



OPERATIONS ORDER

Flash Incarcerations

Purpose and Scope

This order provides standards governing the use of Flash Incarcerations for any violation(s) of conditions for adult clients supervised on Post Release Community Supervision (PRCS), Probation and/or Mandatory Supervision.

Affected Personnel

Sworn Officers and Administrative Professionals assigned to Adult Community Corrections Division, Adult Court Services, Adult Field Services Division, Juvenile Field Services Division and Youth Detention Facility Supervisors.

Authority

California Penal Code sections 1203.35, 3454(c), 3453 and 3453(q)
Administrative Directive

Effective Date

January 27, 2020

I. Standards

- A. Officers are encouraged to consider non-custodial sanctions for technical violation(s) to correct a client's behavior and reduce recidivism.
- B. Officers and supervisors are encouraged to consider the *Response Matrix* (PC 1203.35(a) (2)), to assist in determining the graduated sanction and appropriate intervention for the client's violations of conditions. Prior attempts of graduated sanctions made to correct the non-compliance should also be considered.

II. Definition

For the purposes of this order, "flash incarceration" is defined as a period of detention in a county jail due to a violation of a client's conditions of Mandatory Supervision, Probation and/or Post Release Community Supervision. The length of the detention period may range between one and ten consecutive days.

III. Flash Incarceration – Mandatory Supervision and Probation

Pursuant to California Penal Code 1203.35 (et. seq.), in any case in which the court grants probation or imposes a sentence of mandatory supervision, the probation

department is authorized to use flash incarceration for any violation of the conditions of probation or mandatory supervision if, at the time of granting probation or ordering mandatory supervision, the court obtains from the client a waiver to a court hearing prior to the imposition of a period of flash incarceration.

IV. Flash Incarceration – Post Release Community Supervision (PRCS)

Pursuant to California Penal Code Section 3454(c) and 3453(q), a flash incarceration may be imposed on clients supervised under Post Release Community Supervision (PRCS) as part of their conditions.

- A. An officer will complete and sign the “Notice of Flash Incarceration” form, and direct the client to sign should he/she be willing to accept the flash incarceration.
- B. A supervisor or his/her designee shall review and sign for the term of flash incarceration.
- C. All flash incarceration forms are audited by the AB 109 Intake Unit to confirm the number of days imposed coincide with the stated release date.

V. Process for Imposing Flash Incarcerations

- A. A term of flash incarceration may range from one (1) and ten (10) consecutive days; however, shorter but, if necessary, more frequent periods of detention for violations of a client’s conditions of probation or mandatory supervision are encouraged to appropriately address a client’s behavior, taking into account the severity of the violation while preventing the disruption in a work or home establishment.
- B. In cases where there are multiple violations in a single incident, only one flash incarceration booking is authorized.
- C. Officers who have knowledge of a client’s technical violation(s) of mandatory supervision and/or probation and plan to take a client into custody, shall have the **term** of the flash incarceration approved by a supervisor prior to the imposition of the flash incarceration, pursuant to California Penal Code section 1203.35(a)(3).
- D. For mandatory supervision and/or probation clients, officers shall notify a field supervisor for approval of the agreed term to be imposed for a flash incarceration prior to the client being booked into custody.
 - 1. Officers in the field needing supervisor approval for a term of flash incarceration on a mandatory supervision or probation case should do so when they have determined the scene is stable and contact may be made in person or by phone, email, text message, mobile data terminal (MDT) or radio.
- E. Upon booking a client into the County Jail, a department flash incarceration form must be prepared in its entirety to include the supervision status of the client for which the flash incarceration is being addressed, the length of the incarceration,

release date, the client's and officer's signatures, and the name and signature of the officer's supervisor or designee.

1. For probation and/or mandatory supervision cases only, officers shall check the box on the flash incarceration form and enter the original court date in the section indicating that a flash incarceration condition of supervision was ordered by the Court.
- F. If a client on probation and/or mandatory supervision does not agree to accept a recommended period of flash incarceration, the probation officer may address the alleged violation by filing a petition for violation and/or revocation with the Court.
1. If a client's probation or mandatory supervision is revoked, credits earned for any period of flash incarceration shall count towards the term to be served.
 2. If a client's PRCS is revoked, credits for any period of flash incarceration shall **not** count towards the term to be served.
- G. Pursuant to California Penal Code Section 1203.35(a) (4), the Probation Department shall notify the Court, Public Defender, District Attorney, and Sheriff upon a decision to impose a period of flash incarceration on a client supervised on probation and/or mandatory supervision. A centralized electronic mailbox will facilitate notifications to all concerned parties.
- H. Outside law enforcement agencies who have come into contact with clients and are seeking after hours flash incarceration recommendations for any client on PRCS may be approved by a Field Services Supervisor, Youth Detention Facility (YDF) Supervisor or any Watch Commander.

Attachments

Response Matrix (Guidelines)

Notice of Flash Incarceration (Blank form)

Flash Incarceration Notification Form (Court, DA, PD & Sheriff)

Amends/Replaces

Not Applicable - NEW

Approved By _____



Lee Seale, Chief Probation Officer

Date 1/8/2020