COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

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October 18, 2016

TO: Probation Oversight Commission Working Group

FROM: Reaver E. Bingham R.B.
Deputy Chief, Field Special Services

SUBJECT: **CLARIFICATION REGARDING THE USE OF FLASH INCARCERATION**

Once again, I would like to thank you for the opportunity to provide an overview of the Probation Department's adult operations at your Probation Oversight Commission Working Group (Working Group) August 17, 2016 meeting. It is my understanding that the Working Group had some additional questions and comments regarding the use of the term "therapeutic" as it relates to the use of "flash incarceration". This is to provide you with additional clarifying information.

My use of the term "therapeutic" was to convey the intent of the use of "flash incarceration" as legislatively stated. As communicated during my presentation, the intent of "flash incarceration" is not simply a punitive measure, but a means for remediation and correction, thus, the term "therapeutic". The Department utilizes "flash incarceration" in accordance with Penal Code Section 229, specifically as it relates to AB 109 and evidence-based practices (EBP), as stated below:

> SEC. 229. Section 17.5 is added to the Penal Code, to read: "...Intermediate sanctions may be provided by local public safety entities directly or through community-based public or private correctional service providers, and include, but are not limited to, the following: (A) Short-term flash incarceration in jail..." "...evidence-based practices refers to supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post release supervision..."

The Department's cautious use of "flash incarceration", as a sanction by AB 109 supervision deputies, is demonstrated by its application of a cumulative total of 3,747 times since the implementation of the program. In comparison, all other intermediate sanctions, including admonishment and referrals for additional services, are 18,414 times since inception.

The attached *National Institute of Justice* article, "Swift and Certain" Sanctions in Probation Are Highly Effective: Evaluation of the Hawaii's Opportunity Probation with Enforcement (HOPE) Program, indicates that the EBP of "flash incarceration" has significant positive effects on probationers. This article can be located at the following link:

http://www.nij.gov/topics/corrections/community/drug-offenders/pages/hawaii-hope.aspx

"Swift and certain" punishment for violating terms of probation sends a consistent message to probationers about personal responsibility and accountability. Research demonstrates that a swift response to an infraction improves the perception that the sanction is fair and that the immediacy is a vital tool in shaping behavior. It is imperative to note that the positive effects of "flash incarceration" include:

- 55% less likely to be arrested for a new crime;
- 72% less likely to use drugs;
- 61% less likely to skip appointments with the supervisory officer; and
- 53% less likely to have probation revoked.

Also, included for your consideration is the Departmental Directive on the use of the Violation Matrix for AB 109 and the Matrix itself.

I hope you find this clarifying and additional information helpful. Please do not hesitate to contact me for any additional information or presentations that you may find serve helpful to your work, at (562) 940-2513, or via e-mail, at Reaver.Bingham@probation.lacounty.gov.

Attachments (2)

REB:med

c: Justice Deputies

U.S. Department of Justice, Office of Justice Programs, National Institute of Justice - NIJ.gov

"Swift and Certain" Sanctions in Probation Are Highly Effective: Evaluation of the HOPE Program

The HOPE program — Hawaii's Opportunity Probation with Enforcement — is an experimental probation program that emphasizes the delivery of "swift and certain" punishment when a probationer violates conditions of probation.

Read about:

- Positive Effects of Swift and Certain Sanctions
- How HOPE Works
- Why HOPE Effectively Reduces Probation Violations
- The Impact of HOPE on Courts and Officers of the Courts — Process Evaluation
- Additional Research Needed

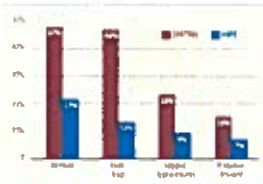
Evaluation of Demonstration

NIJ and BJA have announced a joint project to replicate and evaluate an innovative court-based program used in Hawaii that has been shown to prevent probationers from re-offending.

Read the press release (pdf, 1 page).

Positive Effects of Swift and Certain Sanctions

NIJ-funded researchers evaluated HOPE to determine if it worked and results were positive. Compared to probationers in a control group, after one year the HOPE probationers were:



Hawaii HOPE Program Outcomes
View larger version and text description.

- Fifty-five percent less likely to be arrested for a new crime.
- Seventy-two percent less likely to use drugs.
- Sixty-one percent less likely to skip appointments with their supervisory officer.
- Fifty-three percent less likely to have their probation revoked.

As a result, HOPE probationers served or were sentenced to 48 percent fewer days, on average, than the control group.

These results were generated using a randomized controlled trial. Researchers used a risk assessment tool to select 493 men and women who had an elevated risk of violating the terms of their probation through drug use, missed appointments or reoffending. Two-thirds of these were randomly assigned to be HOPE probationers and the remainder (the control group) were placed on probation as usual.

The researchers then compared how the two groups were doing at three months, six months, and 12 months.

> Read the full evaluation, Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE (pdf, 67 pages).

How HOPE Works

HOPE starts with a formal warning, delivered by a judge in open court, that any violation of probation will result in an immediate, brief jail stay.

> See the warning given to HOPE probationers (pdf, 3 pages).

Before HOPE, probationers in Hawaii typically received notice of drug tests as much as a month ahead of time. Under HOPE, probationers are given a color code at the warning hearing. Every morning, they must call a hot

line to hear which color has been selected for that day. If it is their color, they must appear at the probation office before 2 p.m. for a drug test. [1]

If a HOPE probationer fails to appear for the drug test, a bench warrant is issued and served immediately. A probationer who fails the random drug test is immediately arrested and within 72 hours is brought before a judge. If the probationer is found to have violated the terms of probation, he or she is immediately sentenced to a short jail stay. Typically, the term is several days, servable on the weekend if the probationer is employed; sentences increase for successive violations.

HOPE differs from other programs by:

- Focusing on reducing drug use and missed appointments rather than on drug treatment and imposing drug treatment on every participant.
- Mandating drug treatment for probationers only if they continue to test positive for drug use, or if they request a treatment referral. A HOPE probationer who has a third or fourth missed or "dirty" drug test may be mandated into residential treatment as an alternative to probation revocation.
- Requiring probationers to appear before a judge only when a violation is detected — in this respect, HOPE requires less treatment and court resources than drug courts.
- Having probationers who are employed serve any jail time, at least initially, on a weekend so they do not jeopardize their employment

Why HOPE Effectively Reduces Probation Violations

The HOPE program is strongly grounded in research that shows that crime generally is committed by people for whom deferred and low-probability threats of severe punishment are less effective than immediate and high-probability threats of mild punishment. [2]

"Swift and certain" punishment for violating terms of probation sends a consistent message to probationers about personal responsibility and accountability. Research has shown that a swift response to an infraction improves the perception that the sanction is fair and that the immediacy is a vital tool in shaping behavior. [3]

Although the central idea of HOPE is common sense — certainty and swiftness work better than severity — the challenge was how to turn that idea into a reality in the face of scarce resources.

Because only a small fraction of HOPE probationers receive mandated treatment, the program can afford to use intensive long-term residential treatment, rather than relying primarily on outpatient drug-free counseling as most diversion programs and drug courts do.

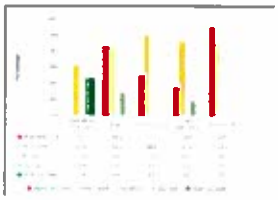
The researchers call this flexible and targeted approach to drug treatment "behavioral triage." They found that HOPE's behavioral triage has several advantages over an assess-and-treat model:

- It is more cost-efficient because it covers a large number of clients while delivering intensive treatment to those who prove to need it.
- It puts a smaller strain on treatment capacity by avoiding the situation in which clients for whom treatment is mandated crowd out clients who voluntarily seek treatment.
- Because the treatment mandate follows repeated failures, it helps break through denial: an offender who has spent three brief spells in jail for dirty drug tests may find it hard to keep telling himself that he is in control of his drug-use.

If treatment is mandated, a HOPE probationer must abstain from drug use (not merely comply with an order to appear for treatment) to avoid a prison term; this, the researchers found, positions the treatment provider as the probationer's ally in the effort to stay in out of jail.

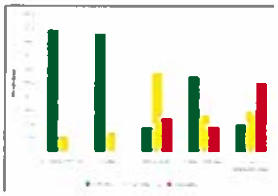
The Impact of HOPE on Courts and Officers of the Courts — Process Evaluation

In addition to evaluating the effectiveness of HOPE in reducing violations, the researchers also performed a process evaluation. As part of that evaluation, they looked at HOPE's impact on the workloads of probation officers, judges, prosecutors, public defenders and court staff.



Hawaii HOPE's Impact on Workload
Larger version and description.

The researchers also surveyed general perceptions of HOPE among the probation officers, judges, prosecutors, public defenders and court staff.
Overall, probation officers, probationers and defense lawyers were enthusiastic about the program. Probation officers had the most favorable view of the program, with nearly 90 percent expressing support for HOPE, followed by judges at 85 percent. Court employees had the most negative general perceptions of HOPE (50 percent); the researchers surmised that this could be due to increased workloads without the countervailing benefit of directly observing improvements in probationer behavior.



Overall Perception of Hawaii HOPE
Larger version and description.

Initially, judges gave varying "doses" (the lengths of jail sentences ordered for probation violations), which caused some discontent among probation officers and probationers. But the variation in sentences decreased after the judges learned that research showed no correlation between the length of the jail term and subsequent violation rates.

Additional Research Needed

Although the HOPE project holds promise, a number of questions can be answered only with more carefully controlled research. Such questions include:

- Are the relatively short-term outcomes revealed in the NIJ evaluation — how well the probationers were doing at the one-year mark — sustained for a longer period of time, especially after probationers are released from supervision? NIJ funded a follow-up study that will examine the impact of HOPE among probationers five years after their participation in the program (2004-2006). NIJ expects findings from this study in late 2012.
- Is this approach to offender compliance a cost-effective use of limited resources?
- Which components of the HOPE program are most important: for example, did the drug screening or the punishment schedule — or the interaction of the two — produce the compelling results?
- What types of offenders respond best to the HOPE program?

To address some of these questions, BJA and NIJ have partnered to replicate and evaluate the Hawaii HOPE [illegible] County, Ore.; Essex County, Mass.; Saline County, Ark.; and Tarrant County, Tex. The Research Triangle Institute and its partner the Pennsylvania State University will conduct the evaluation to determine the impact of HOPE in reducing probationer re-offending and identify the likely challenges and costs a jurisdiction should expect when implementing the program. Results should be available in 2015.

Notes

[1] During their first two months in HOPE, probationers are randomly tested at least once a week. Good behavior through compliance and negative drug tests is rewarded with an assignment of a new color associated with less regular testing.

[2] See, for example, Harold G. Grasmick and George J. Bryjak, "The Deterrent Effect of Perceived Severity of Punishment," *Social Forces* 59(2)(1980): 471-491;

Raymond Paternoster, "Decisions to Participate in and Desist From Four Types of Common Delinquency: Deterrence and the Rational Choice Perspective," *Law and Society Review* 23(1989): 501-534;

James Nichols and H. Laurence Ross, "Effectiveness of Legal Sanctions in Dealing with Drinking Drivers," Alcohol, Drugs, and Driving 6(2)(1990): 33-55;

Faye S. Taxman, David Soule, and Adam Gelb, "Graduated Sanctions: Stepping Into Accountable Systems and Offenders," *Prison Journal* 79(2)(1999): 182-204;

Edward Rhine, *Reclaiming Offender Accountability: Intermediate Sanctions for Probation and Parole Violators*, Laurel Lakes, MD: American Correctional Association, 1992;

David Farabee, *Rethinking Rehabilitation: Why Can't We Reform Our Criminals?* Washington, DC: American Enterprise Institute Press, 2005.

[3] M.A.R. Kleiman, "Controlling Drug Use and Crime with Testing, Sanctions, and Treatment," in Philip B. Heymann and William H. Brownsberger, eds., *Drug Addiction and Drug Policy: The Struggle to Control Dependence*, Cambridge, MA: Harvard University Press, 2001: 168-192;

A. Harrell and J. Roman, "Reducing Drug Use and Crime Among Offenders: The Impact of Graduated Sanctions," Journal of Drug Issues 31(1)(2001): 207-232.

Date Modified: February 3, 2012

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT
DIRECTIVE

No.	1344
Issued:	10/04/13
Post Until:	11/04/13

SUBJECT: PRCS (AB 109) VIOLATION MATRIX REVISION

The Special Services Bureau – Violation Matrix has been revised and is attached for reference and distribution. The Violation Matrix is to be incorporated into the Special Services Bureau Manual which is currently in process.

This Directive supersedes Directive 1303 – AB 109 Supervision Violation Matrix. The Violation Matrix has been updated to ensure that violations for failure to report are addressed in a more expeditious manner. Furthermore, instructions are provided regarding the issuance of Flash Incarcerations in lieu of Revocation referrals.

The most important component of the Violation Matrix revision is that DPOs are to address ALL VIOLATIONS appropriately and repeated failures to comply with supervision conditions warrant referral to the Court for Revocation Proceeding.

If there are any questions regarding this Directive, please contact the AB 109 Consultant, Randall Pineda at (562) 233-6713.

Reaver E. Bingham, Deputy Chief
Field Services Division

MANUAL HOLDERS: CROSS REFERENCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE

Subject:	Section Number: SSB-508
SPECIAL SERVICES BUREAU MANUAL	Effective Date: 10/1/13
VIOLATION MATRIX	Approved By: Reaver Bingham, Deputy Chief

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508.1 OVERVIEW

With the implementation of the AB 109 Post Release Community Supervision (PRCS) Program for Post-Release Supervised Persons (PSPs), there must be a balance maintained between rehabilitative casework and the appropriate level of sanction and rewards for compliance and non-compliance with conditions of supervised release in the community. It is important that sanctions imposed for non-compliance are appropriate to the violation, as a means of maintaining PSP accountability and rehabilitation, and ensuring public safety.

In order to develop a more consistent means of imposing and applying sanctions, the Violation Matrix was developed to provide AB 109 staff with guidelines for the imposition of sanctions. As with all probation casework, staff is required to research potential violations thoroughly and maintain records of all information that supports the level of sanctions imposed in the Adult Probation System (APS). This means that DPOs should familiarize themselves with all aspects of a PSP's case in order to impose the appropriate sanction(s) based on all available information. DPOs with SDPO approval may work outside these guidelines and make more stringent recommendations based on information gleaned from Local Law Enforcement (LLE) agencies, treatment providers, contracted vendors of services, and community-based service providers. As indicated above, sanctions applied outside the guidelines must be clearly documented and justified for any action taken.

The legend provided below provides a description of the levels of sanctions recommended for each violation type.

1	Intermediate Sanction: Verbal Admonishment	4	Flash Incarceration (Range indicated 1 to 10 days maximum)
2	Intermediate Sanctions: Increased Supervision Level / Increased Supervision or Treatment Frequency / Added Conditions of Supervision/ PAAWS / Community Services	5	Revocation Petition (Range of recommended time indicated 11 to 180 days maximum.)
3	Intermediate Sanction: Electronic Monitoring (House Arrest) / GPS	@	Request for Absconder Arrest Warrant

This Matrix shall be the guideline for the application of sanctions related to violations of conditions of supervised release. Deputies shall use discretion, ***in consultation with their immediate supervisor***, to determine the most appropriate sanctions to address a PSP's failure to comply with community supervision.

DPOs assigned to AB 109 PRCS have the discretion to determine the application and level of sanctions applied for a given violation. However, DPOs they do not have the discretion to allow any potential violation of supervision conditions to pass without taking note of, and addressing the issue with the PSP, and clearing any action with their immediate supervisor. The continued use of intermediate sanctions and flash incarcerations in lieu of the referral for revocations does not qualify as the appropriate utilization of these supervision tools. PSPs must be referred to court when their pattern of behavior indicates and unwillingness to comply with the terms of supervision. If violations

continue after two successive Flash Incarcerations, the DPO must submit a Revocation Request to the court.

Following the application of any sanction, the DPO must assess the need to potentially adjust the PSP's level of supervision. This may include the addition of conditions that address the issues that lead to the PSP's violation of their supervision conditions or general response to supervision. While sanctions are seen as a necessary consequence for a failure to comply with conditions of community supervision, it is the DPO's responsibility to seek the best course of action that will assist the PSP in achieving the successful completion of supervision and reintegration into society.

508.2 EMPLOYMENT/EDUCATION CONDITIONS

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X22 - PRCS: INFORM PROBATION REGARDING NEW JOB	1	1	1	1	1
X29 - PRCS: SEEK AND MAINTAIN EMPLOYMENT	1	2	3	1-10	60-90
X70 - CDCR 1515: REPORT EMPLOYMENT	1	1	1	1	1
X89 - PRCS: COOPERATE EMPLOYMENT/TRAINING	1	2	3	1-10	60-90

INSTRUCTIONS: The Adult Field Services Bureau requires that all PSPs participate in some form of job training, vocation or educational programming if they are unemployed. All PSPs not participating in a program providing these services must be actively engaged in seeking employment or be gainfully and legally employed. All employment information must be recorded in the APS Defendant Employment/Support Data Screen (DESD).

Due to the high number of unemployed PSPs (statistics indicate that the unemployment rates for convicted felons are as high as 80%), the Department has secured job readiness training and job placement services with a contracted vendor or other source of assistance. These services are provided by the County of Los Angeles, at no cost to the PSP. Eligible PSPs are to be referred to the contracted services provider and any other community-based providers if they have not provided proof that they are receiving such services in the community, or are already employed.

VIOLATION AND SANCTION: Failure to comply with conditions of supervision release will result in the application of appropriate sanctions according to the scale provided above. This includes failure to report for/or participate in services once referred and placed, and failure to complete the services.

NOTE: There are instances when a PSP is not suitable for employment, such as Enhanced Outpatient Program (EOP), Correctional Clinical Case Management System (CCCMS), and PSPs that are disabled and are receiving SSI benefits or have been deemed to be unemployable by a treatment service provider. These individuals are excused from this requirement. The DPO of

Record is responsible for maintaining all records that justify removal of the requirements, and all APS information must be updated to reflect the supervision requirements of the PSP, including reporting entries in the Defendant Chrono Information (DCID) Data screen, updates to the DESD screen mentioned above, and appropriate updates of the Count Conditions of Probation Data (CNCD) screen.

508.3 GANG AFFILIATION/MEMBERSHIP/ACTIVITY CONDITIONS

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X16 - PRCS: NOT ASSOCIATE GANG MEMBERS	10	90-120	120-180	180	180
X17 - PRCS: NOT FREQUENT	10	90-120	120-180	180	180
X43 - PRCS: NOT BE GANG MEMBER	10	90-120	120-180	180	180
X46 - PRCS: NOT POSSESS GRAFFITI MATERIALS	10	90-120	120-180	180	180
X48 - PRCS: NOT OBTAIN TATTOOS/ETC	3	10	60-120	120-180	180
X64 - PRCS: NOT ATTEND COURT WITH GANG MEMBER	10	90-120	120-180	180	180
X92 - PRCS: NOT PARTICIPATE IN GANG ACTIVITY	10	90-120	120-180	180	180
X93 - PRCS: NOT ACT FOR THE BENEFIT OF A GANG	10	90-120	120-180	180	180

INSTRUCTIONS: All PSPs that are gang identified must have all applicable gang conditions applied to their conditions of supervised released under PRCS. AB 109 DPOs are responsible for documenting, tattoos, attire, or other information that identifies the PSP as a street or prison gang member in the Adult Probation System. This includes updates to the system that serves to notify Probation staff that the PSP's associations and membership in a criminal street gang or prison gang where information has not been received from the California Department of Corrections and Rehabilitation. AB 109 Supervision DPOs must ensure that all gang conditions are enforced.

VIOLATION AND SANCTION: Failure to comply with conditions of supervised release will result in the application of appropriate sanctions according to the scale provided above. This includes violations of civil gang injunctions and includes violations committed to aid in the efforts of a criminal street gang, prison gang or organized criminal operation. Probation staff must be aware that some minor crimes or violations may be committed in this vein in determining the appropriate sanction.

NOTE: Conditions of supervision that pertain to a PSP under a gang injunction will be applied as follows:

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X94 - PRCS: ADHERE TO GANG INJUNCTION	60-90	90-120	120-180	180	180

DPOs with PSPs on an injunction should work closely with local law enforcement to ensure that all arrests for violations of an injunction are handled using the scales provided.

508.4 VICTIM RELATED CONDITIONS

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X14 - PRCS: NOT HARASS/ETC VICTIM(S)	90-120	120-180	180	180	180
X15 - PRCS: NOT ASSOCIATE/KEEP AWAY	3	1-10	120-180	180	180
X26 - PRCS: NOT CONTACT VICTIM/ETC	90-120	120-180	180	180	180
X33 - PRCS: OBEY PROTECTIVE ORDER	60-90	120-180	180	180	180

INSTRUCTIONS: All PSPs with a primary charge related to domestic violence, sex offenses, gang activity (witness intimidation or jury tampering), or has a history of such charges, violent behavior, stalking, or other issues related to stalking, are to have victim related conditions attached to their PRCS supervision. AB 109 staff is responsible for the addition and enforcement of these conditions and must enter the appropriate additions to the APS CNCD screen, and provide notification to the PSP of the additional conditions, in person and in writing. Additionally, these conditions must be added in the event there is an indication that a victim requires the additional protection from the PSP which may not have been evident at the onset of supervision or there is a need for any member of the community to seek and receive a restraining order against the PSP. Probation staff contacts with PSPs where the victim is present in the household are required to make contact with the victim every month to ensure their wellbeing and safety, and to ensure the PSP is in compliance with conditions of supervision.

VIOLATION AND SANCTIONS: Failure to comply with conditions of supervised release will result in the application of appropriate sanctions according to the scale provided above. DPOs may increase the level of sanctions depending on the needs of the PSP and the victim's safety. AB 109 staff should never delay action as the victim may be particularly vulnerable.

NOTE: Probation staff must be aware of the complex nature of some domestic violence cases and understand victim safety is paramount to any decision made regarding the enforcement of conditions, regardless of the victim's willingness or unwillingness to cooperate with the DPO.

508.5 SEX OFFENDER CONDITIONS

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X30 – PRCS: PARTICIPATE SEX OFFENDER PROGRAM	1-10	60-90	90-120	120-180	180
X32 – PRCS: NOT ASSOCIATE WITH SEX OFFENDERS	1-10	60-90	90-120	120-180	180
X34 – PRCS: NOT BE ALONE WITH MINOR	60-90	90-120	120-180	180	180
X35 – PRCS: NOT RESIDE NEAR SCHOOLS/ETC	10	120-180	180	180	180
X36 – PRCS: NOT RESIDE WITH MINOR(S)	10	120-180	180	180	180
X37 – PRCS: NOT POSSESS CHILDREN'S CLOTHES/ETC	60-90	90-120	120-180	180	180
X38 – PRCS: NOT POSSESS CHILDREN'S TOYS/ETC	10	90-120	120-180	180	180
X39 – PRCS: NOT USE/POSSESS COMPUTER	10	120-180	180	180	180
X40 – PRCS: NOT SUBSCRIBE TO INTERNET SERVICE	10	120-180	180	180	180
X41 – PRCS: COMPUTER SEARCH/SEIZURE	10	120-180	180	180	180
X91 – PRCS: COOPERATE IN A PLAN FOR GPS	10	120-180	180	180	180
X47 – PRCS: NOT ON SCHOOL GROUNDS	10	120-180	180	180	180
X42 – PRCS: NOT UTILIZE SEX ORIENTED SERVICES	10	60-90	90-120	120-180	180
N03 – NOT BE IN PRESENCE OF MINOR UNDER XX W/O RESPONSIBLE ADULT PRESENT	90-120	120-180	180	180	180
*P5 (N99) – NO VOLUNTEER WORK W/O DPO/COURT PERMISSION	10	90-120	120-180	180	180
*P6 (N99) – NOT LOITER NEAR SCHOOLS, PARKS, MUSEUMS, SWIMMING POOLS, PLACES PRIMARILY USED BY CHILD<18	10	90-120	120-180	180	180
*P7 (N99) – NOT OWN, USED, POSSESS CHILD PORNOGRAPHY, CHILD EROTICA, ILLUSTRATED MATERIALS DEPICTING UNCLOTHED CHILDREN	180	180	180	180	180
*P8 (N99) – NOT DISTRIBUTE, POSSESS, MANUFACTURE CHILD PORNOGRAPHY	180	180	180	180	180
S03 – NOT HITCHHIKE, PICK-UP HITCHHIKERS, ACCEPT RIDES W/MOTORISTS ON ANY STREET,	10	90-120	120-180	180	180

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
HIGHWAY, OTHER PLACE OPEN TO PUBLIC					

INSTRUCTIONS: PSP's mandated to register as sex offenders are to have all of the following conditions of supervision attached to their conditions of supervised release: X91, P5, P6, S03, X30, X32, X35, X42, and X87.

NOTES: If the PSP's sex offense conviction is more than 10 years old or if the commitment offense was for failing to register, the treatment condition is not applied.

Sex offenders, who were convicted of a crime where the victim was under the age of 18, must have the following additional conditions of supervision attached: X37, X34, N03, P7, P8, X36, X37, and X38.

Sex offenders, who were convicted of a crime where the victim was contacted via the internet or any crime involving child pornography, are to have the following additional conditions of supervision attached: X34, N03, P7, P8, X35, X36, X37, X39, X40, and X41.

All other conditions of supervision apply to the PSP and are to be enforced by the DPO.

*All "P" coded conditions are pending entry in the Adult Probation System (APS). Please utilize the "N99" code to manually enter the condition into the APS system.

VIOLATION AND SANCTION: Any violation of the above applied conditions will result in at least the recommended level of sanctions. DPOs must act quickly upon notification of any violation related to sex offenders, and notification to the court for arrest warrants or revocations should not be delayed any more than 10 working days from notification.

508.6 TREATMENT – SUBSTANCE ABUSE CONDITIONS

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X88 - PRCS: COOPERATE IN PLAN FOR SUBS ABUSE	2	3	1-10	60-90	120-180
X31 - PRCS: ABIDE BY PROGRAM RULES ETC	2	1-10	60-90	90-120	120-180
X17 - PRCS: NOT FREQUENT	1	3	1-5	5-10	60-180
X27 - PRCS: SUBMIT TO NARC/ALC TESTING w/TX OR CASC	1	2	1-5	5-10	60-180
X27 - PRCS: SUBMIT TO NARC/ALC TESTING NO TX OR CASC	3	1-5	5-10	60-90	90-180

INSTRUCTIONS: AB 109 staff is responsible for enforcing the compliance with substance abuse treatment conditions. PSPs that demonstrate a need for substance abuse treatment based on their primary offense, information gleaned from CDCR records, information or observations at the HUB, or observation or behavior in the community will have all conditions (X17, X27, X31, and X88) included or added to their conditions of supervision. All PSPs shall receive substance abuse services through the Substance Abuse Prevention and Control (SAPC). PSPs that require substance abuse services will be referred to the Community Assessment Services Centers (CASC) for assessment and determination of the level of services needed, and participate in the treatment services.

VIOLATION AND SANCTIONS: Failure to comply with conditions of supervised release will result in the application of appropriate sanctions according to the scale provided above. Probation staff should take into consideration all information pertaining to the PSP's substance abuse treatment, including information that may not be provided by the CASC or treatment personnel regarding the PSP's level of addiction. DPOs must also consider public safety in addressing non-compliance, as well as the safety of the PSP. In some cases, the PSP may require a high level of sanctions or intervention that is indicated by the matrix. The DPO, with SDPO approval, may recommend a more aggressive form of sanction or intervention if warranted.

NOTE: Should the CASC determines that the PSP does not require treatment services at the time of referral, the DPO of Record must request that condition X88 and X31 be removed from the APS CNCD screen. Staff will utilize the M1 Modification of Probation disposition code in APS to affix a date to the modification of supervision, and remove the conditions. The PSP will continue to be tested with all other PSPs in order to ensure that there are no substance abuse issues. If the PSP tests dirty, the DPO will add the X88 and X31 conditions and refer the PSP to the CASC.

Failure to cooperate with a treatment provider or any instance where the PSP becomes disruptive to the program will result with immediate removal from the program and a flash incarceration imposed.

A referral for revocation will be made if deemed appropriate (ex. PSP demonstrates aggressive or violent behavior or continually refused to participate).

508.7 TREATMENT CONDITIONS – MENTAL HEALTH CONDITIONS

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X28 - PRCS: ABIDE BY PROGRAM RULES ETC	1	1-10	60-90	90-120	120-180
X67 - CDCR 1515: PSYCH TREATMENT FACILITY	10 @	60-90	90-120	120-180	120-180
X85 - PRCS: COOPERATE IN MENTAL HEALTH PLAN	1	1-10	60-90	90-120	120-180
X31 - PRCS: MENTAL HEALTH PLAN	1	1-10	60-90	90-120	120-180

INSTRUCTION: AB 109 staff is responsible for enforcing the compliance with mental health treatment conditions. PSPs that demonstrate a need for mental health treatment based on their primary offense, information gleaned from CDCR records and a recommendation by the Department of Mental Health (DMH), information or observations at the HUB, or observation or behavior in the community must have all conditions (X28, X31, and X85) included or added to their conditions of supervision. All PSPs will receive mental health treatment services through DMH. A PSP that requires mental health services will be referred to the co-located DMH clinicians at the HUBs for assessment and referral to mental health treatment services.

VIOLATION AND SANCTIONS: Failure to comply with conditions of supervision will result in the application of appropriate sanctions according to the scale provided. Probation staff should take into consideration all information pertaining to the PSP's mental health treatment, including information that may be provided by DMH or treatment personnel regarding the PSP's level of function. DPOs must also consider public safety in addressing non-compliance, as well as the safety of the PSP. In some cases, the PSP may require a high level of sanctions or intervention that indicated by the matrix. The DPO, with SDPO approval, may recommend a more aggressive form of sanction or intervention if needed.

NOTE: PSPs that create a disruption in the treatment program are to be removed from the community forthwith. While the first option for any community based program is to contact local law enforcement through 911, there are occasions when the program will need additional assistance. This can be provided through the intervention of the Sheriff's Departments Post-Release Compliance Team (PCT), coordination with co-located Local Law Enforcement DPOs, or through a request with Special Enforcement Operations (SEO).

PSP that walk away from a residential treatment facility where they were placed by DMH staff, either through a referral to the HUB evaluators or by the court, will be referred to the court for the issuance of an arrest warrant, forthwith. If the PSP is taken into custody, a Revocation Petition will be mandatory and the DPO will recommend further evaluation and placement through DMH.

508.8 WEAPONS VIOLATIONS: PSP IN POSSESSION OF WEAPON

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X76 - CDCR 1515: FIREARMS/ETC	10	90-180	180	180	180
X77 - CDCR1515: NOT OWN /ETC WEAPON	10	90-180	180	180	180
X78 - CDCR 1515: NOT POSSESS WEAPON	10	90-180	180	180	180
X79 - CDCR 1515: NOT POSSESS KNIVES	1-10	10	90-180	180	180
X80 - CDCR 1515: NOT OWN A CROSSBOW	1-10	10	90-180	180	180
X20 - PRCS: NOT OWN/USE/POSSESS WEAPONS	10	90-180	180	180	180

INSTRUCTIONS: While the AB 109 Program mandates work with PSP in imposing alternative sanction to (versus) detention, PSPs that possess these items are in violation of their conditions of supervision per state law. A PSP in possession of these items shall be considered an immediate threat to the safety of the community who require immediate removal from the community, regardless of compliance with other conditions of supervision.

508.9 WEAPONS VIOLATIONS: PSP IN THE PRESENCE OF WEAPON

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X21 - PRCS: NOT BE AROUND GUNS, ETC	10	90-180	180	180	180
X49 - PRCS: NOT IN PRESENCE OF WEAPONS/ETC	1	10	90-180	180	180

INSTRUCTIONS: The DPO must consider the associations maintained by the PSP during the course of supervision and in community contacts. PSPs in the of presence of known gang members, other PSP/Parolees/Probationer, or in an area known for other illicit activity such as drug sales, drug use, book making, prostitution, etc., or in the presence of minors must be considered. The DPO should also consider the sentencing offense and the PSP's past use of firearms or weapons in the commission of other criminal behavior.

VIOLATION AND SANCTIONS: Failure to comply with conditions of supervision will result in the application of appropriate sanctions according to the scale provided. The SDPO and DPO have the discretion to impose sanctions at higher level if the information provided by the arresting agency, court, or District Attorney indicates a more serious infraction than the arresting charge might indicate. Possession of any weapon is not a violation that can be taken lightly or can be addressed with an intermediate sanction.

508.10 GENERAL CONDITIONS OF SUPERVISION - REPORTING

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X23 - PRCS: REPORT AS INSTRUCTED	2	3	10 @	60-90 @	90-180 @
X24 - PRCS: REPORT WITHIN 48 HRS OF RELEASE	10@	30-60@	60-90 @	90-180 @	120-180 @
X69 - CDCR 1515: REPORT WITHIN TWO DAYS	10@	30-60@	60-90 @	60-90 @	90-180 @

INSTRUCTIONS:

X24: AB 109 DPOs are responsible for ensuring that PSP report in accordance with Departmental policy. The sanctions provided above are to be administered when a PSP failed to report to the HUB

for intake following his/her release from state prison, or when a PSP fails to report following his/her detention for a violation of PRCS supervision.

X23: AB 109 staff are responsible for ensuring that all PSPs report for regular office contacts, based upon the PSP's LS/CMI risk score, conviction charge, registration requirement, or prison gang membership. All PSPs will be required to report on time for any appointment set by the DPO, unless the PSP can provide a compelling reason for missing their appointment.

VIOLATIONS AND SANCTIONS:

X24, X69: All PSPs that fail to report for instructions within two working days of release from any detention facility will be admonished upon reporting, as long as an arrest warrant was not requested and issued, or the PSP sustained a new arrest. PSPs that are picked up on an active arrest warrant that was the result of the PSP's failure to report from a detention facility will serve up to 10 days Flash Incarceration unless there is a compelling reason for the failure to report. All subsequent failures to report to HUB from CDCR custody, or to the area office supervision from HUB orientation, will be referred to the court for a Revocation Hearing. Any PSP that sustains an arrest during the intake phase of supervision will referred to the court for a Revocation Heating with a recommendation for a suitable period of time in custody (see matrix). The requests for the revocation hearings will be referred to the Alhambra PRC.

X23: PSPs that fail to report as instructed are subject to sanctions ranging from admonishment to revocation of supervision. Any failure to report as instructed is to be addressed with an appropriate sanction based on the table provided. However, PSPs that fail to report or cannot be contacted in the timelines indicated below are to be referred to the court for the issuance of an arrest warrant:

Very High Caseload: DPOs are required to refer a PSP assigned to this level of supervision to the court for an arrest warrant within 24 hours of any missed appointment or discovery through an attempted field contact that the PSP provided erroneous residence information.

All other AB 109 Caseloads: DPOs are to ensure that no PSP goes more than 5 working days beyond a missed scheduled appointment without referring the PSP to the court for an arrest warrant. Attempts to contact the PSP may be made within that five day period and should the PSP be contacted they must be ordered to report forthwith. This contact with the PSP does not absolve them of the obligation to present themselves to the DPO for supervision and instruction. Any further failure to report must be reported to the court through the request for a warrant within 24 hours of any continued failure to report.

All PSPs that fails to report any time after their initial appointment with the DPO of Record or designee (O.D.) are subject to revocation of supervision and custody time.

NOTE: Arrest Warrants should be obtained as quickly as possible for PSPs that fail to comply with any reporting instructions. No failure to report is to go beyond 5 working days from the last scheduled appointment without being referred to the court for a warrant if the PSP is unresponsive or cannot be located.

508.11 GENERAL CONDITIONS OF SUPERVISION - RESIDENCE

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X12 - PRCS: SEARCH/SEIZURE	1-10	60-90	90-120	120-180	180
X13 - PRCS: DO NOT LEAVE COUNTY/STATE	1-10	60-90	90-120	120-180	180
X18 - PRCS: CURRENT ADDRESS	1-10	60-90	90-120	120-180	180
X66 - CDCR1515: WAIVE EXTRADITION	180	180	180	180	180
X68 - CDCR 1515: OTHER JURISDICTION	180	180	180	180	180
X71 - CDCR 1515: INFORM OF RESIDENCE	1	3	1-10	60-90	90-120
X25 - PRCS: IF DEPORTED DO NOT RETURN TO U.S. W/O DOC	1-10	60-90	90-120	120-180	180

INSTRUCTIONS: PSPs are required to provide accurate residence information. All PSPs are to provide the DPO with an accurate, valid address that reflects their place of residence. If the PSP maintains more than one address (a girlfriend, another family me member, etc.) the PSP is responsible for informing the DPO of those alternative residences and the DPO is responsible for maintaining that information in the APS Defendant Address Data (DFAD) screen. PSPs may not leave the County of Los Angeles without prior written approval of the supervision DPO or a designee (SDPO, Officer of the Day or other authorized probation deputy.) All requests to travel out of State will be accompanied by an itinerary for the trip, dates and method of travel, and must be approved by an SDPO in accordance with Departmental policy and procedure.

VIOLATION AND SANCTION: Any PSP that fails to provide an accurate accounting of his/her residence will be considered to be in absconder from supervision. While the DPO may wait up to five working days for a scheduled appointment to address the issue with a PDP, the PSP's failure to report will result in the submission of an Arrest Warrant request within five working days of the missed appointment, and the scales for sanction time will be recommended in accordance with the above sanction matrix. Any PSP that leaves the County without the permission of the Probation Department is subject to the above sanctions. If it is discovered that the PSP left the County without prior approval, and there is no indication that there was a mitigating reason for the violation, the DPO of Record will apply the above sanctions accordingly.

NOTE: PSP that leave the State without permission are not only subject to the above sanctions, but may be found in violation of the Interstate Compact (ISC) or other local laws or ordinances, and may be subject to arrest and prosecution in that State or jurisdiction. All PSPs that relocate to another State without prior approval of the DPO and the securing of ISC reporting instructions will be ordered to return to the County of Los Angeles and report to the DPO for the appropriate application of a sanction. If the PSP fails or refuses to return, the DPO of Record or his/her designee will submit a request for an Arrest Warrant. No ISC application will be made for a PSP that relocated to another State in violation of the compact until the PSP returns to Los Angeles County.

508.12 GENERAL CONDITIONS OF SUPERVISION – IDENTIFICATION

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X44 - PRCS: SUBMIT TO PHOTOGRAPHING	1	10	90-120	120-180	180
X45 - PRCS: SUBMIT TO FINGERPRINTING	1	10	90-120	120-180	180

INSTRUCTIONS: PSPs are required to submit to any means of verifying identification, including the taking of fingerprints and the maintenance of photographic record of their appearance, distinguishing features or marks, or tattoos. Additionally, the PSP is to abstain from adding any tattoos while under PRCS supervision. The addition of such marking are to be reported by the PSP and the DPO is to make a record of the additional tattoos. Markings, piercings, or other permanent changes to the PSP's appearance by noting its location and description in the APS DCID screen.

VIOLATION AND SANCTIONS: Failure to comply with the collection of finger prints and photographs will result in the application of the above sanctions. Failure to comply with instructions not to add a tattoo will also result in the application of the above sanctions, following the appropriate recording of information regarding the new tattoo in APS.

508.13 GENERAL CONDITIONS OF SUPERVISION – MISDEMEANOR ARRESTS

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X10 - PRCS: OBEY ALL LAWS	1-3	10	60-180	180	180
X74 - CDCR 1515: NOT ENGAGE IN CRIMINAL CONDUCT	1-3	10	60-180	180	180
X75 - CDCR 1515: INFORM SUPERVISION OFFICER OF NEW ARREST	1-3	10	60-180	180	180

INSTRUCTIONS: Any arrest of a PSP must be addressed immediately by the DPO of Record. All arrests are to be addressed within 10 working days of notification with the application of the above recommended sanctions. This includes notification of an arrest from the District Attorney's Office or the City Attorney, information provided by local law enforcement, information in criminal records, information in Probation records, or information provided by support staff, such as notification from the Alhambra PEC 24-hour call center staff.

VIOLATION AND SANCTIONS: These sanctions apply to an arrest for a standalone violation of Municipal Codes and Misdemeanors related to property crimes that are not related to the PSP's controlling offense and are not in conjunction with other violations of supervision, such as a failure to report as instructed or failure to participate in a treatment program. Combinations of arrest with

violation should be considered a more serious violation of the overall goals of PRCS and sanctions should be applied at a higher level than suggested above.

NOTE: The DPO of Record or designee that is first informed of the arrest can apply a more severe sanction to the PSP if the offense requires such a response, with SDPO approval. Always keep in mind that the circumstances of the offense should be taken into account. There are times when there are more serious allegations involved that are indicated by the offense filed by the District Attorney or the City Attorney. Staff should be aware of situations where the PSP has plead to a lower level offense, such as vandalism, but the incident may have been the result of domestic abuse or stalking.

These sanction recommendation apply for the commission of any arrest of a PSP whether charges were filed by the District Attorney's Office or the City Attorney.

508.14 GENERAL CONDITIONS OF SUPERVISION – FELONY ARRESTS

Conditions of Supervision	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X10 - PRCS: OBEY ALL LAWS	10	60-180	180	180	180
X74 - CDCR 1515: NOT ENGAGE IN CRIMINAL CONDUCT	10	60-180	180	180	180
X75 - CDCR 1515: INFORM SUPERVISION OFFICER OF NEW ARREST	3	1-10	60-180	180	180

INSTRUCTIONS: Any arrest of a PSP must be addressed immediately by DPO of Record. All arrests are to be addressed within 10 working days of notification with the application of the above recommended sanctions. This includes notification of an arrest from the District Attorney's Office or the City Attorney, information provided by local law enforcement, information in criminal records, information in Probation records, or information provided by support staff, such as notification from the Alhambra PEC 24-hour call center staff. DPOs are to make monthly reviews of criminal records systems to ensure that all arrests are appropriately addressed and that the PSP received the appropriate sanction for the violation. DPOs are not to rely solely on the information provided by the PSP regarding arrests or police contacts in the community.

VIOLATION AND SANCTIONS: These sanctions apply to an arrest for a standalone violation of Penal Codes (Felonies) that are not related to the PSP's controlling offense and are not in conjunction with other violations of supervision, such as a failure to report as instructed or failure to participate in a treatment program. Combinations of arrest with violation should be considered a more serious violation of the overall goals of Post Release Community Supervision and sanctions should be applied at a high level of sanction than suggested above.

NOTE: In some instances, with SDPO approval, the arrest of a PSP may be addressed with a Flash Incarceration or an Intermediate Sanction when there is a nexus to the treatment and rehabilitation of the PSP, or there is an indication from the arrest report that the PSP is not in violation, or the violation

does not warrant the referral for a revocation of supervision. It is imperative that the DPO consult with the SDPO in these instances and that there is a clear plan of action that address whatever issues are revealed in the arrest or contact with law enforcement.

508.15 REGISTRATION CONDITIONS

Conditions of Probation	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence	5th Occurrence
X65 - PRCS: STREET GANG REGISTRATION	1	3	1-10	60-90	120-180
X87 - PRCS: SEX REGISTRATION	1-10	60-90	90-120	120-180	180
X90 - PRCS: ARSON REGISTRATION	1-10	60-90	90-120	120-180	180

INSTRUCTIONS:

PC 290 Sex Offenders - All PSPs that are required to register as sex offenders pursuant to PC 290 are to be notified of this obligation at the HUB orientation and are to provide proof of registration within the five day window provided by law. Failure or refusal to register pursuant to PC 290 is to result in the immediate removal of the PSP from the community, via Flash Incarceration or requesting an Arrest Warrant from the court. In either case, the PSP is to be referred to the court for a revocation of PRCS, and the District Attorney may be contacted for the filing of a new violation of PC 290.

PC 451 Arson: All PSPs that are required to register as Arson Offenders are to do so within the parameters of the law. The PSP is to be notified of the requirement to register at the HUB orientation and are required to provide proof of registration with local law enforcement to the supervision DPO within five working days of their report to the HUB. Failure or refusal to register pursuant to PC 451 is to result in the immediate removal of the PSP from the community, via Flash Incarceration or requesting an Arrest Warrant from the court. In either case, the PSP is to be referred to the court for a revocation of PRCS. DPOs may also require arson offenders to submit to GPS monitoring, particularly during the fire season.

Street Gang Registration: All PSPs with a condition to register with LLE as a street gang member are to be directed to do so at the HUB orientation. The PSP is to provide proof to the supervision DPO within five working days of their orientation at the HUB. Failure to comply with these instructions will result in sanctions ranging from low level intermediate sanctions to flash incarceration or referral to the court for a revocation of supervision for repeated refusals to comply.

H&S 11590 Narcotics Registration: All PSPs required to register pursuant to Health and Safety Code Section 11590 are to be instructed to report to register with local law enforcement within the first 15 days of supervision in the community. Failure to comply with their conditions will result in an

escalation of sanction resulting in a Flash Incarceration and eventual recommendation for a revocation of Post Release Community Supervision for repeated failure to comply.

All information pertaining to the completion of the registration requirements shall be recorded in the APS Defendant Probation Data (DFPD) screen.