categories of data were being added throughout the year the data was reported. While the data was too preliminary to construct a future trend analysis, it

showed a good snapshot of court impact one year into the realignment process and should serve as a good baseline of activity for future study.

To garner the necessary information, a variety of research methodology was applied, including:

- Personal interviews, communications, and meetings with court personnel, judges, parole, and law enforcement partners. Anecdotal information regarding problems with implementation, problem solving, unforeseen issues, goals, identifying best practices.
- Historical and statistical data gathered from:
  - CDCR (2013) as to inmate population estimates.
  - Local law enforcement as to supervision numbers, impacts on court hearings.
  - Chief Probation Officers of California (CPOC, 2013, a, b.) association for statistics of inmate population numbers for Yuba County, including number of split-sentences, warrant information, comparatives to state and other county statistics.
  - California Judicial Council Criminal Justice Realignment Resource Center web site (California Judicial Council, 2013, a.), for realignment goals, budget information, reference on Rules of Court, related legislation, and other resources such as law enforcement partner reports and statistics.
  - California Judicial Council Court Realignment Data Collection Center Web site (California Judicial Council, 2013, b.) for both the

original and revised data elements to be collected by each local county court, as well as the official data report for the state.

### **Personal Interviews, Communications and Meetings**

Personal interviews, meetings and communications were held with court personnel, judges and various law enforcement partners. Ongoing communications throughout the implementation phases of prison realignment were referenced and analyzed. A qualitative analysis was important to undertake as many of the impacts to the court would be in the form of relationships, work processes, preferences, and other considerations that cannot readily be reduced to numbers or statistics. Caution was also taken when analyzing what participants thought was an “increase or decrease,” as well as how their personal biases might inform their views on the concept of prison realignment.

YCSC is considered a small court, with 5 judges, 1/3 commissioner, and 48 staff members. The YCSC criminal division interviews consisted of all of the 11 clerks. Several months after the final phase of prison realignment had been implemented, the questions below were asked of the criminal division staff, including courtroom clerks, customer service and processing clerks:

- Do you feel that you had sufficient training to prepare for the new parole procedures? For the new felony sentencing procedures? Any suggestions?
- Did you find the AOC AB109 TV Broadcast training helpful?
- Have the new work processes been sufficient? Effective? Describe the level of increase and adjustment in your workload you have experienced due to the new parole and felony sentencing procedures.

- Do you feel that you have all the materials and/or resources necessary to carry out the new prison realignment tasks?
- As it relates to the new prison realignment work processes, any surprises? Any suggestions?
- What questions am I not asking that I should be asking?
- Please share any other anecdotal information regarding AB109.

The two judges handling AB109 cases and the presiding judge were interviewed several months after the last phase of prison realignment was implemented and were asked the following questions:

- Please describe your experience so far in the courts' new role of overseeing post-sentenced prisoners?
- Do you feel that the California Trial Courts have successfully assimilated prison realignment into the mission of the judiciary?
- How has realignment impacted your weekly work schedule and court calendars?
- Has the information and training provided by the Judicial Council and AOC been sufficient?
- What, if any, unexpected problems with realignment have you experienced?
- What, if any, problems have you encountered with the court clerk's office regarding realignment? Parole agency? District Attorney's Office? Sheriff's Department?
- Is the level of information that you are receiving from parole sufficient?
- Have you identified any best practices with your involvement in prison realignment?

- Have you experienced any surprises in your involvement with prison realignment?
- What questions am I not asking that I should be asking?

Throughout the implementation process, the court staff had meetings and worked as a group to troubleshoot problems and procedures. The interviews gleaned important areas of concern, such as a cross-over in DAPO jurisdiction and statistic gathering. This required several follow-up interviews of court staff as various phases of AB109 were implemented, as well as when other problem areas arose.

Meetings were held with local justice partners and parole before and during implementation, with the specific goal of setting up procedures for handling paperwork between the district attorney's office, probation, parole and the local courts. At the request of parole, the YCSC completed a questionnaire provided parole with preliminary answers regarding preferred practices as shown in Appendix C. Further meetings were held between the court and the district attorney's office to establish business practices for accommodating the new parole revocation process.

During meetings with the district attorney's office, the relationship between parole, probation and the court were discussed. Specific procedures were decided upon as to the following areas of processing:

- Requests for Warrants
- Filing Petitions for Parole Revocation
- Arraignments
- Probable Cause Hearings
- Full Revocation Hearings

- Court Dispositions

## **Historical and Statistical Information Gathered from Official Sources**

### **California Department of Corrections and Rehabilitation**

It was important to understand the state's goal for prison realignment implementation and how the courts became involved in this new jurisdictional area. Information regarding the purpose of realignment was gleaned from reports produced by the California Department of Corrections and Rehabilitation (CDCR, 2011, 2013). In the context of considering impact to the trial courts in general, and to the YCSC specifically, it was also important to understand how prison realignment would be funded.

The CDCR Fact Sheet (2013) identifies the level of CDCR inmate populations as of December 19, 2013. It should be noted that actual CDCR inmate populations were outside the scope of this paper, but were considered for the purposes of understanding the relationship in projected local county AB109 impacts. The Fact Sheet (2013) also details the funding mechanisms in place for local counties to implement prison realignment.

The CDCR Public Safety Realignment Handbook (2011) was designed to help counties implement prison realignment. The handbook served as reference for understanding DAPO jurisdictions, as well as inmate release jurisdictions. The handbook also details jurisdiction over the collection of victim restitution when an inmate is released on parole.

## **California Department of Parole, Division of Adult Parole Operations Division (DAPO)**

Prior to prison realignment implementation, YCSC met with DAPO and local criminal justice partners to discuss and settle on procedures for processing parole paperwork and other court procedures, such as court hearing schedules and personnel issues. DAPO provided YCSC with a questionnaire (Appendix C) for detailed revocation procedures and another questionnaire for warrant procedures as noted below:

- Location of Petitions for Revocation to be filed
- What would be included in the Petitions for Revocation packets, including distributions
- Court schedules and notifications
- Warrant request and issuance procedures, including entry in statewide systems

### **Chief Probation Officers of California**

Chief Probation Officers of California (CPOC) statistics were retrieved from their web site Realignment Dashboard (CPOC, 2013, a) consisting of both local county and statewide data. The data is noted by populations broken down by each county. The Dashboard contained charts noting statistics on estimates for inmates that would be released from state prison to the local counties under the PRCS program and local prison offenders sentenced, with actuals as compared to original estimates.

This source of data was studied as the Realignment Dashboard consists of data that is reported by each county probation department. The information reported reflects the number of persons under their supervision broken down by specific type, such as

local prison sentences, split sentences, and persons released from state prison under the PRCS program.

Local inmate numbers would assist in forecasting the increase in court hearings and staff requirements. The CPOC also maintains an ongoing California Realignment Dashboard (CPOC, 2013, a) on their public web site for tracking the number of split-sentences, both statewide and each county, as well as state/county comparisons, local supervision statistics, both outstanding warrant and warrant request information.

The dashboard statistics were only current as of March 31, 2013, and while over a year ago, covered the beginning stages of prison realignment. In addition, those statistics did not include the last phase of prison realignment one quarter later, July 1, 2013, which governed the counties oversight of parolees.

#### **Yuba County Probation Department**

The Yuba County jail, CPOC and the CCP group also provided local impact information. Local statistics as to the number of supervised persons and split sentenced were provided at CCP meetings and were compared against court statistics. As filings and dispositions do not necessarily occur during the same month, or even the same quarter, most statistics reported represent a particular day, or snapshot in time, as to the numbers considered.

#### **California Judicial Branch Realignment Statistics**

Pursuant to PC 13155, the California AOC is required to submit data to the California Department of Finance, the Board of State and Community Corrections, and the Joint Legislative Budget Committee. To date, only one report covering the first quarter (Q1) of 2013 has been reported to the legislature. The statistics regarding

realignment cases in California were only first gathered and reported to the AOC from local courts, for Q1, Q2, and Q3 of 2013. At the time of this report the fourth quarter of 2013 data had been submitted to the AOC on January 1, 2014. When compiled, the trial courts will have statistical information for one calendar year of prison realignment. Those statistics will also reflect half a year (effective July 1, 2013) of parole-related information – the last phase of prison realignment.

Regular court case statistics have been processed for over 10 years in California under the Judicial Branch Statistical Information System (JBSIS) reports. Felony cases are tracked under report 07c and are reported to the California Judicial Branch monthly. Included in the JBSIS reports is all information related to felony cases processing in each county local court. While the 07c JBSIS report contains data on felony filings, hearings, violations of probation and prison sentencing information, it does not contain details relating to prison realignment. Due to the complexity of rewriting the 07c report matrix, the California Judicial Branch established a separate reporting mechanism for the local courts to report prison realignment data, currently facilitated by submitting the data through Survey Monkey. The California Trial Courts do not have a state-wide integrated case management system, and each local court had to devise mechanisms for retrieving the standardized prison realignment statistics.

Capturing prison realignment data has been a work-in-progress. Best estimates of what data would be necessary to track were established locally prior to implementation, but statewide data fields have changed after every quarter data submissions. (Appendix D). This included several iterations of data definitions, such as what constituted an evidentiary hearing. Adding to the changes in requested data to

track and monitor, were the complications that prison realignment laws were phased in over a period of time, for example, the local courts were not responsible for parole violation and revocation hearings until July 1, 2013.

### **California Judicial Branch Criminal Justice Realignment Resource Center**

The California Judicial Council web site contains a Criminal Justice Realignment Resource Center web site (2013, a.) which provides a number of reports from leading experts in the new field of prison realignment. These documents include documents written by the Honorable J. Richard Couzens, Judge of the Superior Court of Placer County (Ret.) and the Honorable Tricia A. Bigelow, Presiding Justice of the Court of Appeal, Second Appellate District. The Resource Center web site also includes information on the purpose and goals of the legislation, explanations of the new sentencing schemes and analysis by the state, frequently asked questions, links to associated justice partners, budget and funding information.

Researching the information provided on the Criminal Justice Realignment Resource Center (2013, a.) broke down the four current types of supervised persons: traditional formal probationers, mandatory supervision, PRCS, and parolees. The new felony sentencing schemes were researched as they related to the development of new paperwork processes and case processing. The expectations and responsibilities of handling parole revocation hearings were also well documented in the Criminal Justice Realignment Resource Center web site (2013, a.).

## **Findings**

### **Finding 1: YCSC Felt Prepared To Take On The Challenges Of Prison Realignment Prior To Implementation.**

#### **Training**

The YCSC staff commented that they were well trained in the subject matter of prison realignment prior to implementation. The staff stated generally thought the AOC TV broadcast training was helpful in understanding the basic concepts of prison realignment, but not helpful for setting up internal procedures and processes.

#### **Creating Local Processes and Procedures**

YCSC's created an internal working group which consisted of 8 criminal courtroom clerks, 2 criminal processing clerks, 1 senior criminal clerk, the criminal division manager, and 2 criminal judges. Both regular and impromptu meetings were held as necessary to prepare for implementation. Prior to implementation, the group made determinations as to what data fields they thought would need to be tracked, created new "event" and "action taken" codes, as well as a new case type that could be identified for statistical information, independent of the current JBSIS reporting process. The group also decided to integrate the new realignment paperwork into existing work processes as much as possible.

The criminal division judges also felt prepared and well-trained prior to prison realignment implementation. The judges specifically commented on the excellent training and information provided by the Honorable J. Richard Couzens (Ret.) and the Honorable Tricia A. Bigelow, and noted the Judicial Council's Criminal Justice Realignment Center web site. (California Judicial Council, 2013). Another important factor in implementing prison realignment noted by the judges was the good working

relationship with YCSC's local justice partners and the external working group that met to working out processes and procedures. The external working group consisted of the district attorney's office, the sheriff's department, public defender, Marysville Police Department, other local law enforcement agencies and DAPO.

## **Finding 2: Prison Realignment Statistics Are New And Evolving.**

### **California Judicial Branch Realignment Statistics**

The realignment data elements are noted in the document entitled, "Changes to Realignment Data Points – Commencing October 1, 2013." (See Appendix D). The first quarter changes consisted of clarifying the definition of "evidentiary hearing" as ". . . where one or more parties or counsel appear and oral arguments, presentations relevant to proceedings, witness testimony, and/or documents or tangible documents are submitted to the court." The definition of ex-parte warrants was also clarified to mean, "Requests for these warrants are made by the supervising agency and are typically handled in chambers." Second quarter changes were defining warrants to include both arrest and bench warrants.

Effective the 4<sup>th</sup> quarter of 2013, the courts will track the, "Number of cases in which a felony probationer is found in violation of conditions of felony probation and is reinstated on probation." The courts will also now track the number of warrants issued for persons on mandatory supervision and PRCS persons, as opposed to only ex-parte warrants for PRCSs. The court will also narrow down and note PRCS and parolees who are found by the court to be in violation and are reinstated, specifically as to whether custody time is ordered or not ordered.

The internal working group consisting of felony clerks, the senior clerk and division manager, looked at sets of codes used for similar type case, such as regular felony violations of probation, and made the decision to copy that coding scheme as closely as possible to shorten the clerks' learning curve. Consequently, the event codes in Table 1 were created and set up in the court case management system to track realignment data.

**Table 1**

<b>Code</b>	<b>Action</b>	<b>Short Description</b>
P70	OPN	PRCS PETITION REVOKE
P71	CAL	PRCS PETITION REOVKE
P72	CAL	PRCS ARR PET REVOKE
P73	CAL	PRCS PREHEARING
P74	CAL	PRCS COURT TRIAL
P79	CAL	PRCS SENTENCING
P80		PRCS REVOKE & TERM
P81		PRCS REVOKE & REINST
P82		PRCS 2REENTRY CT
P75		MAND SUPV PET REVOKE
P76	CAL	MAND SUPV PREHEARING
P77	CAL	MAND SUPV SENTENCING
P78	CAL	MAND SUPV ARRAIGNMENT
P93	CAL	MAND SUPV CT TRIAL
P94		MAND SUPV TRNSFR IN
P95	CAL	MAND SUPV TRNSFR OUT
P98		MAND SUPV REVOKE/TERM
P84		PAROLE PET REVK/MOD
P85	CAL	PAROLE HRG REVK/MODF
P86	CAL	PAROLE REV/MD CT TRL
P87		PAROLE REVOKED/TERMI
P88		PAROLE REMAND TO CDC
P89		PAROLE REF CT 3015PC
P90		PAROLE REVOKE/REINST
P91	CAL	PAROLE ARR PT TO REV
P92	CAL	PAROLE REVOKE SENTCG
P96		PAROLE PET REVOCATION
P97	CAL	PAROLE PC HEARING
P99		PAROLE DENIAL ENTERED

Court calendar items in Table 1 are denoted with the CAL action. The other event codes listed in Table 1 are entered into the case management system to capture other required data points. YCSC created a new case type, CRPV (Criminal-Parole Violation) for parole petitions to revoke cases where the defendant was not sentenced to state prison out of Yuba County and was released from CDCR to Yuba County (the inmate's official county of residence). YCSC's Information Technology Division created several in-house custom Cognos reports to capture the data elements from the case management system for the quarterly realignment report to the AOC.

**Finding 3: Parole's Jurisdiction Was Unknown To The Court.**

**Parole's Jurisdictional Boundaries Cross County Lines**

The state parole agency's jurisdiction became an issue on the first day of the last phase of implementation - July 1, 2013. The DAPO jurisdictional area overlaps with other parole offices and functions, and they do not coincide with court/county jurisdictions.

Prior to prison realignment implementation, official meetings were held between the DAPO and local justice partners (the Sheriff, District Attorney, Chief Probation Officer, Marysville Police Department, YCSC Presiding Judge and the YCSC Criminal Division Manager) in an attempt to identify issues and create a procedure for the filing of Petition for Revocation packets and subsequent processes for Yuba County. At the request of DAPO, the YCSC submitted answers to a questionnaire outlining the courts preferences for both the revocation and warrant process. (See Appendix C).

The requesting parole agent was a supervisor out of the Auburn, CA DAPO office. His agents supervised parolees in a multi-county jurisdiction which included

Yuba County. Due to the remote geography of most Northern California counties, distance is often an issue when traveling. The court sought to minimize parole agents traveling to court to delivery documents, specifically warrants, which might require a return trip back to the court to pick up the signed warrants.

On the first day of realignment, a Court Liaison Officer from the Department of Corrections, DAPO, Sacramento office, came to the court with a request to meet with the Sheriff, District Attorney and Presiding Judge, to establish procedures for submitting parole documents to the court. When informed that the meetings with DAPO had been held prior to implementation, the Court Liaison Officer stated that she was not familiar with the supervising DAPO agent that Yuba County had been engaged with in establishing realignment procedures. The original questionnaire submitted to the court by the other parole office, explaining the agreed upon procedures, was provided to the Court Liaison Officer. The criminal division clerks were also helpful in providing assistance for all of the parole agents who arrived at the court in their official capacities.

It was at this time the court became of aware of cross-jurisdictional areas with the state parole agency. DAPO has established California Parole Apprehension Teams (CPAT) in four regions, including Sacramento, the largest town in proximity to Yuba County. The CPAT officers are tasked with located parolees-at-large (PAL) and would by nature of their assignment, coordinate with local courts.

### **Parole's Jurisdictional Issues Also Became A Court Processing Issue**

The state parole agency, DAPO, was not able to electronically file or submit the new Judicial Council forms - Petition for Revocation -Parole or PRCS (CR-300), Warrant Request and Orders - Parole or PRCS(CR-301), and Request and Order to

Recall Warrant-Parole or PRCS (CR-302), nor was YCSC able to accept these documents for filing electronically. (YCSC does not have e-filing capability). YCSC and the Yuba County District Attorney required a Petition to Revoke-Parole or PRCS, CR-300, with an original signature from the parole agent. The two subsequent packets would be delivered to the court for routing to the district attorney and public defender's offices. The packets would include the following documents, along with the CR-300 petition:

- The CDCR 2271 Notice for Assistance
- The CDCR 1502b Probable Cause determination
- The CDCR 1676 Parole Revocation Report
- The CDCR 1521b Criminal History
- The CDCR 1244 Parole Violation History
- The terms and conditions of parole

The contents of the documents in the petition packet become public record upon the filing of the Petition to Revoke-Parole or PRCS. While YCSC had the capacity to return all of the above-defined documents via facsimile delivery, DAPO required actual endorsed-filed documents and original warrants and recalls. The DAPO was able to accept arraignment calendar notifications as well as notifications that warrants had been signed by a judge via facsimile.

It was further determined that the district attorney would not be involved in the issuance of warrants, and any parole warrants or warrant recalls would be filed by DAPO directly with the court. Warrants would be created and filed with the court by DAPO without a formal Petition to Revoke. Therefore, there would not necessarily be a

new court case file created, nor would there be a computer tracking of the warrants issued by the court. The Yuba County Sheriff's Department would not be entering the warrants into any state criminal database, such as NCIC or the California Law Enforcement Telecommunications System (CLETS). The court does not have CLETS access and therefore the responsibility of entering the warrants into a criminal database would be that of DAPO.

**Finding 4: YCSC Prison Realignment Workloads Were Lower Than Expected And Were Assimilated Into Existing Court Calendar Schedules.**

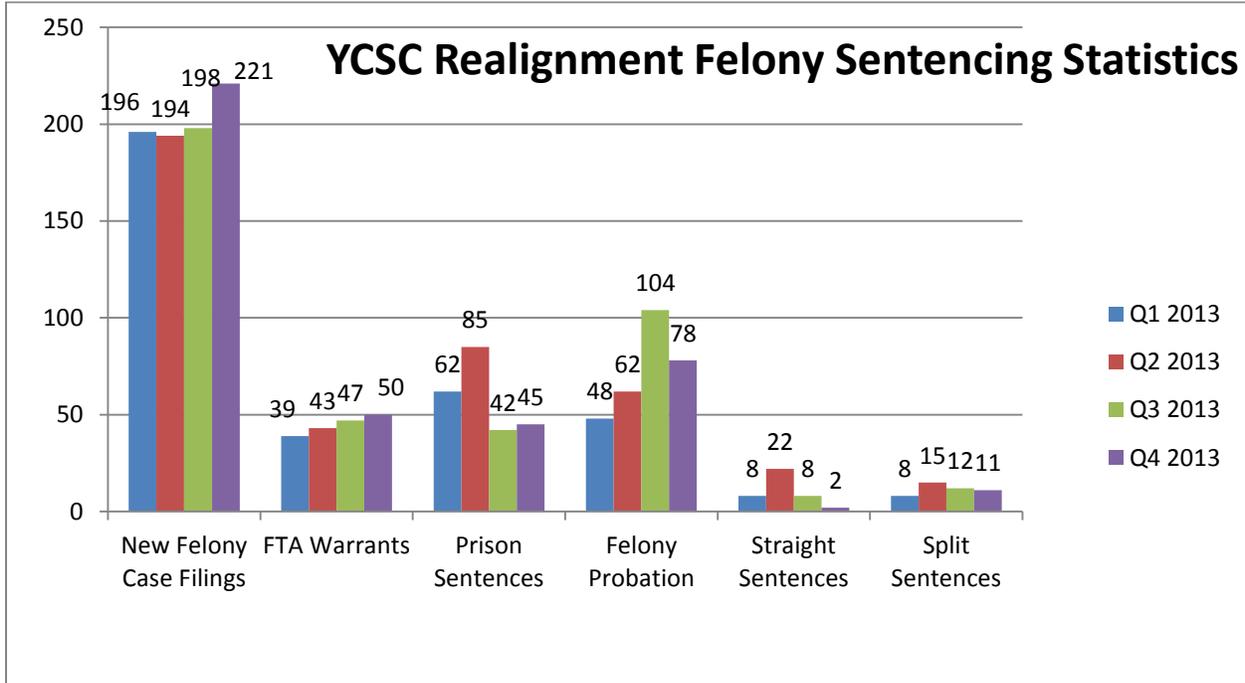
**Realignment Statistics Remain Stable Over The 2013 Calendar Year**

The criminal division clerks and judges noted in their interviews that probation was using new assessment tools in an attempt to target candidates better suited for formal probation at the outset of sentencing, rather than giving an immediate prison sentence recommendation to the court. Probation's new assessment tools and other evidence-based practices are also discussed at each CCP meeting.

YCSC captured the required data elements for the calendar year 2013. Caution was taken in making any determination as to trends, as realignment statistics were formally gathered for only one year.

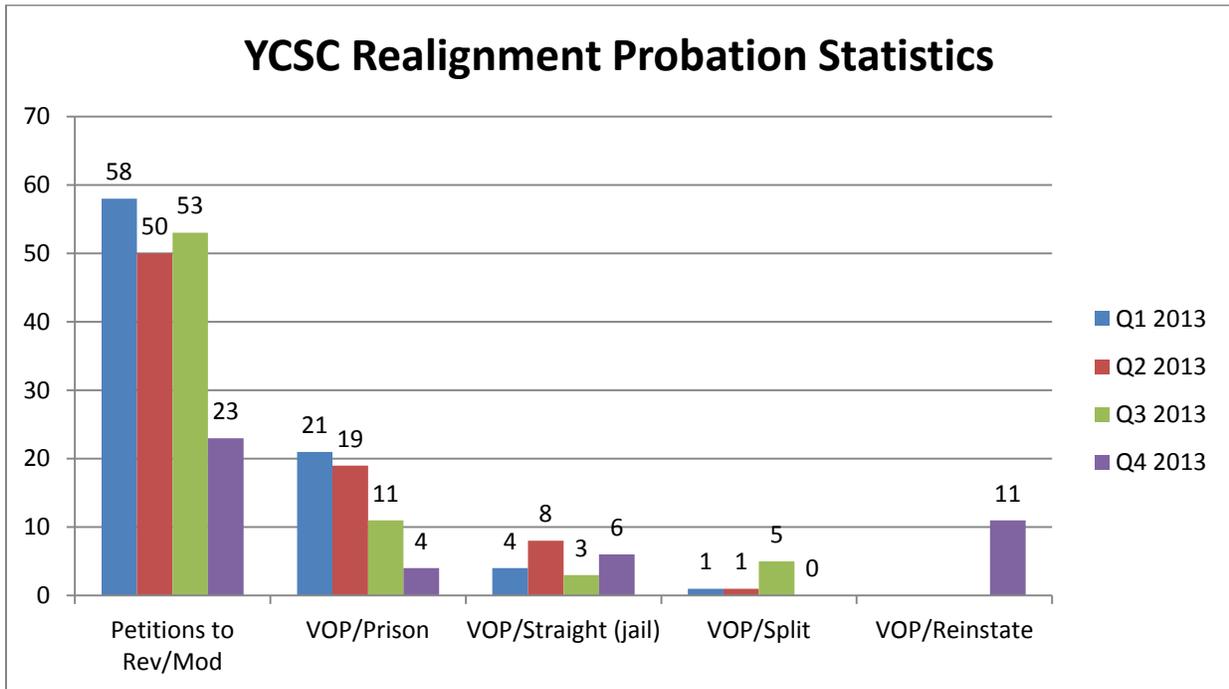
The categories for data are: (1) Felony Sentencing, (2) Probation, (3) Mandatory Supervision, (4) PRCS, and (5) Parole. YCSC statistics for felony sentences are shown in Figure 2.

Figure 2



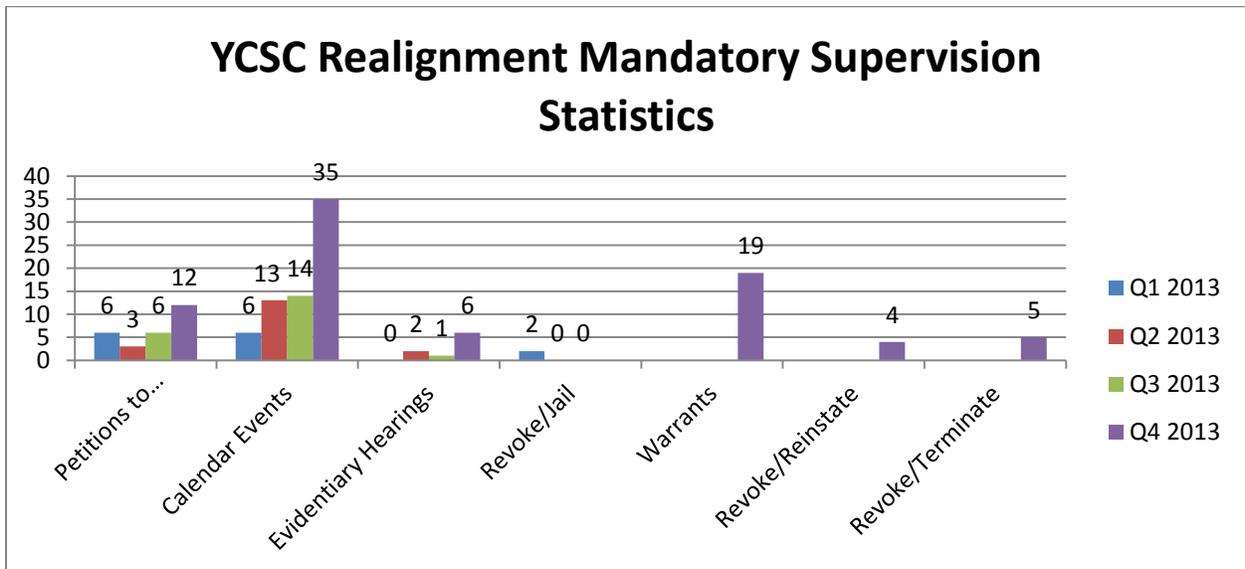
The first set of data covering the calendar year 2013 in Figure 2 shows new felony case filings which do not include any Petitions to Revoke PRCS or Parole. Warrants for a failure to appear ran an average of 22.1% of new felony cases filed over the year-long period. There was a notable jump in prison sentences during Q2 without a discernable reason as to why. A longer period of time might reveal the possibility of a cyclical trend or another reason. Felony probation grants rose in Q3 indicating a possible correlation in the decreasing the amount of prison sentences, straight and split sentences, in the same quarter.

Figure 3



As indicated in Figure 3, petitions to revoke and modify were stable over the first three quarters of 2013, but dropped to less than half during Q4. This may indicate the possibility of probation and parole agents using intermediate sanctions pursuant to Penal Code section 3454, which is handled outside the scope of the court's involvement. Violations of probation with a subsequent prison sentence dropped 81% in 2013. There is not enough data over time to determine if judicial sentencing preferences will continue to favor prison sentences over straight and split sentences for violations of probation. There is also not enough variable information to consider, such as how many times the defendant has violated probation before being sentenced to prison, and if there are other variable factors, such as the limited amount of time intermediate sanctions have been available as an alternative option to a defendant admitting a violation of probation. Violations of probation that were reinstated were not tracked for realignment statistics until Q4.

Figure 4



As expected, mandatory supervision has shown an increase in court calendar events. (Figure 4). Petitions to Revoke Mandatory Supervision rose to double over the 2013 year and there was an increase in evidentiary hearings, but a longer time period would need to be evaluated before determining a trend. Jail time has not increased for revocations as sentenced by the court. Jail time may, in fact, be increasing in part due to the probation officer's exercising their "flash incarceration" tool and other intermediate sanctions, but those statistics remain outside of the courts' knowledge.

Figure 5

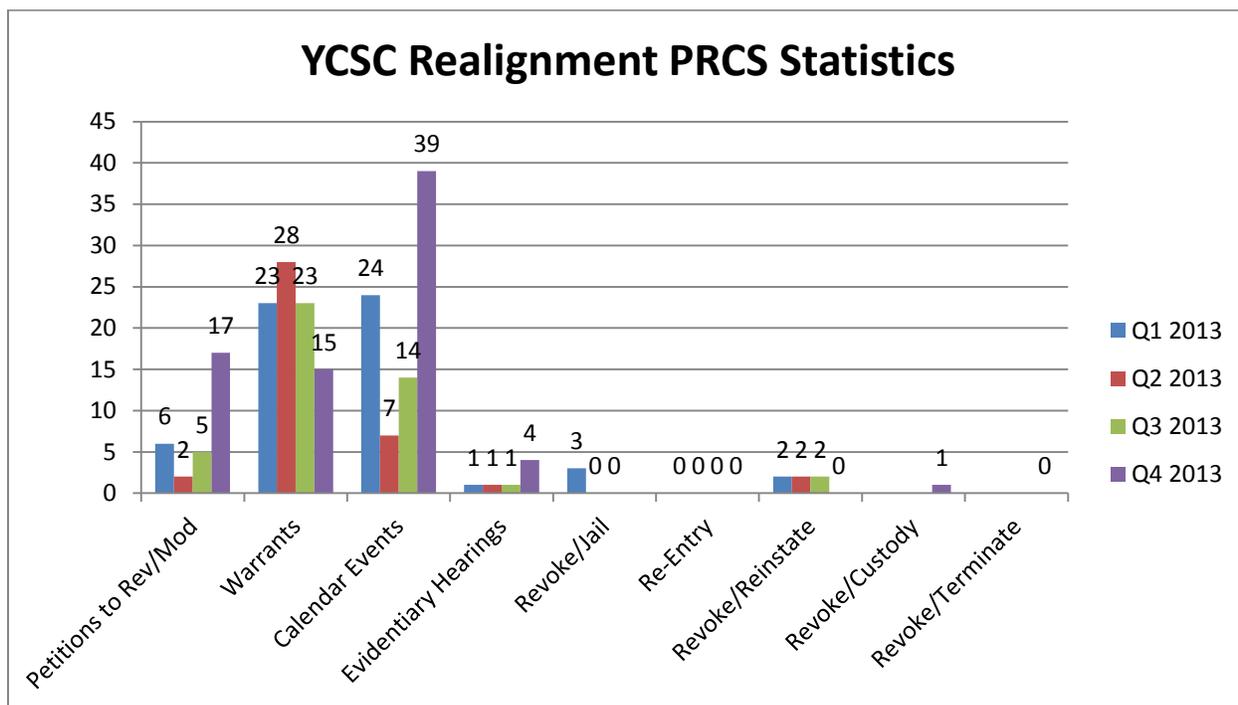


Figure 5 reflects that the PRCS numbers have not been consistent in regard to petitions to revoke, but showed a large jump in Q4 which would be consistent with the last phase of prison realignment of parolee responsibilities effective July 1, 2013. Correspondingly, there was a large jump in calendaring hearings in Q4. The large drop in calendar events scheduled in Q2 and Q3, appear to be in line with the drop in Petitions to Revoke during the same time period. The larger number of hearings in Q1 was due to subsequent hearing continuances on cases as the parties involved adjusted to the new case type. The drop off in warrants in Q3 and Q4 is reflective of the probation officer's exercising their "flash incarceration" tool and other intermediate sanctions.

**Table 2**

<b>PAROLE</b>	<b>Q1 2013</b>	<b>Q2 2013</b>	<b>Q3 2013</b>
Petitions to Rev/Mod	n/a	n/a	18
Warrants	n/a	n/a	35
Calendar Events	n/a	n/a	37
Evidentiary hearings	n/a	n/a	0
Revoke/jail	n/a	n/a	0
Revoke/CDCR (parole)	n/a	n/a	0
Re-entry	n/a	n/a	0
Revoke/Reinstate	n/a	n/a	4

The court's oversight of parole revocations and hearings did not take effect until July 1, 2013, and consequently were not reported until Q3. There is not enough data to make any determination as to work load trends. (Table 2).

Although the data in Table 2 reflects a relatively stable numbers, three quarters of data is not enough to project a trend with confidence. It will serve as a good starting point for data collection of this new and emerging case type.

### **Realignment Hearings Were Integrated Into Existing Court Calendars**

The YCSC criminal division staff and judges reported that overall courtroom procedures had a smooth implementation. All in-custody arraignments are calendared with the regular daily in-custody arraignment calendar. DAPO receives notification of the arraignment calendar hearing by facsimile if the person is in custody and by mail if the person is not in custody. This is particularly helpful as a deputy district attorney and a deputy public defender are present, as well as a parole officer if they have a parolee being arraigned, are all in attendance.

Parole, PRCS, and mandatory supervision hearings are held on the regular violation of probation calendar. It was the clerks' opinions that although there was a

slight increase in calendared events due to realignment cases, those cases were not very time consuming and consisted of less hearings per defendant, due in part to pre-negotiated admissions and consequences. Probation officers attempt to have the person placed on probation, if possible, before they make a sentencing recommendation to the judge of a straight or split sentence.

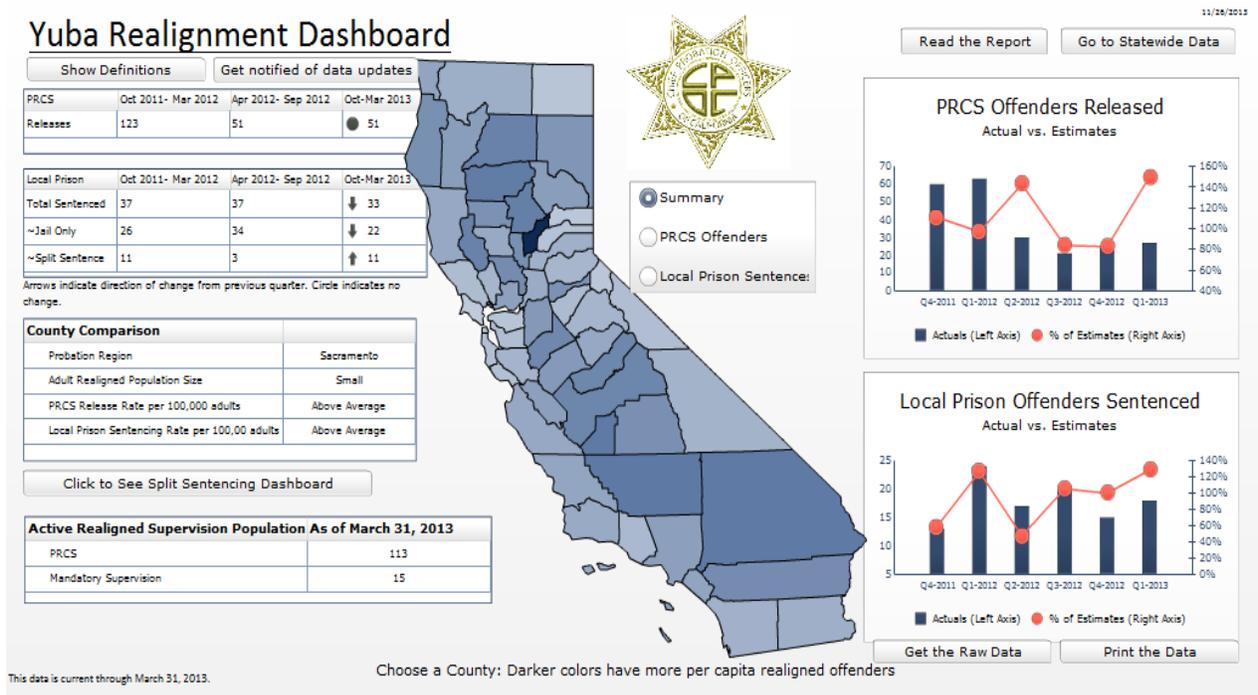
The judges noted that the court's ability to absorb realignment cases into existing court calendars and schedules was due in part to our smaller court size. The judges had received anecdotal information from their colleagues in larger courts, such as Los Angeles, which had dedicated entire courtrooms for realignment cases.

**Finding 5: Yuba County Has A Higher Population Per Capita For Realigned Offenders Than The State Average, And A Lower Percentage Of Local Prisoners Sentenced to Jail in Lieu of State Prison Than The State Average.**

**Higher Population For Realigned Offenders Than The State Average**

The Chief Probation Officers of California web site (CPOC, 2013, b.) Realignment Dashboard statistics data for Yuba County contains data current through March 31, 2013. The Dashboard indicates that Yuba County has a higher population per capita for realigned offenders than the average throughout the state. The above-average percentage includes both PRCS and local prison sentencings.

Figure 6

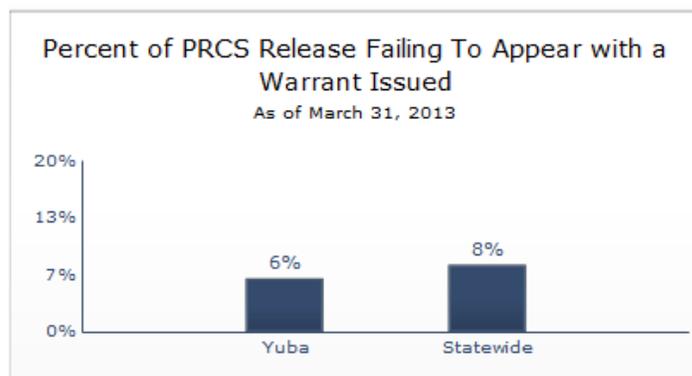


The Dashboard in Figure 6 indicates that Yuba County has an overall higher than estimated number of PRCS offenders released to local supervision and local prison offenders sentenced than original estimates. Caution should be taken in interpreting these numbers as the timeline indicates data over only a 1 ½ year time period. However, a general conclusion could be drawn that applying a trend-line to the data would show a higher than estimated number of offenders being released to Yuba County, as well as the number of local prison offenders sentenced.

The number of active realigned supervision at the local, Yuba County, level as of March 31, 2013 indicates 113 under PRCS and another 15 released from local jail under mandatory supervision, for a total of 128 supervised persons. As of September 2013, local probation indicates 125 persons under PRCS and 43 under mandatory

supervision, up from a total of 139 the prior year. (R. Moore, personal communication, CCP meeting, September 25, 2013).

**Figure 7**



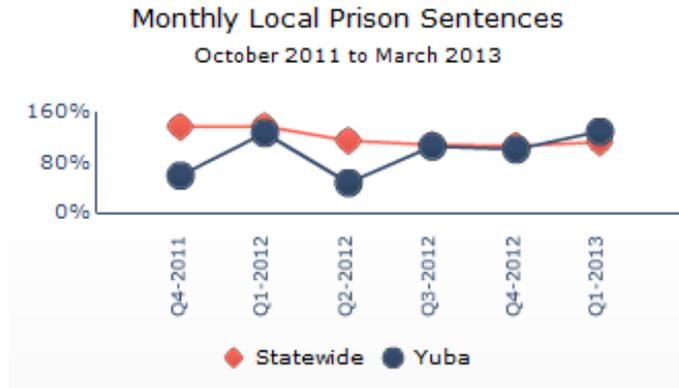
Yuba County has a lower average of 6% for defendants failing to appear than the state average of 8%. (Figure 7). (CPOC, 2013, c.).

#### **Lower Percentage Of Local Prison Sentences Than The State Average**

Yuba County Probation indicated that as of April 1, 2013, state prison commitments with no supervision were at 75% of all local prison sentences, down from a historical 80%, with a state average of 73% which was down from 77%. Yuba state prison sentences to be followed by mandatory supervision were up to 25%, with state averages between 23% and 27%. Probation estimated that the trend will rise and remain at 50% for all PC section 1170 sentences under realignment for Yuba County prison sentences. (R. Moore, personal communication, CCP meeting, April 17, 2013).

The Dashboard in Figure 8 indicates that Yuba County is below the state average in sentencing prisoners to local jail. (CPOC, 2013, d.).

**Figure 8**



**Finding 6: Local AB109 Funding For YCSC Has Been Adequate.**

The AOC relied on information provided by CDCR as to the estimated number of Petitions to Revoke-Parole or PRCS that would be filed in each California county as a factor in their funding allocation methodology. Accordingly, funding allocations to the local courts were distributed over the last three fiscal years. As shown above in Table 3, the AOC has not adjusted their original CDCR estimates for Petitions to Revoke, in part because parole revocations did not take effect until Q3 2013. (California Judicial Council, 2013, c.).

**Table 3**

<b>Fiscal Year</b>	<b>Total Estimated Petitions to Revoke</b>	<b>Percentage of Statewide Petitions to Revoke</b>	<b>Allocation to YCSC</b>
2011-2012	35	.50%	\$88,413
2012-2013	35	.50%	\$45,349
2013-2014 (Jul to Dec 2013 only)	35	.50%	\$23,049

YCSC used the 2011-2012 allocation to cover salaries, training and computer equipment for realignment implementation. The funds allocated in 2012-2013 were

used for salaries and a printer that was capable of printing multi-page documents, thereby reducing printing costs. The final allocation of 2013-2014 was used for salaries and technology to develop a paperless warrant system. The paperless warrant system will consist of computer tablets that will allow the judges on call to have more flexibility and mobility to receive and process warrant requests. The software to be purchased is for electronic signatures.

Transferring jurisdiction of parolee oversight to the county also resulted in the passage of AB118 and SB 89, which will provide a portion of vehicle licensing and other taxes to be dedicated to, and serve as, a permanent revenue stream to fund local county supervision.

**Finding 7: California Prison Realignment Was The Result Of A Federal Court Order To Reduce Prison Populations, As Well As A Budgetary Tool To Ease The State Budget Crisis.**

The CDCR and Governor Brown's Public Safety Realignment Fact Sheet (2013) states that one of the goals for the California Realignment Acts was to help, ". . . close the revolving door of low-level inmates cycling in and out of state prisons." The CDCR has been under federal oversight for prison overcrowding, culminating in a ruling by a federal 3-judge panel ordering California to reduce its prison population down to a level of 137.5% of original design capacity. Concurrently, California has been in continuing budget crisis, reaching a deficit of over \$20 billion.

The state held the position that local counties were better equipped to handle post-release supervision populations, using local evidence-based programs with the goal of reducing recidivism rates. With the exception of dangerous, violent and sex

offenders, the state would transfer the jurisdiction of housing inmates, overseeing release programs, and parole violations to the local counties and courts.

**Finding 8: California’s Goal Of Prison Realignment And The Trial Court’s Oversight Of Post-release Prisoner Violations Can Be Assimilated Into The Mission Of The Judiciary.**

The staff and judges noted in their interviews that they viewed the new work resulting from prison realignment as a natural extension of the work they already perform. The judges felt that working with the justice partners and participating in the local CCP meetings were important in helping serve the community. One judge stated that it was interesting watching the shift in how the district attorney prosecutes cases and what the parties view as, “what is a case worth?” now that misdemeanor convictions result in far less jail time than prior to prison realignment. He also noted that judges are more cognizant of jail populations than in the past. The judges were also aware that the Sheriff can petition the Court for an emergency order releasing inmates of his choice for up to 30 days, to levels that meet occupancy rates, and which he has done on a few occasions.

All justice partners are now concerned with local jail overcrowding and more thought is being put into whether a person will serve time in jail or if another sanction would be more appropriate. The judges view the new sentencing rules as an opportunity to consider rehabilitation and other sanctions, as well as incarceration.

**Internal processes**

The clerks reported that existing forms required very minor changes to accommodate new prison realignment information. The criminal division staff felt that their existing minutes and jail commitment forms were generic enough to capture

arraignments, revocations and other hearings. The clerks stated that when the new prison abstracts (See Appendix E) were created by the Judicial Council, effective July 1, 2012, their job of preparing prison packets was greatly improved. The sentencing information on the new prison abstracts is concise and comprehensively reports all the new areas of prison realignment sentencing schemes. No amended abstracts of judgment are used on parole violations, but rather local jail commitment forms are utilized.

Other processing procedures were integrated as much as possible into the daily routines and work flow of existing staff members, such as issuing warrants, calendaring cases, internal and external document deliveries. Parole revocation packets would be delivered to the court where the original documents would be filed, with copies of the packets forwarded to the public defender and district attorney's offices, in the same manner as probation packets.



## **Conclusions and Recommendations**

### **Conclusion 1: California's Prison Realignment Legislation Can Assimilate Into The Mission Of The Judiciary.**

The focus on realignment was touted to be the transfer of jurisdiction for post-release prisoner supervision to local county authorities, who would be in position to know what was best for their counties. While the goals of local oversight and recidivism may be worthy of assimilation into the mission of the judiciary, those reasons appeared as secondary to the main problems plaguing the state; prison overcrowding and the state budget crisis. Regardless of the reason for prison realignment, the courts should view this as an opportunity to expand the mission of the court to consider new sentencing alternatives.

The transfer of parole violations and revocations to local courts fits into the courts judicial mission as an extension of current sentencing practices and oversight. Local probation officers, working in conjunction with the court, will be able to oversee supervised defendants at the local level, using local programs for rehabilitation and determining local consequences for violations. As referenced earlier in this report, the Honorable J. Richard Couzens (Ret.) (2013) viewed realignment as an opportunity for the courts to become involved in the community and with justice partners in the new population of post-release persons.

### **Recommendation 1A: Participate In Local Justice Partner Groups.**

Participation in local justice partner meetings, as well as the local county Community Corrections Partnership committee is essential for implementing a new function of the court that heavily relies on other local agencies. Probation, in particular,

has a variety of evidence-based programs and tools at their disposal and the court's participation is an important function of the new realignment oversight process.

**Recommendation 1B: Research Future Recidivism Rates.**

Future research should examine recidivism rates on each of the four supervision categories; traditional formal probation, PRCS, mandatory supervision, and parolees. If trial courts utilize re-entry courts, recidivism rates should also be studied and compared to existing specialty courts, such as drug and veteran courts. Evidence-based programs could also be analyzed for quantitative hard goals, such as recidivism rates, and qualitative soft goals, such as quality of life measurements. The court should also monitor these rates to see how they directly impact court operations.

**Conclusion 2: YCSC And Justice Partners Were Unaware Of Parole Jurisdiction.**

The issue of unknown jurisdiction arose as the biggest surprise in the YCSC realignment implementation. Even with all the best plans established for smooth integration, this was a problem that required fast coordination between the court, district attorney, public defender and parole. All of the local justice partners were under the same assumption that all of the key personnel were at the table during implementation discussions.

**Recommendation 2: Determine Jurisdiction Of All Parties Participating In Implementing Realignment As Well As Ongoing Operations.**

When all parties are meeting for a project such as realignment implementation or any other uncharted and new function, ask the question "what am I not asking?" and clarify that all key personnel are involved. This is especially relevant if you working with agencies outside your county, such as the state or federal government.

### **Conclusion 3: You Are Only Able To Automate Processes To The Level Of The Justice Partner With The Oldest Technology.**

Parole agents in Northern California are spread out over a vast number of miles and county jurisdictions. An effort was made by both YCSC and parole to streamline processes and procedures as much as possible to cut down on travel time for parole agents. If a parole agent were to arrive at the court in the afternoon after driving 4-hours to hand deliver a warrant, he/she would have to wait for the judge's signature, for any given number of hours, and have a 4-hour return drive. This circumvents public safety in terms of timely service of the warrant on the parolee and bringing them into custody. Another consequence of handling walk-through warrants is to put work and time pressures on clerks to track down an available judge for their signature while the parole officer waits.

Helping your justice partner helps the court as well. While YCSC and parole were not able to utilize e-filing, they are in the process of developing an electronic signature for use in requesting and issuing warrants. This should have the added benefit for the on-call judges using a computer tablet in lieu of their current practice of waiting at home by a hard-wired desktop computer and fax line.

YCSC also had limited technology for tracking warrants outside the court's aging case management system. Currently, the court manually tracks the warrants and manually gathers statistical data for reporting purposes. Should the numbers of warrants issued and/or recalled increase, the courts immediate option would be to enter the data into an Excel spreadsheet. In two years, YCSC will be migrating to a new case management system (Tyler Odyssey) and because tracking realignment statistics are

required by the AOC, a reporting module should be developed. Likewise, there will be an automated warrant system that can be utilized in the new case management system.

**Recommendation 3: Make The Best Of Your Current Technology And Strive To Improve Technological Resources For All Parties Involved.**

Explore technology resources that will aid the court in streamlining internal paperwork processing, courtroom clerking, and statistical reporting. Communicate with justice partners to understand what their needs actually are and discuss ways you can improve processes for all parties.

**Conclusion 4: YCSC Integrated Most Realignment-Related Hearings Into The Regular Court Calendar.**

Setting realignment hearings with similar hearings on the regular court calendar took advantage of the fact that most of the parties whose attendance was necessary were already present in the courtroom, such as a deputy district attorney, deputy public defenders, probation, the court clerk and court reporter.

The limited amount of realignment hearings were absorbed into the regularly-scheduled calendars without a time allotment or staffing burden. While the realignment calendars are combined with the regular court calendars, the types of hearings are generally separated within the calendar, such as the felony violation of probation hearings which are now held immediately after the parole or PRCS revocation hearings. At the conclusion of the parole/PRCS revocation hearings, the parole agents are free to leave the courtroom, therefore giving maximum consideration to their time and travel issues. The court may adjust and move realignment calendars in the future, if warranted by a future increase in hearings.

Incorporating realignment cases with regular court cases was a good solution for YCSC, which is a small court consisting of five judges. Larger courts may find this approach problematic. As noted in the Findings section, Los Angeles County Superior Court found it essential to establish dedicated courtrooms and separate case types for realigned cases.

**Recommendation 4: Streamline Realignment Cases With Existing Court Calendars When Possible.**

All parties benefit by leveraging existing court calendar schedules in terms of personnel, time, effort, and travel demands on parties. Streamlining cases types into the regular calendar should shorten the learning curve for court clerks.

**Conclusion 5: Court Operations For Realigned Cases and Tasks Were Streamlined As Much As Possible Into Existing Tasks and Processes.**

Event codes to capture realignment data were developed to closely match existing event codes for violations of probation, warrants, documents and calendar hearings. By using existing documents such as minutes and jail commitment forms, clerks were able to quickly process case files.

The YCSC attempted to make as few changes as possible to forms, events, and processes. Likewise, the Judicial Council made very few changes to official documents, such as the Abstract for prison sentences. The Judicial Council new realignment forms, such as the Petition to Revoke and warrant documents are similar in appearance to other case types, and especially other criminal forms.

**Recommendation 5A: Don't Recreate The Wheel - Incorporate Current Operational Processes When Possible And Be Flexible To Changes.**

As with streamlining court hearings, court operations should change as little as possible. Clerks and other affected staff should be included in all process development

and changes. Assumptions and best guesses are made when beginning an unknown and new task. Flexibility to change, often on-the-go, is helpful in trouble shooting problems with no known track record or instruction manual.

**Recommendation 5B: If It's Broken, Fix It.**

Implementing a new process such as realignment also presents a good opportunity to perform a business process review, or reengineering. The “event” and “action taken” codes were created and designed to capture data required by the AOC, the codes are numerous, which increases the possibility of human data entry error. YCSC should also consult with the Information Technology Division to research the possibility of streamlining the Cognos reports to capture statistical reporting data for the AOC, until a more permanent solution can be achieved.

YCSC should also explore the possibility of integrating the manual warrant process with the new case types created, regardless of an underlying “case” having been filed or not.

**Conclusion 6: Yuba County Has A Higher Population Per Capita For Prison Sentences And Realigned Offenders.**

While the current trend is showing a higher than state average for prison sentences and realignment offenders, caution should be exercised in interpreting these statistics over such a short period of time.

The court data indicates that processing warrants have been the biggest impact in workload for court operations. Warrants are not as heavily weighted on the data elements as are Petitions for Revocation and are also not considered for funding allocations.

**Recommendation 6: Carefully Track And Report All Local Realignment Data Elements And Monitor Statewide Trends.**

It is noted that funding is dropping by about half each year for YCSC. As future allocations rely heavily on the number of petitions filed in each county and based on CDCR estimates, it is important to collect accurate numbers and track statewide trends. Ensure that you are utilizing the best technology available to the court to obtain accurate data.

**Conclusion 7: Local Funding Has Been Adequate To This Point.**

Local funding for YCSC over the last three fiscal years has been adequate, with a large percentage of allocated funds being used to offset salaries. Realignment funds have also been used for technology solutions. These technology solutions will be leveraged to also serve and enhance other case types and processes as well, such as the electronic signatures for warrants project.

**Recommendation 7: Study Future Realignment Statistics Closely.**

Realignment data should be carefully gathered and studied over time. Current realignment funding is largely based on petitions to revoke, which in YCSC is proceeding at a steady and stable rate. If a trend appears either above or below state averages, local court funding will be affected, and adjustments to court staffing and the court budget may be necessary.



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## APPENDIX A

CR-300

SUPERVISING AGENCY <i>(Name and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____	<b>FOR COURT USE ONLY</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF <i>(name of supervised person):</i> _____ Date of birth: _____	
<b>PETITION FOR REVOCATION</b>  <input type="checkbox"/> PAROLE (Pen. Code, § 3000.08) <input type="checkbox"/> PRCS (Pen. Code, § 3455)	CDCR NUMBER, IF ANY:  COURT/CASE NUMBER:
<p style="text-align: center;"><b>INSTRUCTIONS</b></p> <ul style="list-style-type: none"> <li>• Before filing this form, petitioner should consult local rules and court staff to schedule the hearing in item 1.</li> <li>• Petitioner must note whether the petition applies to a parole (beginning July 1, 2013) or postrelease community supervision matter by marking the appropriate check box above.</li> </ul>	

1. **HEARING INFORMATION:** A hearing on this petition for revocation has been scheduled as follows:

Date: _____	Time: _____	Dept.: _____
Location <i>(if different than court address above):</i> _____		

If an interpreter is needed, please specify the language:

2. **CUSTODY STATUS (Select one):**  not in custody     in custody *(specify location):*  
 Booking number *(if any):* \_\_\_\_\_

3. **CONVICTION INFORMATION:**  
 The supervised person was originally convicted of the following offenses:

on *(date):* \_\_\_\_\_ in case numbers *(specify):* \_\_\_\_\_  
 in county of *(specify):* \_\_\_\_\_

4. **SUPERVISION INFORMATION:** The supervised person was released on supervision on *(specify date):*  
 Name of current supervising agent or officer:  
 Supervision is scheduled to expire on (i.e., the controlling discharge date is) *(date):* \_\_\_\_\_

5. **SPECIFIC TERMS AND CONDITIONS:** Petitioner alleges that the supervised person has violated the following terms and conditions of supervision *(if more space is needed, please use Attachment to Judicial Council Form (MC-025)):*

6. **SUMMARY:** The supervising agency established probable cause for the alleged violation on *(date):*  
 The circumstances of the alleged violation are *(if more space is needed, please use Attachment to Judicial Council Form (MC-025)):*

7. **SPECIAL PAROLE STATUS** *(check this box only if the supervised person is subject to parole under Penal Code section 3000.1):*  
 The supervised person is on parole under Penal Code section 3000.1. If the court determines that the person has violated parole, the court is required to remand the person to the custody of CDCR for future parole consideration. (Pen. Code, § 3000.08(h).)

I declare under penalty of perjury and to the best of my information and belief that the foregoing is true and correct.

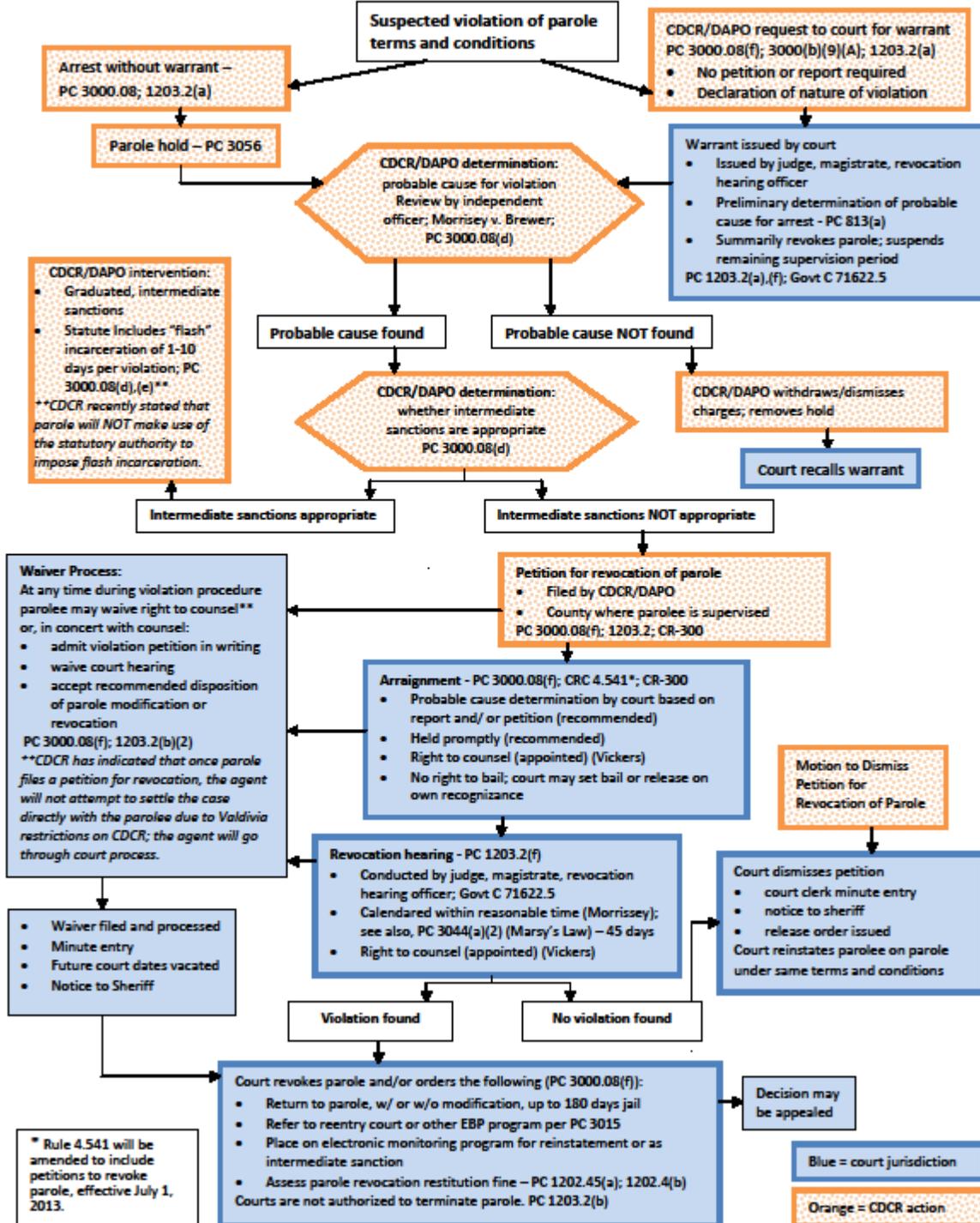
Date: \_\_\_\_\_ By \_\_\_\_\_  
NAME AND TITLE OF PETITIONER SIGNATURE OF PETITIONER

# APPENDIX B



## PAROLE REVOCATION FLOWCHART

Rev. 7/19/13



## APPENDIX C

### What is the local county court process for filing a CR300 Petition for Revocation packet?

- *Where will the Division of Adult Parole Operations (DAPO) file the CR300 Petition for Revocation packet in your county? List the physical location, address, and contact information for the designated court or clerk's office.*

Yuba County Superior Court  
215 5<sup>th</sup> St Ste 200  
Marysville CA 95901  
Office: 530-749-7600

- *Does the CR300 Petition for Revocation packet need to be personally delivered to the clerk's office for filing or is there another option available for filing (email, fax, etc.).*

We need a petition with an original signature. The petitions can be either delivered in person or by mail.

- *Will the court need to be provided with copies of the CR300 Petition for Revocation packet for distribution to the Court, District Attorney, Public Defender, etc? If so, how many copies need to be provided to the court at the time of filing?*

We will need an original petition and two copies.

- *How are copies of Petition for Revocation packet distributed to the District Attorney and Public Defender once they are filed with the court?*

Our office will deliver the petition copies to the District Attorney and the Public Defender either by inter-office mail, pick-up, or in court at the time of the hearing.

- *What are the hours of operation for the clerk's office that will be accepting the Petition for Revocation packets for filing?*

Monday through Friday 8:30 a.m. to 4:40 p.m.

- *How will the DAPO be notified of the date, time and location of arraignment for the Probable Cause Hearing (PCH)? Has your county identified specific days and times when PCH's will be calendared?*

If the defendant is in custody, they will be arraigned at the next daily 3:00 p.m. in-custody arraignment calendar following their arrest and the DAPO will not be notified unless your office specifies that they will have a representative in attendance. If the DAPO will be in attendance and the defendant is out of custody, the DAPO will be notified by mail. However, if the date is too close for mailing, our office will fax notification to the DAPO.

- *How will DAPO be notified of the PCH disposition?*

If a DAPO representative is not in attendance, the disposition will be mailed or faxed.

- *If the case doesn't settle at the PCH will the court set a revocation hearing? When will the hearing be set and how will DAPO be notified of the date, time and location of the hearing?*

The court will set a revocation hearing, most likely on Mondays at 1:30 p.m.

- *Does your county use any additional forms that DAPO needs to be aware of?*

Not at this time.

## **What is the local county court process for filing a Request for Arrest Warrant during normal business hours and for filing a Request for Arrest Warrant after normal business hours?**

### *Request for Arrest Warrant During Normal Business Hours:*

- *Where is the arrest warrant filed during normal business hours? Is the warrant processed through the District Attorney's office or is it filed directly with the court?*

Warrants will be processed directly through the court.

- *If the warrant is filed with the District Attorney's office please provide the address and procedures for filing with the District Attorney.*

n/a

- *If the warrant is filed with the court please provide the address/department and procedures for filing with the court.*

Yuba County Superior Court  
215 5<sup>th</sup> St Ste 200  
Marysville CA 95901  
Office: 530-749-7600

- *How is the Request for Arrest Warrant filed with the District Attorney or court? Does it need to be served via personal service, can it be scanned and emailed, faxed, etc. If the warrant can be scanned and emailed or faxed provide appropriate contact information.*

Personal delivery, at this time.

Note: We are in the process of researching electronic signatures for the Request for Arrest Warrant and warrant delivery processes.

- *How will DAPO be notified if and when the warrant is issued?*

Via fax to your office.

*Request for Arrest Warrant **After** Normal Business Hours:*

- *What is your local procedure for requesting an afterhour's arrest warrant? Does the county have a list of on call magistrates? How is it made available? How often is it updated?*

Our court has a list of on-call magistrates that we create once a year, or when any changes are made.

The DAPO will be added to the distribution list for all future notifications.

## APPENDIX D

	<b>Original Data Points (Collected Q1-Q# 2013)</b>		<b>New Data Points (Starting Q4 2013)</b>	<b>Changes</b>
<b>1</b>	Felony filings	<b>1</b>	Felony filings	No changes
<b>2</b>	FTA warrants	<b>2</b>	FTA warrants	No changes
<b>3</b>	Initial sentencing – state prison	<b>3</b>	Initial sentencing – state prison	No changes
<b>4</b>	Initial sentencing – felony probation	<b>4</b>	Initial sentencing – felony probation	No changes
<b>5</b>	Initial sentencing – straight sentence	<b>5</b>	Initial sentencing – straight sentencing	No changes
<b>6</b>	Initial sentencing – split sentence	<b>6</b>	Initial sentencing – split sentence	No changes
<b>7</b>	Petitions to revoke/modify probation	<b>7</b>	Petitions to revoke/modify probation	No changes
		<b>8</b>	Number of cases in which a felony probationer is found in violation of conditions of felony probation and is reinstated on probation	New Data Point
<b>8</b>	VOP – state prison	<b>9</b>	VOP – state prison	No changes
<b>9</b>	VOP – straight sentence	<b>10</b>	VOP – straight sentence	No changes
<b>10</b>	VOP – split sentence	<b>11</b>	VOP – split sentence	No changes
<b>11</b>	Petitions to revoke/modify mandatory supervision	<b>12</b>	Petitions to revoke/modify mandatory supervision (MS)	No changes
		<b>13</b>	Number of warrants issued for persons on mandatory supervision	New Data Point
<b>12</b>	MS calendar events	<b>14</b>	MS calendar events	No changes
<b>13</b>	Number of court evidentiary hearings held on petitions or court motions to revoke/modify mandatory supervision <i>An evidentiary hearing is defined as a hearing where one or more parties or counsel appear and oral arguments, presentations relevant to proceedings, witness testimony, and/or documents or tangible documents are submitted to the court.</i>	<b>15</b>	Number of contested evidentiary hearings held on petitions or court motions to revoke/modify mandatory supervision <i>A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.</i>	Please note changes
		<b>16</b>	Number of cases in which an offer on mandatory supervision is found in violation of conditions of mandatory supervision and is reinstated on mandatory supervision	New data point
<b>14</b>	MS revoked and terminated	<b>17</b>	MS revoked and terminated	No changes
<b>15</b>	Petitions to revoke/modify PRCS	<b>18</b>	Petitions to revoke/modify PRCS	No changes
<b>16</b>	Number of ex parte warrants issued for persons on PRCS <i>Requests for these warrants are made by the supervising agency and are typically handled in chambers</i>	<b>19</b>	Number of warrants issued for persons on PRCS <i>Include both arrest and bench warrants</i>	No changes
<b>17</b>	PRCS calendar events	<b>20</b>	PRCS calendar events	No changes
<b>18</b>	Number of court evidentiary hearings held on petitions or court motions to revoke/modify PRCS <i>An evidentiary hearing is defined as a hearing where one or more parties or counsel appear and oral arguments, presentations relevant to proceedings, witness testimony, and/or</i>	<b>21</b>	Number of contested evidentiary hearings held on petitions or court motions to revoke/modify PRCS <i>A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in</i>	Please note changes

	<i>documents or tangible documents are submitted to the court.</i>		<i>support of or in opposition to the factual allegations of the petition.</i>	
<b>19</b>	PRCS revoked and terminated	<b>25</b>	PRCS revoked and terminated	No changes
<b>20</b>	PRCS – Reentry court	<b>24</b>	PRCS – Reentry court	No changes
<b>21</b>	Number of cases in which an offender on PRCS has the supervision term revoked and reinstated, excluding cases where the PRCS offender is referred to a reentry court	<b>22</b>	Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS and is reinstated on PRCS with no custody time ordered	Please note changes
		<b>23</b>	Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS, is reinstated on PRCS, and is ordered to serve custody time	Please note changes
<b>22</b>	Petitions to revoke parole	<b>26</b>	Petitions to revoke parole	No changes
<b>23</b>	Number of ex parte warrants issued for persons on parole <i>Requests for these warrants are made by the supervising agency and are typically handled in chambers</i>	<b>27</b>	Number of warrants issued for persons on parole <i>Include both arrest and bench warrants</i>	Please note changes
<b>24</b>	Parole calendar events	<b>28</b>	Parole calendar events	No changes
<b>25</b>	Number of court evidentiary hearings held on petitions or court motions to revoke/modify parole <i>An evidentiary hearing is defined as a hearing where one or more parties or counsel appear and oral arguments, presentations relevant to proceedings, witness testimony, and/or documents or tangible documents are submitted to the court.</i>	<b>29</b>	Number of contested evidentiary hearings held on petitions or court motions to revoke/modify parole <i>A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.</i>	Please note changes
<b>26</b>	Number of cases in which a parolee has the parole term revoked and is ordered to confinement in county jail			Data point removed
<b>27</b>	Remands to CDCR	<b>33</b>	Remands to CDCR	No changes
<b>28</b>	Parole – Reentry court	<b>32</b>	Parole – Reentry court	No changes
<b>29</b>	Number of cases in which, after a violation, a parolee is returned to parole supervisions with or without sanctions or modifications of parole, excluding cases where the parolee is referred to a reentry court	<b>30</b>	Number of cases in which a parolee is found by the court in violation of conditions of parole and is reinstated on parole with no custody time ordered	Please note changes
		<b>31</b>	Number of cases in which a parolee is found by the court in violation of conditions of parole, is reinstated on parole, and is ordered to serve custody time	Please note changes

# APPENDIX E

## FELONY ABSTRACT OF JUDGMENT—DETERMINATE SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM (Not to be used for multiple count convictions or for 1/3 consecutive sentences)

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:		DOB:	CASE NUMBER
AKA:			
CII NO.:			
BOOKING NO.:		<input type="checkbox"/> NOT PRESENT	
FELONY ABSTRACT OF JUDGMENT <input type="checkbox"/> PRISON COMMITMENT <input type="checkbox"/> COUNTY JAIL COMMITMENT		<input type="checkbox"/> AMENDED ABSTRACT	
DATE OF HEARING	DEPT. NO.	JUDGE	
CLERK	REPORTER	PROBATION NO. OF PROBATION OFFICER	<input type="checkbox"/> IMMEDIATE SENTENCING
COUNSEL FOR PEOPLE		COUNSEL FOR DEFENDANT <input type="checkbox"/> APPOINTED	

1. Defendant was convicted of the commission of the following felony:

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY				TIME IMPOSED	
						JURY	COURT	PLEA	TERM (L./M./D.)	YRS.	MOS.

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

4. Defendant sentenced:  to prison per PC 1170(a) or (h)(3)  to county jail per PC 1170(h)(1) or (2)  per PC 667(b)-(j) or PC 1170.12 (strike prior)  PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed. Defendant was ordered to report to local Parole Office upon release.

5. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):  
 Restitution Fine(s): \$ \_\_\_\_\_ per PC 1202.4 (b) forthwith per PC 2085.5 if prison commitment \$ \_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked \$ \_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.  
 Restitution per PC 1202.4 (f):  \$ \_\_\_\_\_  Amount to be determined to  \* victim(s)  Restitution Fund  
 \*  Victim name(s), if known, and amount breakdown in item 8, below. \*  Victim name(s) in probation officer's report.  
 Fine(s): \$ \_\_\_\_\_ per PC 1202.5. \$ \_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 Includes:  \$50 Lab Fee per HS 11372.5(a)  \$ \_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense.  
 Court Security Fee of \$ \_\_\_\_\_ per PC 1465.8.  Criminal Conviction Assessment of \$ \_\_\_\_\_ per GC 70373.

6. TESTING: a.  Compliance with PC 296 verified b.  AIDS per PC 1202.1 c.  other (specify): \_\_\_\_\_  
 7. IMMEDIATE SENTENCING:  Probation to prepare and submit a post sentence report to CDCR per PC 1203c. Deft's Race / National Origin \_\_\_\_\_  
 8. Other orders (specify): \_\_\_\_\_  
 9. TOTAL TIME IMPOSED: \_\_\_\_\_

10.  MANDATORY SUPERVISION: Execution of a portion of the total jail time imposed in item 9 is suspended and deemed a period of mandatory supervision under PC 1170(h)(5)(B) as follows: Suspended portion: \_\_\_\_\_ Served forthwith: \_\_\_\_\_

11.  This sentence is to run concurrent with (specify): \_\_\_\_\_  
 12. REGISTRATION REQUIREMENT:  per (specify code section): \_\_\_\_\_  
 13. Execution of sentence imposed: a.  at initial sentencing hearing. b.  at resentencing per decision on appeal. c.  after revocation of probation.  
 d.  at resentencing per recall of commitment. (PC 1170(d).) e.  other (specify): \_\_\_\_\_

14. DATE SENTENCE PRONOUNCED	CREDIT FOR TIME SPENT IN CUSTODY TOTAL DAYS:	ACTUAL LOCAL TIME	LOCAL CONDUCT CREDITS	TIME SERVED IN STATE INSTITUTION			
				<input type="checkbox"/> 2933	DMH	CDCR	CRC
				<input type="checkbox"/> 2933.1	[ ]	[ ]	[ ]
				<input type="checkbox"/> 4019	[ ]	[ ]	[ ]

15. The defendant is remanded to the custody of the sheriff  forthwith  after 48 hours excluding Saturdays, Sundays, and holidays.  
 To be delivered to  the reception center designated by the director of the California Department of Corrections and Rehabilitation.  
 county jail  Other (specify): \_\_\_\_\_

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE	DATE
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This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document. Page 1 of 1