

2013-2014 GRAND JURY REPORT

Impact of AB 109 upon Riverside County Municipal Police Agencies

Background

In its oversight role, the 2013-2014 Riverside County Grand Jury had the opportunity to review the impact of the Public Safety Realignment Act (AB 109) upon municipal police departments in Riverside County. The Grand Jury is responsible to ensure that local government is serving the best interests of county citizens. This report is an evaluation of released prisoners placed on probation and parole in our county's cities, and areas of improvement are recommended to enhance and address the challenges of an increased number of supervised individuals. During the visits and reviews of evidence, wide variations in the numbers of individuals released into the cities were found. One of the primary functions of city government is to provide public safety services to the residents of the cities. When AB 109 was passed to ease crowding issues in state prisons, this resulted in serious crowding problems in the county's local jails. Various solutions by county government to address local jail overcrowding resulted in serious impact on local municipal police agencies and is the focus of this report.

On October 1, 2011, the State of California implemented AB 109, realigning the state corrections system. It is California's solution for reducing the number of inmates in the state's 33 prisons to 137.5 percent design capacity by May 2013, as ordered by the three-judge court and affirmed by the U.S. Supreme Court. The law mandated that individuals in state custody for non-serious, non-violent, non-sex offenses (N3) would be released under county-directed Post-Release Community Supervision (PRCS), requiring county probation departments in California to oversee compliance. While the intent of realignment was to relieve over-crowding within the state prisons, the immediate impact at the county level was overwhelming.

No inmates in the state prison were transferred to county jails or released early. However, many prisoners who were released on parole had their parole overseen by the county's PRCS probation department instead of the state parole agency. (See glossary of terms)

Most newly convicted N3 felons in Riverside County (County) are now sentenced to county jail instead of state prison. Due to limited space in Riverside County's five jails, the Riverside County Sheriff (Sheriff) released many N3 felons from the jails under PRCS. Riverside County Probation Department (Probation), as the agency responsible for PRCS, realized the increased caseload strained available

resources. Probation is also responsible for the Mandatory Supervision (MS) population. These are offenders who can no longer be sentenced to state prison when convicted of certain felonies.

The County's Community Correction Partnership (CCP) Executive Committee (CCPEC), charged with development of a 2011 Realignment Implementation, recognized the need for local law enforcement participation in the oversight of these new "AB 109 probationers." The CCPEC allocated AB 109 funding, \$1.4 million, to form a Post-Release Accountability and Compliance Team (PACT). The primary mission of PACT is to "work with Probation to immediately focus on high-risk and at-large Post-Release Community Supervision (PRCS) offenders that pose the most risk to public safety." PACT is made up of several municipal police officers to partner with the Sheriff and Probation to deal with increased PRCS population released into local communities. The Chief Probation Officer is the chairman of the CCPEC and the Probation Department serves as the fiscal agent for the PACT funds.

The California Police Chiefs Association (CPCA) began lobbying the governor to address these impacts that realignment has had on local cities and their law enforcement agencies. As a result, the Board of State and Community Corrections (BSCC) provided additional funding to local law enforcement. The funds from the state, \$1,536,156, are to be used by the Riverside County's police chief's association in any "fashion" it deemed appropriate. In Riverside County, it fell to the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) and selected the City of Beaumont to act as the fiscal agent for these BSCC funds. In securing these funds, all parties agreed that decisions on how to best use the funds would be made directly by the local police chiefs and sheriff. ARCCOPS agreed that the BSCC funds shall be used to enhance and improve the current PACT program funded through the CCPEC. The PACT program expanded into three regional teams throughout the County. The teams are identified as WEST-PACT, CENTRAL-PACT, and EAST-PACT. These teams are composed of numerous law enforcement officers from municipal police departments, sheriff deputies, probation officers, district attorney investigators, two police department agencies from cities contracted with the Sheriff's Department, an Alcohol Tobacco and Firearm (ATF) agent, and on occasion U.S. Customs and Border Protection agents. Funding for the participating police departments who provide an officer and a vehicle on a PACT team will come from either the CCPEC funds distributed by Probation, or the state funds (BSCC) held in account by the City of Beaumont.

In general, the cities were efficient in providing services to the citizens of the cities. However, the following issues were reviewed and recommendations for improvements are provided: Post-Release Accountability and Compliance Team (PACT), data sharing between law enforcement agencies, probation department oversight in the five county jails, public safety communication systems, and transitional housing for supervised individuals.

Methodology

- Requested information from city managers of cities with municipal police departments and two cities in the county who contract with the County Sheriff's Department for police services
- Interviewed nine chiefs of police, several assistant chiefs and deputy chiefs, and support staff personnel
- Interviewed seven city managers
- Reviewed AB 109 background and its implementation
- Reviewed state, county and local crime statistics
- Reviewed California Penal Code, recent revisions, and current laws of incarceration
- Interviewed the district attorney and an assistant district attorney
- Interviewed the probation department chief, assistant chief and a deputy chief
- Interviewed the program manager for Public Safety Enterprise Communication (PSEC)
- Reviewed accounting procedures for CCP, CCPEC and BSCC funding to city police departments
- Toured Ironwood State Prison and two county jails
- Reviewed reports from the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS)

Findings

Post-Release Accountability and Compliance Team (PACT) Program

1. Investigation revealed the PACT units have allowed Probation more time and resources to focus on case management and compliance checks on individuals on probation and parole. According to several chiefs of police, the PACT units shared information, served warrants, apprehended PRCS violators and reduced the number of PRCS offenders who abscond.

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

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

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

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

Investigation revealed non-reimbursable costs were incurred by the cities to provide an officer to PACT activities (e.g. financial operational support, workers compensation costs and claims processing of PACT officers as well as personnel to process requests for reimbursement funds for the officers). The cities provided these auxiliary services without any compensation due to the specific guidelines between the PACT cities and

Probation. Some cities provided a sergeant with a higher salary rather than a lower ranked officer with a lesser salary.

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

Data Sharing and Supervised Offender Tracking

2. In February, 2012, the ARCCOPS requested that Probation regularly share PRCS offender data with the county's 11 municipal police departments and with the Sheriff who oversees 17 contract cities and unincorporated areas of the County. This information is released minimally on a monthly basis. The list includes the offender's name, address, city, most recent offense and probation officer contact information. The implementation of AB 109 prompted local law enforcement agencies to recognize that they have an important collaborative role to play in support of Probation's efforts to ensure the successful reintegration of this population back into local communities. Currently, Probation provides all local law enforcement agencies a weekly PRCS "Warrant List" for non-compliant probationers as well as monthly reports on all active PRCS and MS individuals. Probation communicates daily with the PACT members as there is a full-time probation officer assigned to each of the three teams. (See Chart B)

California Penal Code §13300 (a) (b) states that the chiefs of police, as well as local law enforcement agencies, have a "need to know" for criminal history information to ensure the safety and security of their duly respective communities.

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

Investigation revealed as of the date of this report, there was no county-wide updated and centralized data base for tracking PRCS, MS, and re-arrested probationers. Some police departments have developed their own stand-alone system for their city to internally track repeat offenders as

well as non-compliant PRCS and MS individuals. Testimony indicated released offenders frequently travel from city to city and from county to county once they are released from jail. Further testimony indicated that “data sharing is inadequate between Probation and the municipal police departments as well as between contiguous counties.” Inconsistent data sharing prevents cities and other entities impacted by AB 109 to ascertain what programs and processes are successful and which ones are not successful.

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

Testimony confirmed that currently, when local law enforcement detains a PRCS or MS re-offender, the arresting officer attempts to verify criminal history with the department’s “dispatch officer.” If the offender is on supervised release and a warrant has been issued for their arrest for non-compliance, they are immediately arrested and the probation officer contacted. At the time of this report the police departments did not immediately receive a formal notification from Probation or Sheriff on offenders who were just released into their cities. This release information is given to the municipal police agencies in the weekly update.

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

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

Probation Officers at Jails

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

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

Public Safety Enterprise Communication (PSEC)

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

The new communication system is more comprehensive than the existing systems. When AB 109 was enacted, the public safety agencies throughout the County began seeing an increase in law enforcement activities. Many cities reported a sharp increase in property crimes and a decrease in violent crimes. Criminals and re-offenders crossed city boundaries and often County boundaries. In some areas, the improved communication system of PSEC enabled faster apprehension and arrests of these offenders. Many of the local law enforcement agencies within the

County are still using radios with different frequencies and different bands than their neighboring communities. The resultant lack of contact with neighboring law enforcement agencies and counties has resulted in numerous unsuccessful operations. Communication among some County agencies is often lost due to patchwork coverage.

Grand Jury investigation revealed that the PACT was active in the recent pursuit of accused officer Christopher Dorner. WEST-PACT provided communication equipment for many Riverside personnel involved in the investigation and pursuit. This additional equipment allowed Riverside County personnel to communicate with San Bernardino agencies. During the pursuit, many agencies who followed this suspect only had cell phones to call in their location and/or status to local police agencies.

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

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

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

Transitional Housing

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

The California Department of Parole has a system of half-way houses for released paroled offenders who had nowhere to go or needed time to

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

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

Recommendations

**Riverside County Board of Supervisors
Riverside County Probation Department
Riverside County Sheriff's Department
City of Blythe
City of Beaumont
City of Banning
Cathedral City
City of Corona
City of Desert Hot Springs
City of Hemet
City of Indio
City of Moreno Valley
City of Murrieta
City of Palm Desert
City of Palm Springs
City of Riverside
City of Perris
City of Lake Elsinore**

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

2. Both the Sheriff's Department and the Probation Department shall communicate information on released prisoners placed on Post-Release Community Supervision (PRCS) or Mandatory Supervision (MS) from county jails to all law enforcement agencies at the time of the prisoners' release including local police agencies and adjoining counties. An updated summary of prisoner release information shall continue to be communicated to law enforcement agencies weekly and monthly. Probation shall finalize its interface system with the state-wide program for tracking released prisoners on PRCS and MS.
3. An officer of the Probation Department shall meet with prisoners prior to release and confirm the case plan, residential address and review terms of release at the time of sentencing, and confirm first appointment with Probation officers.
4. Municipal police agencies in Riverside County without direct Public Safety Enterprise Communication (PSEC) capability shall develop and implement a consistent communication system to ensure reliable and seamless coverage between the cities, the Sheriff's Department, and the safety agencies of other counties.
5. The Probation Department shall oversee the development of half-way houses to provide services to the released supervised inmates to assist them with re-entry into the communities.

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Response Due: 09/15/2014

CHART A
Percentage City Population to total County Population vs Percentage Supervised Individuals
in cities to Total Supervised in County
 (Cities ranked highest to lowest by population)

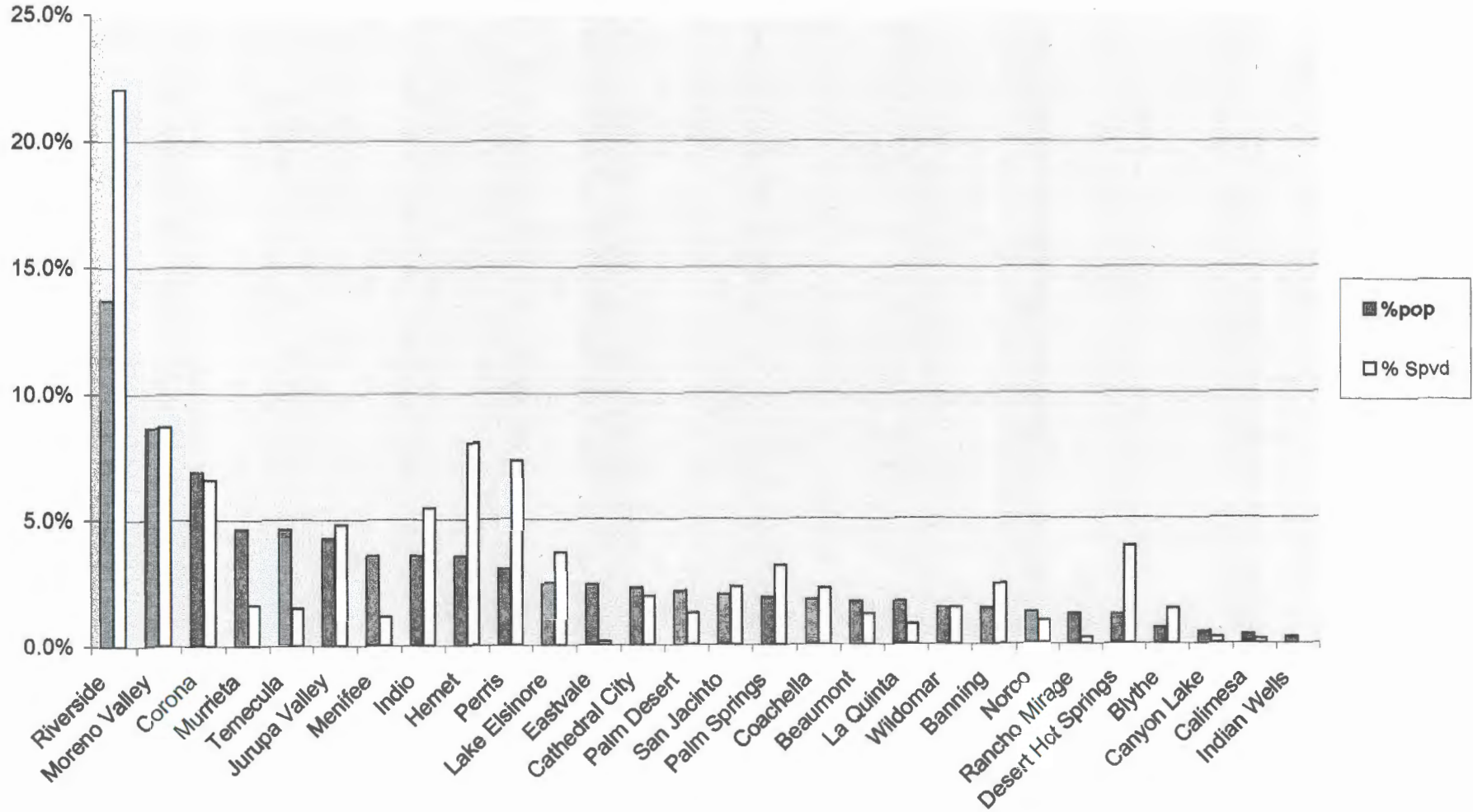


CHART B

Riverside County Post-Release Accountability and Compliance Team (PACT)

2013-2014 Allocation to Municipal Members

CA Corrections Partnership (CCP) Probation Department			Funding Source Fiscal Agent	CA grant funding (BSCC) City of Beaumont		
Member	Allocation	Regional Team		Member	Allocation	Regional Team
Riverside	\$200,000	West		Riverside	\$200,000	West
Corona	\$200,000	West		Corona	\$200,000	West
Beaumont	\$200,000	Central		Moreno Valley	\$200,000	Central
Hemet	\$200,000	Central		Murrieta	\$200,000	Central
Cathedral City	\$200,000	East		Beaumont	\$200,000	Central
Desert Hot Springs	\$200,000	East		Indio	\$200,000	East
Palm Springs	\$200,000	East		Palm Desert	\$200,000	East

Current PACT Organization*

<u>EAST-PACT</u>	
Cathedral City	Sergeant
Desert Hot Springs	
Indio	
Palm Desert Station	
Palm Springs	
 Areas of Responsibility 	
Palm Spgs, Desert Hot Springs, Cathedral City, Palm Desert & Indio. Also Thousand Palms, Rancho Mirage, La Quinta, Bermuda Dunes, Coachella, Thermal, & Mecca	

<u>CENTRAL-PACT</u>	
Hemet	Sergeant
Beaumont (#1)	
Beaumont (#2)	
Murrieta	
 Areas of Responsibility 	
Hemet, Beaumont, Murrieta, Banning, Temecula, Wildomar. Also, Cherry Valley, Cabazon, San Jacinto, Perris, Calimesa, White water, & Morongo Valley	

<u>WEST-PACT Team</u>	
Riverside	(#1) Sergeant
Riverside	(#2)
Corona	(#1)
Corona	(#2)
Moreno Valley Station	
 Areas of Responsibility 	
Riverside, Corona, Moreno Valley. Also Jurupa Valley, Mira Loma, Norco, Rubidoux, Eastvale, Home Gardens, Woodcrest, & Highgrove	

*Additional Team Members funded by other sources: Probation, District Attorney, A.T.F., Sheriff, Border Patrol

CHART C

PACT FY 2012 - 2013 Summary - CCPEC Funding Source

Allocated Budget Amount

City of Beaumont	Cathedral City	City of Corona	City of Desert Hot Spgs	City of Hemet	Palm Springs	City of Riverside	Total
200,000	200,000	200,000	200,000	200,000	200,000	200,000	1,400,000

Actual Expenses Reimbursed

Salary & Benefits
Services & Supplies
Equipment
Totals

184,570	156,546	170,408	147,935	180,905	160,651	81,493	1,082,508
7075	0	9719	0	11520	7228	0	35,542
8355	43454	19873	39963	0	29756	118507	259,908
200000	200000	200000	187898	192425	197635	200000	1377958

CHART D

Riverside County Probation Department Post-Release Community Supervision (PRCS) and Mandatory Supervision (MS) by City as of December 31, 2013

PACT/Municipal City	County Population	TOTAL PRCS Population	TOTAL MS Population	Total Supervised Population
Banning	33136	46	67	113
Beaumont	39455	22	38	60
Blythe	14500	22	43	65
Calimesa	7879	3	5	8
Canyon Lake	10561	4	6	10
Cathedral City	52337	22	64	86
Coachella	40,704	24	70	94
Corona	156823	110	188	298
Desert Hot Springs	26200	52	117	169
Eastvale	54635	3	3	6
Hemet	80877	144	211	355
Indian Wells	5126	0	0	0
Indio	81393	57	183	240
Jurupa Valley	97426	88	129	217
La Quinta	38783	12	23	35
Lake Elsinore	55,288	68	93	161
Menifee	81,474	21	29	50
Moreno Valley	198129	173	227	400
Murrieta	105832	43	34	77
Norco	27,393	21	19	40
Palm Desert	49111	13	38	51
Palm Springs	42907	44	95	139
Perris	33192	152	177	329
Rancho Mirage	27393	2	9	11
Riverside	313673	383	612	995
San Jacino	45,384	41	68	109
Temecula	105208	26	40	66
Wildomar	33,192	23	40	63
Unincorporated County Areas	431989	88	161	249
County Totals	2,290,000	1707	2789	4496

CHART E

Riverside County PACT Activity Summary Post-Release Accountability and Compliance Program Year-end 12/31/2013

	Total Searches	Total Arrests	Recoveries	
			Firearm	Auto
EAST-PACT	360	141	5	2
CENTRAL-PACT	554	275	9	2
WEST-PACT	740	263	38	2

Other Activities included: Surveillances, task force sweeps, patrol assistance,
investigation assistance, and drug seizures

Glossary

AB 109	California's Public Safety Realignment Act of 2011
ARCCOPS	Association of Riverside County Chiefs of Police and Sheriff
BSCC	Board of State and Community Corrections
CCP	Community Corrections Partnership
CCPEC	Community Corrections Partnership Executive Committee
CDCR	California Department of Corrections and Rehabilitation
County	Riverside County
CPCA	California Police Chiefs Association
FY	Fiscal Year
MS	Mandatory Supervision
N3	Non-Serious, Non-Violent, Non-Sex Offenses
PACT	Post-Release Accountability and Compliance Team
PRCS	Post-Release Community Supervision
Probation	Riverside County Probation Department
PSEC	Public Safety Enterprise Communication
Sheriff	Riverside County Sheriff's Department