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March 10, 2022

The Honorable Marc Levine  
California State Assembly  
1021 O Street, Suite 5240  
Sacramento, CA 95814

**Re: Assembly Bill 1744 (Levine) – Probation and mandatory supervision: flash incarceration.  
As amended March 2, 2022 – SUPPORT**

Dear Assembly Member Levine,

The California State Association of Counties (CSAC), representing all 58 of the state’s counties, writes in support of your measure Assembly Bill 1744, which would extend the sunset of the use of flash incarceration until January 1, 2028.

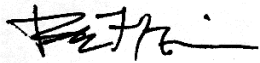
As part of 2011 Public Safety Realignment, probation departments were given the authority to use intermediate sanctions, such as flash incarceration. Flash incarceration is a period of detention in county jail triggered by a violation of a condition of probation. The length of the detention period can range from one to ten consecutive days. Intermediate sanctions, like flash incarceration, balance the need to hold individuals accountable for violations of their conditions of supervision while focusing on shorter interruptions from work, home, or programing, which can result from longer term formal revocations.

While the authority to use flash incarceration for realigned individuals was provided under Assembly Bill 109 of 2011, the statute did not equally afford this authority for persons on felony probation or mandatory supervision. In 2015, Senate Bill 266 (Block) established the authorization of flash incarceration as an evidence-based approach to violations of supervision for people on traditional felony probation and mandatory supervision. SB 266 included a sunset of January 1, 2020. In 2019, your previous bill, Assembly Bill 597 extended the use of flash incarceration until January 1, 2023. Assembly Bill 1744 would once again extend the authority, until January 1, 2028, to continue to afford county probation departments options to best meet the public safety needs of the community as well as the populations they serve. Additionally, AB 1744 would maintain current requirements in statute to allow an individual to decline flash incarceration and request a court revocation hearing, as well as includes notification to the court and public defender upon imposition of flash incarceration.

Absent flash incarceration as an intermediate response to violations, the existing mechanism to address violations of probation is to initiate formal revocation court proceedings. This is a much lengthier process and can result in up to 180 days in which an individual may be in custody.

It is for these reasons, that CSAC supports AB 1744. Should you have any questions or concerns regarding our position, please do not hesitate to contact me at 916.650.8129 or [rmorimune@counties.org](mailto:rmorimune@counties.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Morimune', with a stylized flourish at the end.

Ryan Morimune  
Legislative Representative