

## Realignment/Prop. 47/Prop. 64/AB 1810 Court Data Points (12/19/2019)

### PRE-SENTENCING

1. Number of **new** felony case filings

*A felony filing is defined as the beginning of a case by the court's acceptance of the formal submission of a complaint or other document charging a defendant with a felony offense, or a transfer-in from another jurisdiction. Other documents, such as motions, are not counted as filings for caseload inventory purposes.*

- *Each defendant named in the complaint is reported as one case filing.*
- *Do not count a filing for defendants who are discharged prior to the filing of a complaint.*
- *Do not count filings for Habeas Corpus.*
- *Do not include violations of Post Release Community Supervision (PRCS) or parole in this count.*

2. Number of pre-sentence felony warrants issued for Failures to Appear (FTA)

### INITIAL SENTENCING

3. Number of cases in which a defendant is sentenced to state prison at initial sentencing  
*Do not include cases in which a defendant is sentenced to state prison on a violation of felony probation. These cases are counted in data point #9.*
4. Number of cases in which a defendant is granted felony probation at initial sentencing  
*Report all cases in which the defendant is placed on traditional felony probation at initial sentencing.*
5. Number of cases in which a defendant is given a straight county jail sentence pursuant to PC 1170(h)(5)(A) at initial sentencing  
*Report all cases in which the defendant is sentenced under PC 1170(h)(5)(A) at initial sentencing.*
6. Number of cases in which a defendant is given a "split" sentence pursuant to PC 1170(h)(5)(B) at initial sentencing  
*Report all cases in which the defendant is sentenced under PC 1170(h)(5)(B) at initial sentencing.*
  - *Include cases in which a defendant is sentenced directly to a term of mandatory supervision without first serving a portion of the sentence in county jail.*

### VIOLATION/MODIFICATION OF FELONY PROBATION

7. Number of petitions filed or court motions made to revoke/modify felony probation  
*Petition is defined as any filed instrument/document presented to the court that seeks revocation or modification of a defendant's supervision status. This data element should also include cases where the court on its own motion seeks to modify or revoke supervision.*
8. Number of cases in which a felony probationer is found in violation of conditions of felony probation and is reinstated on probation
9. Number of cases in which a felony probationer is sentenced to state prison for a violation of probation  
*This is a count of all cases in which the defendant is placed on probation and after violating probation is sentenced to prison for the probation violation.*

10. Number of cases in which a felony probationer receives a straight sentence to county jail under PC 1170(h)(5)(A) for a violation of probation  
*This is a count of all cases in which the defendant is placed on probation for a PC 1170(h) felony and after violating probation is sentenced to county jail under PC 1170(h)(5)(A) for the probation violation.*
11. Number of cases in which a felony probationer receives a “split” sentence under PC 1170(h)(5)(B) for a violation of probation  
*This is a count of all cases in which the defendant is placed on probation for a PC 1170(h) felony and after violating probation is sentenced under PC 1170(h)(5)(B) for the probation violation.*
  - *Include cases in which a defendant is sentenced directly to a term of mandatory supervision without first serving a portion of the sentence in county jail.*

#### VIOLATION/MODIFICATION OF MANDATORY SUPERVISION

12. Number of petitions filed or court motions made to revoke/modify mandatory supervision  
*Petition is defined as any filed instrument/document presented to the court that seeks revocation or modification of a defendant’s supervision status. This data element should also include cases where the court on its own motion seeks to modify or revoke supervision.*
13. Number of warrants issued for persons on mandatory supervision  
*Include both arrest and bench warrants.*
14. Number of calendar events set on petitions or court motions to revoke/modify mandatory supervision  
*A calendar event is defined as a court proceeding set in the course of a criminal matter.*
15. Number of contested evidentiary hearings held on petitions or court motions to revoke/modify mandatory supervision  
*A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.*
  - *Contested evidentiary hearings that extend over more than one day are counted as separate hearings for each hearing day.*
  - *Do not report contested evidentiary hearings that are not heard at all and are reset at the request of the parties or on the court’s motion. Count these instances under ‘Number of calendar events’ (data point #14).*
16. Number of cases in which an offender on mandatory supervision is found in violation of conditions of mandatory supervision and is reinstated on mandatory supervision
17. Number of cases in which an offender on mandatory supervision is found in violation of conditions of mandatory supervision and has the supervision term revoked and terminated  
*Report all cases in which mandatory supervision is permanently revoked as a result of a violation.*

#### VIOLATION/MODIFICATION OF POST RELEASE COMMUNITY SUPERVISION

18. Number of petitions filed or court motions made to revoke/modify Post-Release Community Supervision (PRCS)  
*Petition is defined as any filed instrument/document presented to the court that seeks revocation or modification of a defendant’s supervision status. This data element should also include cases where the*

*court on its own motion seeks to modify or revoke supervision.*

19. Number of warrants issued for persons on PRCS  
*Include both arrest and bench warrants.*
20. Number of calendar events set on petitions or court motions to revoke/modify PRCS  
*A calendar event is defined as a court proceeding set in the course of a criminal matter.*
21. Number of contested evidentiary hearings held on petitions or court motions to revoke/modify PRCS  
*A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.*
  - *Contested evidentiary hearings that extend over more than one day are counted as separate hearings for each hearing day.*
  - *Do not report contested evidentiary hearings that are not heard at all and are reset at the request of the parties or on the court's motion. Count these instances under 'Number of calendar events' (data point #20).*
22. Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS and is reinstated on PRCS with no custody time ordered
23. Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS, is reinstated on PRCS, and is ordered to serve custody time  
*Include cases where an offender on PRCS is given credit for time served.*
24. Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS, is reinstated on PRCS, and is referred to a reentry court, pursuant to PC 3015  
*Report all cases in which an offender is referred to a reentry court, as defined in PC 3015, upon a PRCS violation (see PC 3455(a)(3)).*
25. Number of cases in which an offender on PRCS is found by the court in violation of conditions of PRCS, and has the PRCS term permanently terminated.

#### VIOLATION/MODIFICATION OF PAROLE

26. Number of petitions filed or court motions made to revoke/modify parole  
*Petition is defined as any filed instrument/document presented to the court that seeks revocation or modification of a defendant's supervision status. This data element should also include cases where the court on its own motion seeks to modify or revoke supervision.*
27. Number of warrants issued for persons on parole  
*Include both arrest and bench warrants.*
28. Number of calendar events set on petitions or court motions to revoke/modify parole  
*A calendar event is defined as a court proceeding set in the course of a criminal matter.*
29. Number of contested evidentiary hearings held on petitions or court motions to revoke/modify parole  
*A contested evidentiary hearing is defined as a hearing where the factual basis of the petition is contested, and where the parties present oral or documentary evidence in support of or in opposition to the factual allegations of the petition.*

- *Contested evidentiary hearings that extend over more than one day are counted as separate hearings for each hearing day.*
  - *Do not report contested evidentiary hearings that are not heard at all and are reset at the request of the parties or on the court's motion. Count these instances under 'Number of calendar events' (data point #28).*
30. Number of cases in which a parolee is found by the court in violation of conditions of parole and is reinstated on parole with no custody time ordered
31. Number of cases in which a parolee is found by the court in violation of conditions of parole, is reinstated on parole, and is ordered to serve custody time  
*Include cases where a parolee is given credit for time served.*
32. Number of cases in which a parolee is found by the court in violation of conditions of parole, is reinstated on parole, and is referred to a reentry court, pursuant to PC 3015 *Report all cases in which an offender is referred to a reentry court, as defined in PC 3015, upon a parole violation (see PC 3000.08(f)(3)).*
33. Number of cases in which a parolee is found by the court in violation of law or conditions of parole and is remanded to the custody of the Department of Corrections and Rehabilitation and the jurisdiction of the Board of Parole Hearings for the purpose of future parole consideration  
*PC 3000.08(h) states: "Notwithstanding any other provision of law, in any case where Section 3000.1 or paragraph (4) of subdivision (b) of Section 3000 applies to a person who is on parole and the court determines that the person has committed a violation of law or violated his or her conditions of parole, the person on parole shall be remanded to the custody of the Department of Corrections and Rehabilitation and the jurisdiction of the Board of Parole Hearings for the purpose of future parole consideration."*

#### PROPOSITION 47 RESENTENCING/RECLASSIFICATION

34. Resentencing petitions pursuant to Penal Code section 1170.18(b). The term "resentence" applies when persons who are currently serving their sentences seek relief under Proposition 47.  
*Number of petitions for resentencing related to Proposition 47 that your court received during this time period. This number should only include cases in which individuals have already been sentenced and are now applying for resentencing under Penal Code section 1170.18(b).*
- *This number will include petitions for resentencing for people in prison, or in county jail or as a result of being on probation, Mandatory Supervision (MS), Post Release Community Supervision (PRCS), or parole. This response should not include pending cases that have not yet been sentenced.*
35. Applications for reclassification of felonies as misdemeanors pursuant to Penal Code section 1170.18(f). The term "reclassification" applies when persons seek relief under Proposition 47 and have already completed their sentences.  
*Number of applications for reclassification that individuals submitted to the court for reclassification under Proposition 47 pursuant to Penal Code section 1170.18(f) during this time period.*
- *This number should only include cases in which an individual has completed his/her sentence and is applying to have a felony designated as a misdemeanor pursuant to Penal Code section 1170.18(f).*
36. Number of juvenile delinquency petitions and applications under Proposition 47  
*Please indicate the number of petitions or applications for relief under Proposition 47.*
- *This number will include petitions/applications for both resentencing and reclassification under Proposition 47.*

PROPOSITION 64 RESENTENCING, DISMISSAL, OR REDESIGNATION

37. Petitions for resentencing or dismissal pursuant to Health and Safety Code section 11361.8(b).  
*Number of petitions for resentencing or dismissal related to Proposition 64 that your court received during this time period. The term “resentence” applies when a person who is currently serving a sentence seeks relief under Proposition 64.*
- *This number will include petitions for resentencing or dismissal for people in prison, county jail, or as a result of being on probation, Mandatory Supervision (MS), Post Release Community Supervision (PRCS), or parole.*
38. Applications for redesignation or dismissal/sealing pursuant to Health and Safety Code section 11361.8(f).  
*Number of applications for redesignation that individuals submitted to the court under Proposition 64 pursuant to Health and Safety Code section 11361.8(f) during this time period. The term “redesignation” applies when a person seeks relief under Proposition 64 and has already completed their sentence.*
- *This number should only include cases in which an individual has completed his/her sentence and is applying to have a felony dismissed or designated as a misdemeanor pursuant to Health and Safety Code section 11361.8(f).*
39. Petitions/requests to reduce juvenile marijuana offenses pursuant to Health and Safety Code section 11361.8(m) under Proposition 64.  
*Number of petitions or applications for relief pursuant to Health and Safety Code section 11361.8(m) under Proposition 64.*
- *This number will include petitions/applications for resentencing/new dispositional order or redesignation under Proposition 64.*

MENTAL HEALTH DIVERSION

40. Number of petitions received for pretrial mental health diversion pursuant to Penal Code section 1001.36.
- A. Number of petitions received for pretrial mental health diversion pursuant to Penal Code section 1001.36 for individuals charged with at least one felony.
41. Number of pretrial mental health diversion petitions granted.
- A. Number of pretrial mental health diversion petitions granted for individuals charged with at least one felony.
42. Number of pretrial mental health diversion petitions denied.
- A. Number of pretrial mental health diversion petitions denied for individuals charged with at least one felony.
43. Number of petitions for mental health diversion denied because defendant does not meet the statutory requirements for eligibility under Penal Code section 1001.36(b).
- A. Number of petitions for mental health diversion denied because defendant does not meet the statutory requirements for eligibility under Penal Code section 1001.36(b) for individuals charged with at least one felony.
44. Number of pretrial mental health diversion petitions in which the individual successfully completed diversion.
- A. Number of pretrial mental health diversion petitions in which the individual successfully completed diversion for individuals charged with at least one felony.

45. Number of pretrial mental health diversion petitions in which the individual was terminated unsuccessfully from the diversion program.
  - A. Number of pretrial mental health diversion petitions in which the individual was terminated unsuccessfully from the diversion program for individuals charged with at least one felony.