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**Maggie Fleming**  
District Attorney

August 24, 2015

Phillip Smith-  
Hanes CAO  
County of  
Humboldt 825 Fifth  
Street Eureka, CA  
95501

RE: Grand Jury Report "Effects of Assembly Bill 109 and Proposition  
47 on the Probation Department" Response to RS

Dear Mr. Smith-Hanes:

The District Attorney 's Office agrees with Grand Jury recommenda tion RS. For people on probation, the District Attorney's Office has the option of either filing new charges or treating abuse of GPS monitors as a violation of the terms of probation.

In this situation, treating the criminal conduct as a violation of probation is frequently the better choice. As a violation of probation, the offense does not proceed to jury trial but is efficiently handled by a judge in a court trial. If the person is found in violation, the judge may order restitution as a condition of probation.

Incomparison to bringing new charges, this process is less burdensome for the courts and allows for an earlier resolution. When people remove and discard GPS monitoring devices while out of custody pending trial, the Humboldt County District Attorney will evaluate the case to determine if new charges may be filed.

Sincerely,

A handwritten signature in cursive script that reads "Maggie Fleming".

Maggie  
Fleming  
District  
Attorney

