



## **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

# SACRAMENTO COUNTY PROBATION DEPARTMENT



## RESPONSE MATRIX

Pursuant to California Penal Code section 1203.35(a) (2), the response matrix 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 incarcerations.

Level	Violation/Behavior	Consequence/Sanction Options
1	<ul style="list-style-type: none"> <li>• Failure to report contact/residence information</li> <li>• Failure to comply with PO directive</li> <li>• Failure to report new LEA contact</li> <li>• Travel violation</li> <li>• Failure to complete work project/comm. service</li> <li>• Positive drug test or failure to test</li> </ul>	<p><u>Non-custodial Responses</u></p> <ul style="list-style-type: none"> <li>• Verbal reprimand</li> <li>• Refer to community support groups</li> <li>• Referral to treatment</li> <li>• Work Project</li> <li>• Community Service</li> <li>• Letter of apology /reflection essay</li> <li>• Drug testing</li> <li>• GPS/EM</li> <li>• Amend conditions with added requirements</li> <li>• Increased level of supervision/face to face contacts</li> <li>• Daily reporting/call ins</li> <li>• Weekly reporting</li> <li>• Increased level of supervision</li> <li>• Last Chance Contracts</li> </ul>
2	<ul style="list-style-type: none"> <li>• Two or more violations</li> <li>• Failure to comply with GPS</li> <li>• New crime (misdemeanor/non-violent)</li> </ul>	
3	<ul style="list-style-type: none"> <li>• Repeated violations.</li> <li>• Violation of stay away/no contact order</li> <li>• AWOL/Termination from residential program</li> <li>• Willful absence /Termination from treatment program</li> <li>• Violation of gang association order</li> <li>• Violation of special conditions</li> <li>• Failure to register (gang, drug, arson, sex)</li> <li>• New crime (felony or injuries sustained to a victim)</li> <li>• Possession of a firearm, weapons, ammunition</li> </ul>	<p><u>Custodial Response</u></p> <ul style="list-style-type: none"> <li>• Short-term "flash" incarceration</li> <li>• Violation of Probation</li> <li>• Revocation</li> <li>• Warrant</li> </ul>



For Court Use Only

# PROBATION DEPARTMENT

## Notice of "Flash Incarceration"

### Offender Information

Last Name:		First Name:	
XREF:		DOB:	
Sex:	Race:	HGT:	WGT:
Supervision Status: <input type="checkbox"/> Post Release Community Supervision <input type="checkbox"/> Mandatory Supervision (PC 1170) <input type="checkbox"/> Probation			

### Arrest Information

Date of Arrest:	Other Charges:	Y	N
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### Probation Officer Review

Date of Review:	Reviewing Probation Officer	Badge:	
Location: County Jail	RCCC	No. of Previous Flashes:	Each Term(s) Imposed:

### Probation Case Plan

Description of Non-compliance:

Prior Sanctions or Interventions:

Plan for Improvement:

Consequences of Further Infractions:

### PRCS Case Information Only

Number of Abscond Days:	Months	Days	PRCS Annual Date:
Length of Incarceration		Release From Custody Date	PRCS Max Discharge Date
The inmate is to remain in custody for _____ days.			

### Acknowledgement

By signing this form, you acknowledge the Probation Officer has determined there has been a violation of your supervision conditions and you agree with the flash incarceration period. (For probation and mandatory supervision cases only.)

**You are to report to Probation within 48 hours of your release from custody.**

A Flash Incarceration condition of supervision was ordered by the court on \_\_\_\_\_. (Probation and Mandatory Supervision cases only.)

Offender Signature \_\_\_\_\_ Date \_\_\_\_\_

Probation Officer Name (PRINT)	Probation Officer Signature	Badge	Phone	Date
Supervising Probation Officer Name (PRINT)	Supervising Probation Officer or Designee Signature	Badge	Phone	Date

### Release Date (Jail Use Only)

Release Date set by Probation entered in JIMS by:	Badge
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# COUNTY OF SACRAMENTO Probation Department



FLASH INCARCERATION NOTIFICATION: PC 1203.35 (a) (4)

**Date:**

**To:** Sacramento County Superior Court  
Sacramento County District Attorney's Office  
Sacramento County Public Defender's Office  
Sacramento County Sheriff's Department

**From:** Deputy Probation Officer

**Subject: Client's Name: Last / First / Middle  
Xref No., Docket / Case No.**

On \_\_\_\_\_, the above named subject failed to comply with the condition(s) of supervision. He / She has received a \_\_\_\_\_ day flash incarceration, which began on \_\_\_\_\_ and ends on \_\_\_\_\_.

\_\_\_\_\_  
Deputy Probation Officer (Signature)

\_\_\_\_\_  
Supervising Probation Officer (Print Name)

\_\_\_\_\_  
Supervising Probation Officer (Signature)

*Supporting Positive Change*