

CHRONIC NUISANCE OFFENDER
CASE REFERRAL/ARREST PROCEDURES

This is a Community Prosecution/POP pilot program that will commence May 1, 2016.

Eligibility Requirements

Community Prosecution focuses on a targeted geographical area and involves a long term proactive partnership between the prosecutor's office, law enforcement, public agencies, private organizations and the community, whereby the authority of the District Attorney's Office is used to help solve problems, provide public safety and enhance the quality of life in the area where the Community Prosecutor is assigned.

The Community Prosecutor may use a variety of tools, including filing and handling specific criminal cases that affect the public safety, to improve the quality of life in the target community. A Community Prosecutor can assist in cases involving Chronic Nuisance Offenders that occur in their district.

To qualify for the Chronic Nuisance Offender (CNO) program, the following minimum requirements must be met:

- The crime committed had a negative impact on the public safety and/or quality of life within a significant portion of the target community; AND
- The subject has a combined total of 10 arrests, citations or violations of probation within the past 12 months from the date of the most recent qualifying arrest for any of the following crimes:
 1. B&P 25620-Sac.City or Sac. County Code - Possession of an open container of alcohol (Inf.)
 2. HS 11550- Under the Influence of drugs
 3. PC 148- Resisting Arrest
 4. PC 240-Assault
 5. PC 242-Battery
 6. PC 314.1 or PC 647(a)- Lewd conduct
 7. PC 373.4-Littering
 8. PC 415 –Disturbing the peace
 9. PC 422 –Threats
 10. PC 484-Theft
 11. PC 594-Vandalism/Graffiti
 12. PC 647(b) or PC 653.22
 13. PC 647- Drunk in public, prowling
 14. PC 1320-Bench warrant
 15. Loitering
 16. Panhandling
 17. Possession of drugs
 18. Possession of drug paraphernalia
 19. Possession of drugs for sale
 20. Possession of a weapon/brandishing
 21. Violation of probation condition/Stay Away Order
 22. Trespass- PC 602/Sacramento City Code/ Sacramento County Code
 23. Urinating/Defecating in Public
 24. PC 166 - Violation of a restraining order/court order
 25. Drinking in Public – Sacramento City Code/Sacramento County Code

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Chronic Nuisance Offender Procedure:

POP Officer

- Review any case referred by patrol or POP.
- Confirm that the subject qualifies as a CNO candidate.
- If the subject qualifies, document in his KPF remark screen the following:
 - The subject is CNO candidate
 - A short summary describing why he qualifies.
 - If arrested or booked to contact the named community prosecutor. (See list below)

Arresting Officer

- Upon arrest, review and confirm that subject qualifies as a CNO candidate
- Document CNO qualifications on probable cause form at time of intake.
- If subject qualifies, take into custody and book into the county jail.
- Prepare an offense report documenting the event. Include subject's history as a CNO candidate as well as all facts pertaining to the specific elements of the crime(s) for which the subject was arrested. Formal statements from merchants or citizens will often be necessary to provide sufficient information for review. Failure to adequately document the event may result in the District Attorney's Office declining to file charges and/or requests for further investigation.
- Complete the crime report within 48 hours and submit to your agency's Records Division.

Jail Booking Officer

- Review the subject's history and confirm he/she qualifies as a CNO candidate.
- **Confirm that the Subject is a CNO candidate by locating in the Remark screen, "...Subject is a CNO candidate, please contact Community Prosecutor....."**
- Place remarks on KPF screen indicating CNO candidate and place a "must bail" on subject.
- Contact the named Community Prosecutor listed in the remark screen and inform of arrest and **location of arrest**.
 - Downtown Community Prosecutor Kevin Higgins
 - 916-874-8773 or HigginsK@sacda.org
 - North County Community Prosecutor Ron Linthicum
 - 916-874-3064 or LinthicumR@sacda.org
 - North County Community Prosecutor Joy Smiley
 - 916-874-5877 or SmileyJ@sacda.org
 - South County Community Prosecutor Hilary Bagley
 - 916-874-9832 or BagleyH@sacda.org
 - South County Community Prosecutor Rochelle Beardsley
 - 916-876-4130 or BeardsleyR@sacda.org

- **East County/Rancho Cordova Community Prosecutor Shauna Franklin**
 - **916-875-0412 or FranklinS@sacda.org**

Community Prosecutor

- Once contacted by the jail booking officer, will immediately contact Sacramento Steps Forward Outreach and Alcohol and Drug Services (ADS) System of Care.
 - Sacramento Steps Forward Outreach: **Email- PCornell@sacstepsforward.org**
 - **Cc- PMuse@Sacstepsforward.org**
 - Adult County Alcohol and Drug Services System of Care: contact: Lori Vallone at 916-875-2046 or ValloneL@SacCounty.net
- Provide the subject's name, date of birth, X-reference number and request an expedited in-custody evaluation for service and financial eligibility.
- **Include location of arrest.**
- When it becomes available, the Community Prosecutor will give the service providers the contact information of the CNO's lawyer and assigned court.

Service Provider Screening Process

- Sac Steps Forward will provide a list of employees to SSD to have staff cleared for jail screenings and have security clearance for a non-pass through confidential booth/room. Sac Steps Forward staff may bring their laptops to conduct the VI-SPIDAT.
- ADS will provide a list of employees to SSD to have staff cleared for jail screenings and have security clearance for a pass-through confidential booth/room.
 - ADS staff will have six Senior Mental Health Counselors cleared for jail screenings.
 - ADS will be live scanned and have security clearance for a pass-through confidential booth.
- Staff from SSF and ADS will enter the "professional" visit line and present a governmental credential and California Driver License.
- The responding SSF and/or ADS staff person will be appraised of the CNO program candidate's custody status and respond as soon as possible, generally within 2-3 business days.
- SSF staff should have the CNO program candidate complete all applicable paperwork and if possible, a Release of Information (ROI) which will authorize the results of the screening to be shared with the Court, District Attorney, Defense Counsel, Probation, etc.
 - SSF will visit the CNO program candidate at least one more time to offer services if necessary.
- ADS staff should have the CNO program candidate complete all applicable paperwork including a Release of Information (ROI) which will authorize and release the recommended level of treatment and referral to be shared with the Court, District Attorney, Defense Counsel, Probation, etc.

- **ADS will have client sign SSF's HMIS user agreement and SSF ROI.**
- **ADS will also evaluate the CNO candidate to determine if he/she needs a mental health assessment and contact TLCS if appropriate.**

District Attorney Case Review Procedure

- Upon receipt of the arrest reports, the Community Prosecutor (CP) will review the matter to determine whether the case meets the above-stated eligibility requirements.
- If the case is eligible for the CNO caseload, the assigned CP will conduct the intake/filing review to determine whether new charges and/or a Violation of Probation can be filed.
 - If a new case or Violation of Probation is filed, it will be assigned to the CP or sent to the Misdemeanor Unit.
 - If the case is assigned to the Misdemeanor unit, a Case Tracking Form will be attached. This form will be green in color and will include pertinent background information and specific requests for probation conditions at the time of the plea.
 - The CP will inform the arresting officer of the status of the case.
 - The CP will also contact the submitting officer regarding the eligibility review and filing decision.
- If the case is not eligible for the CNO caseload, the CP will make a filing decision based upon the reported facts. The CP will contact the submitting officer regarding the eligibility review and filing decision.

Court Procedures

- In-custody defendants
 - After assessment by ADS, a referral will be made which will include the Court department and names and emails of the respective parties.
 - If necessary, the CNO candidate will sign a ROI to release information from SSF which will be available in court and considered to determine the appropriate needs of the CNO candidate.
 - The District Attorney's Office will offer the Defendant a choice:
 - Standard offer
 - Plead to the charges or admit the VOP, with the following terms and conditions:
 - Appropriate amount of jail custody time
 - Probation
 - Obey all laws
 - Stay away order
 - Other specific conditions relating to defendant's needs;

OR

- CNO program offer: **(Once assessment is complete.)**

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- Plead to the charges or admit the VOP, with the following terms and conditions.
 - Appropriate amount of jail time, with a portion thereof suspended pending successful completion of ADS recommended program (Treatment may be residential, outpatient or a combination of both)
 - Probation
 - Obey all laws
 - Obey all program and facility rules while participating in ADS recommended program
 - A Stay away order
 - Other specific conditions relating to defendant's needs
- The program recommendation will be based upon the screening recommendation and referral gathered by SSF and ADS. Staff will forward its recommendation to the parties via email.
- If the defendant chooses the CNO program, and his/her case resolution includes a residential treatment program, the court will order the jail to release the defendant directly to the appropriate designated provider for transportation to the residential treatment facility.
- Out-of-Custody defendants
 - If a defendant is issued a citation, or posts bond, and is given an out-of-custody arraignment date:
 - The Community Prosecutor will contact SSF and request a navigator be present at the defendant's arraignment date. The Community Prosecutor will provide SSF with the defendant's name, location of arrest, court date and courtroom.
 - The SSF navigator will meet with the defendant at arraignment to complete the necessary screening prior to the next court date.
 - The Court will refer the out-of-custody CNO candidate to report to ADS for screening within two business days to **711 E Street, Sacramento.**
 - Continue the matter for 2 weeks for the candidate to be screened and receive ADS recommendation.
 - Attorneys will provide the CNO the locations of screening.
 - The referral will include the Court department, names and email of the respective parties so that ADS can send the parties the recommendation.
 - When appropriate, refer the CNO candidate to SSF for screening.
 - The District Attorney's Office will offer the CNO candidate an option of the standard offer or a CNO program offer.

Progress Report (See attachment)

- If the defendant chooses the CNO program offer, his/her case will be set for regular progress reports to determine compliance with the program.
- ADS staff will notify the referring department and parties that the defendant has successfully arrived and enrolled in his/her designated program.
- At the discretion of the court, the defendant's appearance may be waived for progress reports provided the court has received documentation of the defendant's compliance in the program.

- If at any time the defendant leaves the program and/or fails to perform as ordered, ADS staff will notify the referring department via email of the failure.
- Upon proof of completion being established, the court will modify the defendant's sentence per the terms of the original plea agreement
- In the event a defendant fails to complete the court ordered treatment program, any suspended sentence or conditions of probation shall may imposed.

Program Fees

- Generally, the ADS screening process takes into consideration the defendant's financial situation and recommends programs based on their status (whether or not a defendant qualifies for a government funded program). For those qualified, the program can assist defendants with enrollment in a government funded health care program. If the defendant does not qualify for a government funded program, the recommendation should take into account that the defendant will pay his/her own program fees.