# AB109 POSTRELEASE COMMUNITY SUPERVISION CONTROLLING AND MANDATORY DISCHARGE DATES AND RECALCULATIONS

**AUTHORITY**: Administrative Directive

Sections 667.5, 1170.12, 1192.7, 1203.3, 2962, 3000, 3000.08, 3003,

3450-3465, and 3060.7, California Penal Code.

People vs. Johnson (California Appellate Court, First District, Filed 12/6/18)

**RESCINDS**: Procedural Manual Item 2-3-104, dated 10/26/18 (Major Revision)

FORMS: Release Program Study (611 Packet) (CDCR – Attachment A)

Postrelease Community Supervision Warrant

Reinstatement Notice (ICMS – Attachment B)

**PURPOSE**: To establish accurate and correct discharge dates for offenders released

under Postrelease Community Supervision (PCS). This includes Controlling and Mandatory Discharge Dates as well as recalculating supervision based on "tolling" of time due to absconding supervision.

#### I. GENERAL INFORMATION

- A. Under PCS supervision, offenders have a Controlling Discharge Date (CDD) and Mandatory Discharge Date (MDD).
  - Offenders released from prison are under supervision for a period of three years per Sections 3456 PC (unless otherwise specified by statute). This date is based upon the offender's controlling commitment offense and is referred to as a CDD. The actual period of supervision may be less than three years based upon total custody credits as determined by California Department of Corrections and Rehabilitation (CDCR) and their Legal Processing Unit (LPU).
  - 2. Offenders under PCS supervision for six consecutive months with no violations resulting in a custodial sanction "may be considered for discharge" pursuant to Section 3456(a)(2) PC. This is optional and may be enforced at officer discretion based upon overall progress and case dynamics with supervisor and Division Director approval.
  - 3. Offenders under PCS supervision for one year with no violations resulting in a custodial sanction "<u>shall</u> be considered for discharge" pursuant to Section 3456(a)(3) PC. This is obligatory if the above criteria are met and is commonly referred to as an MDD.
  - 4. Both CDD and MDD dates are listed on the offender's Profile screen within the departmental Integrated Case Management System (ICMS) and are shown in red font.
  - 5. Our authority and a custodial commitment of any kind can <u>never exceed</u> the CDD even if so ordered by the Court or imposed prior to the CDD.

#### B. Term Recalculation and Updating MDDs

- The CDD date must be recalculated whenever a warrant (for abscond violation) is issued by the Court and time "tolls" pursuant to Section 3456(b) PC. This is done via the CDD Chrono tab, which is located in the PCS drop down button. Once completed, a Warrant Reinstatement Notice can be auto generated.
- 2. The one year MDD must be updated in ICMS after each PCS custodial sanction (flash or formal revocation). Flash only is based on the sentence ending date (S/E) and Formal Revocation is based on the reinstatement date. This specific custodial sentence may or may not be his or her date of release depending upon other open or pending cases. This date will be one year, minus a day from the release date (flash only) and one year minus a day from the reinstatement date (formal revocation), unless it exceeds the CDD.

#### II. PROCEDURE

#### A. Determining the CDD

1. The CDD is determined beginning with offender's release from the current "prison commitment" which is referred to as the Controlling Release Date (CRD).

On occasion, an offender is subject to various "holds" from other agencies and jurisdictions such as Immigration and Custom Enforcement (ICE) and Law Enforcement Agencies (LEA). The offender's release date (CRD) will stand and the supervision clock will begin even though the offender remains in custody (prison or elsewhere).

In addition, there are occasions when the offender may have over-served his or her commitment due to resentencing and receives additional "credit for time served" (CTS). The offender's actual CRD may occur prior to the day he or she is physically released from custody and reports for supervision.

2. The PCS Intake Clerk will update the ICMS Profile and enter the CRD located in the Release Program Study (RPS) (611 packet) from CDCR. This is located in the AB109 Release Date field in the ICMS Profile.

The PCS Intake Clerk will also determine and enter the CDD that is equal to (3) years minus one day.

Both the CRD and the CDD are based upon CDCR documentation at the time it is received: RPS Form, Notice to Supervising County, Chronological History, Legal Status Summary (LSS), and/or Sentence Data Sheet.

If we receive a Change in Status form indicating a change in release date from CDCR at any time prior to the case being assigned, the PCS Intake Clerk will update the AB109 Release Date and CDD in the ICMS Profile based on those documents.

- 3. After the case is assigned, the assigned DPO will confirm the CRD and CDD when the offender is released. Sometimes, the dates coincide and no change is needed. However, if the CRD has changed, this will affect the CDD. The assigned DPO will verify the CRD upon receipt of the Post Release Packet (PRP), which contains the Warden's Checkout Order (WCO) documentation. If the PRP and WCO are missing, the DPO will contact the appropriate prison, speak with the County Liaison, confirm the CRD, and request a copy of the PRP and WCO. Notify PCS Intake Clerk so he or she can monitor the CDCR Secure Automated File Exchange (SAFE).
- The DPO will coordinate with their respective unit clerk. It is the unit clerk's responsibility to update the initial CRD (AB109 Release Date) and CDD in the ICMS Profile.
- 5. Once confirmed and the original CRD is finalized, that date remains static and will no longer need to be changed for that particular grant of PCS.

#### B. Re-Calculating a CDD

- The period of time when time "tolls" (offender will not receive credit for supervision) is after a warrant (abscond only) has been both <u>signed</u> and <u>issued</u>. The restore date for the period of tolling for an abscond violation will be the date PCS is reinstated by the Court. 3456(b)PC
- 2. The assigned DPO is responsible for beginning the process of
- 3.
  - a. CDD Chrono: Complete the recalculation using the date the warrant (abscond only) was signed and issued and the restore date when reinstated by the court. That period of time will be added to the existing CDD and a new CDD will be calculated. Forward the recalculation letter to the unit clerk.
- 4. The assigned DPO will coordinate and ensure the offender receives his or her Recalculation Letter either by mail or in person.
- The DPO will forward the Recalculation Letter to his or her unit clerk for final processing.
- 6. The unit clerk will update ICMS by selecting the "Court Orders/Probation Action" tab and will complete a Chronological History entry of the action taken.
- If an error has occurred at any point reference a recalculation, the assigned DPO will coordinate with the unit supervisor and clerk. The DPO shall correct any and all subsequent recalculations in order to bring the case into

compliance.

#### C. Re-Calculating an MDD

1. The period of time following each Flash release from custody on the current PCS grant determines the one year MDD pursuant to Section 3456(a)(3) PC (again, one year minus a day).

It is important to document each Flash release or "Sentence Ending" (S/E) date, beginning with the initial release from prison and after each subsequent <u>PCS custodial commitment</u> for Flash.

The 1-year MDD will also reset on the date that PCS is reinstated by the Court for <u>both</u> abscond and non-abscond violations. No violation found by the Court or revocation petition is dismissed = no MDD reset.

Note: an offender may be held on multiple cases. The offender receives credit for his or her period of supervision beginning with the Flash S/E specific to his or her grant of PCS. Reminder: the specific S/E may occur prior to the actual release from custody due to other sentences being served.

- 2. It is the assigned DPO's responsibility to update the MDD, which may change often during a period of supervision.
- 3. Click on the PCS drop down button in the Profile screen. A drop down list of PCS forms will show. There is one option: MDD Chrono. A text box will open. Select the appropriate option (reason) for the MDD update (Flash or Reinstatement) and the date that coincides with the flash or reinstatement. This is an integrated ICMS function and will perform the calculations and auto populate a new MDD.
- 4. If the MDD happens to exceed the CDD, then set the MDD the same as the CDD.
- 5. If an error has occurred at any point reference a recalculation, the assigned DPO will coordinate with the unit supervisor and clerk. The DPO shall correct any and all subsequent recalculations in order to bring the case into compliance.

#### D. Normal Discharge (MDD or CDD)

Ninety days prior to discharge:

- Review 1515 and any additional terms and conditions and verify the offender has fulfilled all requirements. If all conditions have not been met or complied with, consult with your immediate supervisor for further direction.
- 2. Obtain record check (DOJ and DMV), and verify that there are no active warrants requiring law enforcement action, additional arrests, or violations of the law that constitute a violation of supervision.
- Notify offender of expiration date.

- 4. Notify any victim(s) as appropriate of the expiration/discharge date and that we will no longer be providing supervision of the offender (this also includes Court ordered "termination" that is other than a discharge/expiration).
- 5. Upon final discharge, complete and send a copy of Notice of Discharge (NOD) to the agency who has jurisdiction over the offender's place of residence, even if homeless. A copy of the NOD should also be provided to the offender, upon request.

#### **REFERENCES:**

Procedures:	2-3-016 2-3-023 2-3-101 2-3-102	Warrants of Arrest for Adults Terminating Probation-Adult AB109 Postrelease Community Supervision - Intake AB109 Postrelease Community Supervision – Flash Incarceration
	2-3-103	AB109 Postrelease Community Supervision – Warrants of Arrest
Policies:	A-1 A-2 B-2 C-6	Policy, Procedure and the Law Upholding Departmental Philosophy and Principles Inter and Intra Agency Confidentiality Case Assignments

Attachments

S. McCoy

#### **APPROVED BY:**



### **RELEASE PROGRAM STUDY**

	I. CASE FACTORS									
CDC NUMBER	2	OFFENDER				COUNTY OF COMMITMENT			COUNTY OF LAST LEGAL RESIDENCE	
FELON.	F PVWNT	SID #	PID #	PLA	CEMENT	INSTITUTIO	N		URGENT ACTION Standard Release	SCHEDULED RELEASE DATE TYPE:
				11.	RESIDEN	CE PLANS				
REQUESTS OUT OF COUNTY PAROLE/RELEASE REQUESTS OUT-OF-STATE PAROLE/RELEASE CHANGE OF ADDRESS										
PRIMARY WITH WHOM RESIDENCE				RI	RELATIONSHIP				PHONE NUMBER/MOBILE NUMBER	
	STREET AD	STREET ADDRESS			CITY ZIP			IP	COUNTY	
ALTERNATE		м	,			RELATIONSHIP			PHONE NUMBER/MOBILE NUMBER	
	STREET AD	DDRESS		c	CITY ZIP			ĮP.	COUNTY (STATE, IF INTERSTATE)	
	1	II. SUPERVISI	ON DETERMI	NATIO	ON BY COR	RECTIONAL	cou	NSELOR/P	AROLE AGENT	
a. Check <u>ALL</u> that apply on the b. Parole Terms <u>CURRENT TERM</u> :				ns	c. For PC 290 Only d. Superv			d. Super	vision Determination	
PC 667.5(c) PC1192.7(c) PC 3000 PLIFE SENTENCE exclusion				STATIC 99 SCORE: RELE  HRSO = Male with 4 or more, Female with moderate or high risk				ASE TO COCR PAROLE	TO COUNTY SUPERVISION	
CORRECTIONAL COUNSELOR/PAROLE AGENT BA				BAD	SE#/PERNR	#		cor	NTACT NUMBER AND EX	T. DATE SIGNED
		IV. SUPER	VISOR REVIE	W AN	D APPROV	AL OF SCREE	NIN	G DETERM	INATION	
Comm	Comments HIGH CONTROL AT THIS TIME. NO CSRA AVAILABLE.									
DETERMINA		APPROVE THE S	SUPERVISION		L ca	RA SCORE:	Г	Meets 306	50.7 PC criteria	

CORRECTIONAL COUNSELOR/PAROLE SUPERVISO SIGNATURE	DR .	BADGE#/PERNR#	CONTACT NUMBER	R AND EXT.	DATE SIGNED
V	. COUNT	Y AGENCY REPORTING INSTRUCTION	NS		
COUNTY OFFICE:				PHONE NUM	IBER AND
ADDRESS		CITY		STATE	
COUNTY REPRESENTATIVE (Print Last Name, First	t)			DATE SIGN	ED
PC 3060.7 NOTED OR NOT APPLICABLE,	REPORT	AS FOLLOWS:			
1	VI. CDC	R PAROLE REPORTING INSTRUCTION	s		
		REENTRY UNIT			
Comments	ORM	CANCEL RELEASE PLAN			
VERIFY COUNTY OF LAST LEGAL RESIDENCE:	COUNTY OF RESIDENCE VERIFIED BY:				
ADMINISTRATIVE PLACEMENT					
Comments					
					1 200 10 1
ASSIGNED PAROLE UNIT:  RE ENTRY SCREENER SIGNATURE	9	BADGE#/PERNR#	CONTACT NUMBE	R AND EXT.	DATE SIGNED
		IT SUPERVISOR INITIAL REVIEW			
Comments	FORM	CANCEL RELEASE PLAN			
DATE ASSIGNED:	PAROL	E AGENT:	RPS DUE DATE:		
SUPERVISOR SIGNATURE		BADGE#/PERNR#	CONTACT NUME	BER AND EXT.	DATE SIGNED

			PAROLE	AGENT					
Choose address	on current Re	elease Plan screen: C PLANI	NED C ALTERNA	TE C OTHER					
APPROVED RESIDENCE	WITH WHOM	1	RELATIONS	HIP		PHON /	NE NUMB	BER/MOBILE NUMI	BER
	STREET ADD	DRESS	CITY		ZIP	cour	NTY (STA	ATE, IF INTERSTA	TE)
☐ RELEASE WITH \$									
REPORT TO: PAROLE UNIT: PAROLE AGENT:									
PAROLE UNIT ADDRESS:  PAROLE UNIT PHONE NUMBER:									
REPORT ON DA	REPORT ON DATE: TIME: (NO LATER THAN)								
INSTRUCTIONS:  Comments									
PAROLE AGENT SIGNATURE  BADGE#/PERNR#  CONTACT NUMBER AND EXT.  DATE SIGNED						DATE SIGNED			
UNIT SUPERVISOR FINAL REVIEW									
REDIRECT RPS TO: CANCEL RPS FORM CANCEL RELEASE PLAN  Comments									
CDCR SUPERV	CDCR SUPERVISION LEVEL:  COMPAS CASE PLAN APPROVED								N
RELEASE F	PER PC 3060.7								
SUPERVISOR SIGNATURE BADGE#/PERNR#						CONTACT NUMBER AND EXT. DATE SIGNED			DATE SIGNED
		VII. INMATE REC	CEIVED A COPY	OF REPORTING	G INSTRU	CTIONS			
CDCR NUMBER	2	OFFENDER NAME		OFFENDER SI	GNATURE			DATE SIGNED	
STAFF SIGNAT	TURE		BADGE#/PERNR#				T NUMBI	ER AND EXT.	DATE SIGNED

VIII. NOTIFICATION AND REGISTRATION REQUIREMENTS/SPECIAL INTEREST									
NOTIFICATION (Chec	ck all that apply)		L NONE	SPECIAL INTEREST				NONE	
PC 3058.6 PC 3	58.8		BLIC INTEREST CURITY HOUSI	CASE F SUBSTAN	ICE ABUSE PROG	IRAM			
REGISTRATION			NONE	ОТНЕ	R REQUIREME	NTS (Check all tha	t apply)	L NONE	
☐ H&S 11590 ☐ PC	290 F PC 186.30 F P	C 457.1		r PC	645 PC 11	177.2 RESTITUTION	PC 3053.2		
IX. DETAINER(S)									
ICE DETAINER PLACED TYES T VO  IF YES, INDICATE US ICE "A" NUMBER  ILLEGAL ALIEN: TACTUAL T POTENTIAL T PREVIOUSLY DEPORTED						PORTED			
OTHER DETAINER(S)									
	X. EMPLOYMENT PLANS								
PRIMARY SOURCE OF INCOME PERSON T			TO CONTACT CONTAC			CONTACT TELEPH	CT TELEPHONE NUMBER		
SECONDARY SOURCE OF INCOME PERSON TO C			TO CONTACT	O CONTACT CONTACT TELEPHONE NUMBER					
		×	I. CASEWORK	ER EVAL	JATION				
HAS THE INMATE SERV	ED IN ANY BRANCH OF T	HE US MIL	ITARY?		☐ YES	L NO			
LIST WORK SKILLS, GANG AND ENEMY INFORMATION, AND KNOWN FAMILY PROBLEMS:  NOTED CLEAR  STG   OSA   OSA									
VOCATIONAL PROGRAM: PIA:   JOINT VENTURE PROGRAM: TABE (Read) Score: COSA					۲ -	r.			
XII. SERIOUS DISCIPLINARIES  LIST CURRENT TERM RULES VIOLATION REPORTS FOR BATTERY ON STAFF OR INMATE, DISTRIBUTION OF DRUGS, POSS. OF A WEAPON, INCITING A DISTURBANCE, ARSON, ETC.						SS. OF A			
VIOLATION DATE	CDCR	LOG NUM	1BER		RULE VIOLA	TION	DIVISION		
OTHER SERIO	US VIOLATIONS								

PHYSICAL DISABILITY	DEVELOPMENTA	L DISABILITY (DD)	TRANSPORT PRECAUTION
C DPP	LDD		TRANSPORT PRECAUTION CODE: PER MEDICAL EVALUATION DATED:
PER M/H EVALUATION DATED: 03/20/2018	CCCMS FEOP	MHCB DSH	KEYHEA

CDCR SOMS OTRT135 - Release Program Study

## STATE OF CALIFORNIA NOTICE AND CONDITIONS OF POSTRELEASE COMMUNITY SUPERVISION CDCR 1515-CS (Rev. 08/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

section 3450, et. se	ving notice and conditions. Short	y supervision provided by a	county agency for	/E, 20 F a period not exceeding three years. Release to tte the law, you can be incarcerated in county jail	Pursuant to Penal Code county supervision is regardless of whether
a. You shall waiv return you to th b. If the supervisi a community to c. You, your resident or law enforce	he state of California. ing agency determines, based up reatment facility for psychiatric tre dence, and any other property un ment officer. You shall be subjec	fornia from any state or territor on psychiatric reasons, that you atment. der your control may be search of to arrest with or without a we	ry of the United State ou pose a danger to hed without a warra arrant by a peace of	ERVISION (PRCS): ates or from the District of Columbia. You shall no o yourself or others, the court may, if necessary, of ant day or night by an agent of the supervising co- officer employed by the county agency, at the dire of the terms and conditions of county supervision	order your placement in unty, any peace officer, ction of the supervising
d. If another juris expiration of y residence for s  e. You shall parti-	diction has lodged a detainer aga our period of supervision, or sho supervision instructions. cipate in rehabilitation programmi	ainst you, you may be release uld the detainer not be exerci ing as recommended by the su	d to the custody of sed, you are to im pervising county as	that jurisdiction. Should you be released from the mediately contact the Probation Department in you	eir custody prior to the
The procedure for obtain	ning a Certificate of Rehabilitation	NDITIONS OF POSTRELI		ITY SUDEDVISION	
SPECIAL CONDITION     c) prohibit conduct w		release must: a) relate	to the crime fo	r which you were convicted; b) relate to	criminal conduct; and,
REASON(S) FOR TH	HE IMPOSITION OF SPECIAL (	CONDITIONS OF POSTRELI	EASE COMMUNIT	TY SUPERVISION:	
			-		
Lacknowledge my sper	cial conditions of PRCS:	STAFF NAME (PRINT C	D TYPE)	STAFF SIGNATURE	DATE SIGNED
INMATE INITIALS:	Refused to initial	OTAT HAME (FRINT	K I I F L)	STATE SIGNATURE	DATE SIGNED
<ol> <li>SUPERVISING COU more than 50 miles than 48 hours and no</li> <li>CRIMINAL CONDU</li> </ol>	inform the supervising county age JNTY AGENCY INSTRUCTIONS from your residence without prior ot leave the State of California with CT: You shall not engage in cond	ency of new employment within AND TRAVEL: You shall com r written approval of your supe thout prior written approval of your duct prohibited by law (state, fe	n 3 business days of inply with all instruct ervising county. Your supervising co- ederal, county or m	ucation, or training shall be reported to your supe of the change in employment status. ion of your supervising county agency representat su shall not be absent from your county of resider unity agency. unicipal). You shall immediately inform your supe in a revocation by a court for time to be served in courts.	ive. You shall not travel noe for a period of more
criminal conviction d	oes not occur.				
capable of being use reasonable person we the kitchen of the per issued by the supen shall not knowingly presence of any per	ed as a firearm or any ammunition would believe to be capable of be resons residence and knives relat vising county, which requires that own or possess any dangerous o son you know is unlawfully armed	n which could be used in a fire, sing used as a weapon; (c) any ed to your employment which you possess the document of or deadly weapons, nor remain	arm; (b) any weapo y knife with a blade may be used and o approval at all time i in a building or ve	rm or instrument or device which a reasonable per on defined in state or federal statutes, or any instru- longer than two inches except kitchen knives wh samed only in connection with your employment, is as and make it available for inspection; or (d) a cro- bricle where you know any person has such a we	ument or device which a ich must be kept only in approved in a document ssbow of any kind. You sapon, nor remain in the
<ol> <li>FLASH INCARCER your Postrelease Co</li> </ol>	RATION: You may be subject to ommunity Supervision conditions.	the imposition of a period of "	flash incarceration	in a county jail of not more than 10 consecutive	days for any violation of
for release on parole	SERVES AS YOUR NOTICE AN e pursuant to this chapter or postr erms and conditions of his or her	elease community supervision	LEASE COMMUN pursuant to Title 2	ITY SUPERVISION. Per PC Section 3067(a), ar .05 (commencing with section 3450) of Part 3 shall	y inmate who is eligible I be given notice that he
I have read, or have ha	d read to me, and understand t	hese conditions as they app	ly to me.	Inmate refused to sign condit	tions
CDCR NUMBER	INMATE NAME (	PRINT OR TYPE)		INMATE SIGNATURE	DATE SIGNED
THIS SECTION TO E	BE COMPLETED BY CDCR	STAFF ONLY:	1		
	QUALIFYING DISABILITY REQUIRING EFF		YES	NO	
The second second second second second	OCUMENT AND / OR OBSERVATIONS: _ DATION OR ASSISTANCE WAS PROVIDE	D TO ACHIEVE EFFECTIVE COMMUN	ICATION TO THE BEST	OF THE INMATE'S ABILITY?:	
	THE WHITE COUNTY OF THE				
S	STAFF NAME (PRINT OR TYPE)			STAFF SIGNATURE	DATE SIGNED

	POSTRELEASE COMMUNITY SU WARRANT REINSTATEMENT NOTI	
TO:		A Court Case # Select a Case
DATE 03/22/2018 3		
	w as issued on your Postrelease Community Supervision case on due to abscond will be lotted resulting in the scheduled controlling disch	and the warrant was served on the warrant was served on the marge date of your Postrelease Community Supervision now being
	de by all terms and conditions of Postrelease Community Supervision unt u have any questions regarding this matter. Feel free to contact me.	til Any violation of said terms and conditions may result in
	Preview Save and Print	Clear
<sup>L</sup> View All PDFs		
<		>