
PRE-TRIAL RELEASE SERVICES

I. PURPOSE

To establish a policy and procedure to provide evidence based method of assessing risk of pretrial inmates to be released and supervised in the community in-lieu of physical custody.

To establish a method to provide information to the Court to make informed decisions on releasing inmates on O.R. or Supervised O.R.

II. POLICY

The Sheriff's Office and justice system partners have adopted the Ohio Pretrial Assessment Tool to evaluate the level of risk an individual is to the community, risk re-offending and risk to fail to appear for a Court date. This tool was developed and validated by the University of Cincinnati, Division of Criminal Justice Center for Criminal Justice Research.

This program will assess all inmates that were not released per PC 853.6 and were required to bail.

III. INMATES NOT ELIGIBLE FOR PRETRIAL RELEASE

A. The Mendocino County Sheriff's Office Corrections Division will not release any inmate that fall under the following criteria. However, they will be assessed and the assessment results form forwarded to the Court:

1. Violent offenses (convictions/present arrest) pursuant to PC 667.5
(See Appendix 1)
2. Serious offenses (convictions/present arrest) pursuant to PC 1192.7
(See Appendix 2)
3. Offenses listed on the AB109 Crime Exclusion List.
(See Appendix 3)
4. Charged with a violation of Formal Probation (only)

- 5 No bail status – Parole, PRCS, ICE Holds, Extradition Holds, In-State Holds Out-of-County Holds, No Cite/No O.R. Warrants.
- 6 A violation of an active Criminal Protective Order

IV. PROCEDURE

- A. The following will be the process of performing the assessment:
 1. The booking staff will place the files (“A” and Classification) of those inmates that are not released into a drawer marked “Pretrial”.
 2. Pretrial Staff begins the assessment process by reviewing the booking data and RAP sheet. Then will enter that information into questions 1 through 3 on the Pretrial Release Assessment Score Form.
 3. Pretrial Staff will conduct an interview with the inmate to gather the remaining information. Information gathered from the interview to complete questions 4 through 7 on the Pretrial Release Assessment Score Form.
 4. Pretrial Staff will then attempt to verify the information from the interview.
- B. Process of disposition of final scores will be as follows:
 1. Low Risk – All inmates meeting the low risk criterion standard will be released on O.R. as authorized by the standing Superior Court Order.
 - a. Conditions of the release is determined by the O.R. Condition Matrix (see Appendix 4) and documented on the O.R. form.
 - b. The Pretrial Deputy will explain the O.R. terms and conditions and the inmate will sign the O.R. agreement. A copy of the agreement is sent to the Court.
 2. Moderate Risk – Inmates meeting the moderate risk criterion will remain in custody until arraignment and the results will be sent to the Court with recommendations on conditions of release as determined by the O.R. Conditions Matrix. The Court will make the determination on O.R.
 3. High Risk – Inmates meeting the high-risk criterion will remain in

custody. The results will be sent to the Court with the recommendation to retain in custody.

V. SUPERVISION

- A. The Pretrial Release Correctional Deputy and the CCP funded Deputy Sheriff will be responsible for supervising people placed on the Pretrial Release Program.
- B. The core reason for supervision is ensure the person adheres to the terms and conditions of pretrial release.
- C. Maintain a mechanism to alert people placed in the program of their Court date.

V. TECHNICAL AND ADDITIONAL CRIMINAL VIOLATIONS

- A. If a person on the pre-trial release program commits a violation of the terms of release, they will be arrested and taken into custody for 166.4 P.C. and removed from the program.
- B. If a person on the pre-trial release program is arrested for a new criminal violation(s), they will also be booked for 166.4 PC and removed from the program.

VI. MAINTENANCE of DATA BASE

- A. The following will be tracked by the Pretrial Release Correctional Deputy:
 - 1. Answers to the ORAS-PAT 7 questions
 - 2. Final scores on each assessment
 - 3. Number of Failure to Appears
 - 4. New arrests
 - 5. Number of technical violations
 - 6. Average Daily Population
 - 7. Average Length on Program

VII. COMMUNICATION WITH JUSTICE PARTNERS

- A. In addition to the Court, the Pretrial Release Correctional Deputy will send the results of each assessment to the District Attorney, Public Defender,

and Probation.

- B. Once a person is put on the Pretrial Release Program, an entry into SRF including the person's identifying information and applicable conditions.

Appendix 1

Penal Code Section 667.5

Enhancement of prison terms for new offenses because of prior prison terms shall be imposed as follows:

(a) Where one of the new offenses is one of the violent felonies specified in subdivision (c), in addition to and consecutive to any other prison terms therefor, the court shall impose a three-year term for each prior separate prison term served by the defendant where the prior offense was one of the violent felonies specified in subdivision (c). However, no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(b) Except where subdivision (a) applies, where the new offense is any felony for which a prison sentence or a sentence of imprisonment in a county jail under subdivision (h) of Section 1170 is imposed or is not suspended, in addition and consecutive to any other sentence therefor, the court shall impose a one-year term for each prior separate prison term or county jail term imposed under subdivision (h) of Section 1170 or when sentence is not suspended for any felony; provided that no additional term shall be imposed under this subdivision for any prison term or county jail term imposed under subdivision (h) of Section 1170 or when sentence is not suspended prior to a period of five years in which the defendant remained free of both the commission of an offense which results in a felony conviction, and prison custody or the imposition of a term of jail custody imposed under subdivision (h) of Section 1170 or any felony sentence that is not suspended. A term imposed under the provisions of paragraph (5) of subdivision (h) of Section 1170, wherein a portion of the term is suspended by the court to allow mandatory supervision, shall qualify as a prior county jail term for the purposes of the one-year enhancement.

(c) For the purpose of this section, "violent felony" shall mean any of the following:

(1) Murder or voluntary manslaughter.

(2) Mayhem.

(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.

(4) Sodomy as defined in subdivision (c) or (d) of Section 286.

(5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.

(6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.

(7) Any felony punishable by death or imprisonment in the state prison for life.

(8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.

(9) Any robbery.

- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
 - (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
 - (12) Attempted murder.
 - (13) A violation of Section 18745, 18750, or 18755.
 - (14) Kidnapping.
 - (15) Assault with the intent to commit a specified felony, in violation of Section 220.
 - (16) Continuous sexual abuse of a child, in violation of Section 288.5.
 - (17) Carjacking, as defined in subdivision (a) of Section 215.
 - (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
 - (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22 of the Penal Code.
 - (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22 of the Penal Code.
 - (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
 - (22) Any violation of Section 12022.53.
 - (23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.
- (d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody, including any period of mandatory supervision, or until release on parole or postrelease community supervision, whichever first occurs, including any time during which the defendant remains subject to reimprisonment or custody in county jail for escape from custody or is reimprisoned on revocation of parole or postrelease community supervision. The additional penalties provided for prior prison terms shall not be imposed unless they are charged and admitted or found true in the action for the new offense.
- (e) The additional penalties provided for prior prison terms shall not be imposed for any felony for which the defendant did not serve a prior separate term in state prison or in county jail under subdivision (h) of Section 1170.
- (f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison or in county jail under subdivision (h) of Section 1170 if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(g) A prior separate prison term for the purposes of this section shall mean a continuous completed period of prison incarceration imposed for the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including any reimprisonment on revocation of parole which is not accompanied by a new commitment to prison, and including any reimprisonment after an escape from incarceration.

(h) Serving a prison term includes any confinement time in any state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.

(i) For the purposes of this section, a commitment to the State Department of Mental Health as a mentally disordered sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.

(j) For the purposes of this section, when a person subject to the custody, control, and discipline of the Secretary of Corrections and Rehabilitation is incarcerated at a facility operated by the Division of Juvenile Justice, that incarceration shall be deemed to be a term served in state prison.

(k) (1) Notwithstanding subdivisions (d) and (g) or any other provision of law, where one of the new offenses is committed while the defendant is temporarily removed from prison pursuant to Section 2690 or while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.

(2) This subdivision shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

Appendix 2

Penal Code Section 1192.7.

(a) (1) It is the intent of the Legislature that district attorneys prosecute violent sex crimes under statutes that provide sentencing under a “one strike,” “three strikes” or habitual sex offender statute instead of engaging in plea bargaining over those offenses.

(2) Plea bargaining in any case in which the indictment or information charges any serious felony, any felony in which it is alleged that a firearm was personally used by the defendant, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people’s case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

(3) If the indictment or information charges the defendant with a violent sex crime, as listed in subdivision (c) of Section 667.61, that could be prosecuted under Sections 269, 288.7, subdivisions (b) through (i) of Section 667, Section 667.61, or 667.71, plea bargaining is prohibited unless there is insufficient evidence to prove the people’s case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence. At the time of presenting the agreement to the court, the district attorney shall state on the record why a sentence under one of those sections was not sought.

(b) As used in this section “plea bargaining” means any bargaining, negotiation, or discussion between a criminal defendant, or his or her counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.

(c) As used in this section, “serious felony” means any of the following:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under 14 years of age; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) any burglary of the first degree; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055

of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; and (42) any conspiracy to commit an offense described in this subdivision.

(d) As used in this section, "bank robbery" means to take or attempt to take, by force or violence, or by intimidation from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

As used in this subdivision, the following terms have the following meanings:

(1) "Bank" means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) "Savings and loan association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union administration.

(e) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

Appendix 3 AB 109 Exclusion List

Final Crime Exclusion List	Code Section
Administering stupefying drugs to assist in commission of a felony	PC 222
Battery against a juror	PC 243.7
Gassing of a peace officer or local detention facility employee	PC 243.9
Abduction or procurement by fraudulent inducement for prostitution	PC 266a
Purchasing a person for purposes of prostitution or placing a person for immoral purposes	PC 266e
Sale of a person for immoral purposes	PC 266f
Pimping and pimping a minor	PC 266h
Pandering and pandering with a minor	PC 266i
Procurement of a child under age 16 for lewd or lascivious acts	PC 266j
Felony child abuse likely to produce great bodily injury or death	PC 273a
Assault resulting in death of a child under age 8	PC 273ab
Felony domestic violence	PC 273.5
Poisoning or adulterating food, drink, medicine, pharmaceutical product, spring, well, reservoir, or public water supply	PC 347
Felony physical abuse of an elder or dependent adult	PC 368b
Brandishing firearm or deadly weapon to avoid arrest	PC 417.8
Unlawfully causing a fire that causes an inhabited structure or inhabited property to burn	PC 452
Felony stalking	PC 646.9
Solicitation for murder	PC 653f(b)
Possession of a firearm by a prohibited person	PC 12021/12021.1
Possession of an explosive or destructive device	PC 12303.2
Escape	PC 4532
Possession of a controlled substance while armed with a firearm	HS 11370.1
Evading a peace officer by driving in a willful or wanton disregard for safety of persons or property	VC 2800.2
Evading a peace officer causing death or serious bodily injury	VC 2800.3
Hit and run driving causing death or injury	VC 20001
Felony driving under the influence causing injury	VC 23153
Felony convictions with a Penal Code Section 186.11 enhancement	PC 186.11
Bribing an Executive Officer	PC 67
Executive or Ministerial Officer Accepting a Bribe	PC 68
Bribing a Legislator	PC 85
Legislator Excepting a Bribe	PC 86
Judicial Bribery	PC 92/93
Peace Officer Intentionally Planting Evidence	PC 141
Local Official Accepting a Bribe	PC 165
Misappropriation of Public Funds	PC 424
Embezzlement of Public Funds	PC 504/514
Conflict of Interest by Public Officer or Employee	GC 1090/1097
Taking Subordinate Pay	GC 1195
Destruction of Documents	GC 1855
Public Official Who Aids and Abets Voter Fraud	EC 18501
Assault on a Peace Officer	PC 245(d)
Persuading, Luring, or Transporting a Minor Under 13	PC 272(b)
Employment of Minor to Sell Controlled Substance	HS 11353
Employment of Minor to Sell Controlled Substance	HS 11354
Use of Minor to Transport/Possess/Possess for Sale	HS 11380(a)

Employment of Minor to Sell Marijuana	HS	11361(a)(b)
Brandishing Firearm in Presence of Peace Officer	PC	417(c)
Brandishing Firearm or Deadly Weapon to Resist Arrest	PC	417.8
Vehicular Manslaughter While Intoxicated	PC	191.5 (c)
Knowingly Exposes Someone to HIV	HS	120291
Knowingly Facilitates the Collection of Wrongfully Attributed DNA Specimens	PC	298.2
Wrongful Use of DNA Specimens	PC	299.5
Criminal Gang Activity	PC	186.22
Street Gang Activity	PC	186.26
Gang Registration Violation	PC	186.33
Possession or Importation of Horse Meat	PC	598c
Sale of Horse Meat	PC	598d
Manufacture/Distribution of False Documents for Citizenship Purposes	PC	113
Use of False Documents for Citizenship Purposes	PC	114

Appendix 4
Condition Matrix for Pretrial Release Program

Category of crime	Conditions to be imposed
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Theft Crimes

Submit to search of your person, property, residence, vehicle or any container under your control, at any time, day or night, by a peace officer (with or without a warrant of arrest, search warrant, reasonable or probable cause, your then presence or your then consent) for the purpose of determining compliance with these conditions for release.

Totally refrain from the use, control, or possession of any controlled substance unless with a current prescription from a licensed physician. Do not possess any narcotic paraphernalia nor knowingly associate with anyone who has ever been convicted of any criminal offense involving these substances, nor anyone unlawfully using or selling controlled substances, without permission of the court. No Proposition 215 marijuana recommendations allowed.

Do not enter or be on the premises of _____, located at _____.

Obey all laws, ordinances, and legal regulations. Report to Court as directed to do so.

Possession of stolen item

Submit to search of your person, property, residence, vehicle or any container under your control, at any time, day or night, by a peace officer (with or without a warrant of arrest, search warrant, reasonable or probable cause, your then presence or your then consent) for the purpose of determining compliance with these conditions for release.

Obey all laws, ordinances, and legal regulations.
Report to Court as directed to do so.

Possession of illegal drugs

Submit to search of your person, property, residence, vehicle or any container under your control, at any time, day or night, by a peace officer (with or without a warrant of arrest, search warrant, reasonable or probable cause, your then presence or your then consent) for the purpose of determining compliance with these conditions for release.

Totally refrain from the use, control, or possession of any controlled substance unless with a current prescription from a licensed physician. Do not possess any narcotic

paraphernalia nor knowingly associate with anyone who has ever been convicted of any criminal offense involving these substances, nor anyone unlawfully using or selling controlled substances, without permission of the court. No Proposition 215 marijuana recommendations allowed.

Obey all laws, ordinances, and legal regulations. Report to Court as directed to do so.

Under the influence of drugs

Submit to search of your person, property, residence, vehicle or any container under your control, at any time, day or night, by a peace officer (with or without a warrant of arrest, search warrant, reasonable or probable cause, your then presence or your then consent) for the purpose of determining compliance with these conditions for release.

Totally refrain from the use, control, or possession of any controlled substance unless with a current prescription from a licensed physician. Do not possess any narcotic paraphernalia nor knowingly associate with anyone who has ever been convicted of any criminal offense involving these substances, nor anyone unlawfully using or selling controlled substances, without permission of the court. No Proposition 215 marijuana recommendations allowed.

Applicable only for Moderate Risk O.R.'s: **Actively participate in a 12 Step or other approved self-help programs and maintain a log of your attendance. Attend _____ meetings per week, and provide proof of attendance at subsequent court appearances.**

Submit and pay for a test of your blood, breath, or urine for the purpose of determining compliance with these conditions for release.

Obey all laws, ordinances, and legal regulations.
Report to Court as directed to do so.

Alcohol involved in offense

Submit to search of your person, property, residence, vehicle or any container under your control, at any time, day or night, by a peace officer (with or without a warrant of arrest, search warrant, reasonable or probable cause, your then presence or your then consent) for the purpose of determining compliance with these conditions for release.

Totally refrain from the use or possession of any alcoholic beverage and not knowingly enter into any place of business or location where alcohol is the primary item of sale or use (e.g. bars and liquor stores). Do not ingest or use any item containing alcohol.

Applicable only for Moderate Risk O.R.'s: **Actively participate in a 12 Step or other approved self-help programs and maintain a log of your attendance.**
Attend _____ meetings per week, and provide proof of attendance at subsequent court appearances.

Do not drive unless licensed and insured.

Do not operate any motor vehicle with any measurable amount of alcohol/controlled substance in your blood. No Proposition 215 marijuana recommendations allowed.

Submit and pay for a test of your blood, breath, or urine for the purpose of determining compliance with these conditions for release.

Obey all laws, ordinances, and legal regulations.
Report to Court as directed to do so.

Crimes with an identifiable victim

Do not own, possess, have control over, transport, carry, or have in your residence at any time any firearm or any other item which could reasonable be considered as a dangerous or deadly weapon pursuant to Penal Code Section 16590.

Submit to search of your person, property, residence, vehicle or any container under your control, at any time, day or night, by a peace officer (with or without a warrant of arrest, search warrant, reasonable or probable cause, your then presence or your then consent) for the purpose of determining compliance with these conditions for release.

Do not contact, molest, threaten, or disturb the peace of:

Stay at least _____ yards away from: _____

Reside at: _____ until further order of the court.

Obey all laws, ordinances, and legal regulations.
Report to Court as directed to do so.

Financial/ fraud crimes/computer

Do not possess any checks other than a paycheck.

Maintain no accounts on which a check can be drawn.

Do not own or possess any credit cards or access cards not in your name.

Do not operate computer equipment

Obey all laws, ordinances, and legal regulations.

Report to Court as directed to do so.

Vehicular/traffic

Comply with all Department of Motor Vehicle regulations with respect to operating any motor vehicle.

Do not drive unless licensed and insured.

Obey all laws, ordinances, and legal regulations.

Report to Court as directed to do so.