

CHIEF PROBATION OFFICERS OF CALIFORNIA

Date: July 13, 2017
To: All Chiefs
From: Adult Services Committee
Subject: Flash Incarceration Fact Sheet

General Guidelines that Apply to all Supervised Populations

- Flash incarcerations may be for a period of one to ten days for a violation of supervision conditions.
- Shorter, but if necessary more frequent, periods of detention for violations of an client's supervision conditions shall appropriately address a client while preventing the disruption in a work or home establishment that typically arises from longer term revocations.

Post Release Community Supervision (PRCS)

- Flash is part of the sanctions matrix that needs to be exhausted, or shown as not responsive, to any violations prior to filing a revocation. (PRCS flash authority has less specific mandates and prohibitions as other forms of supervision)

Probation and Mandatory Supervision (MS)

- Must obtain a waiver of a hearing from the client prior to the imposition of a period of flash incarceration. -- Probation shall not be denied for refusal to sign the waiver.
- Probation shall develop a response matrix, which establishes protocols for the imposition of graduated sanctions for violations of the conditions of probation to determine appropriate interventions to include the use of flash incarceration.
- A supervisor shall approve prior to the imposition of flash incarceration.
- Upon each use of flash incarceration, the probation department shall notify: the court; public defender; district attorney; and, sheriff

Statutory Limitations applicable to Probation and Mandatory Supervision Cases:

- In cases where there are multiple violations in a single incident, only one flash incarceration booking is authorized and may range between one and 10 consecutive days.
- PC 4019 credits earned for a period of flash incarceration shall, if the person's probation or mandatory supervision is revoked, count towards the term to be served.
- This section shall remain in effect only until January 1, 2021.

Policy Questions to Consider

- Should your flash policy be the same across populations even though there are less restrictions on the use of flash with PRCS? (i.e. waiver, supervisor sign off, notice to partners)
- Does your policy explicitly state no stacking of violations?
- Have you discussed the credit earning provision with your local Sheriff's Office?

- Do you have a process to track how many people on MS or probation were flashed during a given year?
- Can you determine how many people declined flash and opted for the revocation proceedings?
- Are your officers using a range of days for flash incarcerations based on a graduated sanctions matrix?
- Do you have a process for obtaining a waiver for transfer-in and interstate compact cases and having it accepted by the Court?
- Do you have a process for obtaining a waiver for existing probation and mandatory supervision cases and having it accepted by the Court?
- Although the law does not require, some counties require signing of a waiver for each flash booking.
- How will you collect data on length of each flash (i.e. direct access to the Jail Management System, a query provided by the S/O, query Probation's CMS, or manual tracking).