



Department of Corrections and Rehabilitation

**NOTICE OF CHANGE TO
REGULATIONS**

Section(s): 3076.5

Number:

16-09

Publication Date:

July 29, 2016

Effective Date:

To Be Announced

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed amendments to Sections 3076.5, of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, to incorporate into the CCR, changes to the revision date of the CDCR form 1707 (Rev. 06/16), Request for Victim Services and update the types of notifications to victims. The CDCR 1707 was revised to streamline and capture information necessary for notification to victims of crime, victim's family members, and/or witness to crime, when there is a change to the offender's custody status.

IMPLEMENTATION:

To be announced.

PUBLIC COMMENT PERIOD

Any person may submit written comments about the proposed regulations to the California Department of Corrections and Rehabilitation, Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, by fax to (916) 324-6075, or by e-mail to RPMB@cdcr.ca.gov. All written comments must be received by the close of the public comment period September 16, 2016, at 5:00 p.m.

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held **September 16, 2016, from 9:00 a.m. to 10:00 a.m. in the Colorado room, located at 1515 S Street, Sacramento, CA 95811**. The purpose of the hearing is to receive oral comments about this action. It is not a forum to debate the proposed regulations. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written or facsimile comments submitted during the prescribed comment period are given the same significance and weight as oral comments presented at the hearing. This hearing site is accessible to the mobility impaired.

POSTING

This Notice shall be posted immediately upon receipt at locations accessible to inmates, parolees, and employees in each Department facility and field office not later than five calendar days after receipt. Also, facilities shall make this Notice available for review by inmates in segregated housing who do not have access to the posted copies, and shall distribute it to inmate law libraries and advisory councils. CDCR Form 621-A (Rev. 09/14), Certification of Posting, shall be returned to the RPMB electronically, by fax, or by mail. See Department Operations Manual Sections 12010.12.1 and 12010.12.2 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to Timothy M. Lockwood, Chief, RPMB, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone (916) 445-2269 or e-mail RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations may be directed to Katie James, Assistant Chief, Office of Victim and Survivor Rights and Services, at (916) 341-7064.

Original signed by:

SCOTT KERNAN
Secretary
California Department of Corrections and Rehabilitation

Attachments

NOTICE OF PROPOSED REGULATORY ACTION
California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, proposes to amend sections 3076.5 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Victim Notification for Recall of Commitment Recommendation.

PUBLIC HEARING:

Date and Time: **September 16, 2016 – 9:00 a.m. to 10:00 a.m.**

Place: Department of Corrections and Rehabilitation
Colorado Room
1515 S Street – North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD:

The public comment period will close **September 16, 2016 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON:

Please direct any inquiries regarding this action to:
Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 445-2269

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:
Sherri Garcia
Regulation and Policy Management Branch
Telephone (916) 445-2266

Questions regarding the substance of the proposed regulatory action should be directed to:
Katie James
Department of Corrections and Rehabilitation
(916) 341-7064

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action:

- Amends 3076.5 of the CCR, Title 15, Division 3 to update the notification reasons victims/victim's families can be notified using the CDCR 1707 (Rev. 06/16), Request for Victim Services.
- Amends the revision date of the CDCR 1707.
- Revises the CDCR CDCR 1707 (Rev. 06/16), Request for Victim Services with information regarding victim notification for recall of commitment recommendations and new options under PC 5065.5.

FORMS INCORPORATED BY REFERENCE:

CDCR form 1707 (Rev. 06/16), Request for Victim Services

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS:

The proposed revisions to the CDCR 1707 form will benefit the victim community, CDCR, and the Board of Parole Hearings (BPH). This regulatory action benefits the protection of public health and safety because it protects victims, their families and witnesses from the offender, upon notification of a change in custody status of the offender such as "escape", "parole", "release" "death" or "setting of an execution." Also, the form assists with coordination of restitution collections, and all of these services mentioned comply with victims' constitutional right to know this information under "Marsy's law" (California Constitution, Art I, § 28(c)(1)). The Request for Victim Services, CDCR 1707 form is completed by the victim or witness, and is confidential and protected from any type of public records request under PC 679.03.

Currently, CDCR is proposing changes to § 3076.5, which include the notification to the victim or applicant when an inmate or offender agrees to sell the story of their crime, and changes to the CDCR 1707 form, in order to streamline the process such as including a space to list the name(s) of the victim(s), allowing applicants to further define their relationship to the crime victim; clarifying next-of-kin relationships for cases with multiple victims. These revisions assist both CDCR and BPH in collaborating to notify applicants. CDCR is responsible for the intake process as well as the notification of release, death, escape and BPH is responsible for a 90-day advanced notification of any hearing to review or consider the parole suitability for any inmate in a state prison. The information from the CDCR 1707 is entered into the Strategic Offenders Management System (SOMS), which is the Department's system of

record, and the Electronic Records Management System (ERMS). Both agencies access SOMS and ERMS to review records and confirm that victims have filled out the CDCR 1707 form and provided contact information.

Further, the CDCR 1707 form assists OVSRS in gathering information needed to confirm victims are registered in the Trust, Restitution, Accounting and Canteen System (TRACS), to ensure they receive their direct order restitution payments. The form also provides access for the Division of Adult Parole Operations to review victim requested conditions of parole such as placement and contact restrictions on parolees (PC 3003, PC 3053.2).

EVALUATION OF CONSISTENCY / COMPATIBILITY WITH EXISTING REGULATIONS:

The Department has determined that these proposed regulations are consistent and compatible with existing state laws and regulations. After conducting a review for any regulations that would relate to or affect this area, CDCR has concluded that these are the only regulations that concern victim notification for recall of commitment recommendation and CDCR Form 1707. Also, the proposed regulations supplement existing regulations in order to comply with the statutes under PC Section 6402.

LOCAL MANDATES:

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 – 17630.

FISCAL IMPACT STATEMENT:

- Cost to any local agency or school district that is required to be reimbursed: *None*
- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS:

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS:

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ASSESSMENT:

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations may have a positive impact upon the welfare of California residents by helping providing notification to victims, victim’s families, and witnesses, of changes to an inmates status.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES:

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because this regulatory action involves streamlining the process of the “Request for Victim Services” CDCR Form 1701 (Rev. 06/16), and notifying changes of offender status to victims, families and witnesses.

CONSIDERATION OF ALTERNATIVES:

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CDCR has developed an electronic version of the CDCR 1707 form (e1707) which is a public facing form for victims to submit via the CDCR OVSRS website (www.cdcr.ca.gov/victim_services/). This function launched in April of 2016, and services many victims by giving them the ability to register on-line. However, many victims still prefer the paper form and/or do not have computer access to fill out and submit the form electronically; therefore the CDCR 1707 will continue to be available in hard-copy.

Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person

indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TEXT OF PROPOSED REGULATIONS

In the following, underline indicates additional added text, and ~~strikethrough~~ indicates additional deleted text.

Title 15, Division 3

Chapter 1 Rules and Regulations of Adult Operations and Programs

Article 6.5 Intake, Release and Discharge of Inmates

§ 3076.5. Victim Notification for Recall of Commitment Recommendations.

When informed by department headquarters or the Board of Parole Hearings that an inmate's commitment has been recommended for recall to the sentencing court, the Classification and Parole Representative shall notify any victim of a crime committed by the inmate, or the victim's next of kin, provided that the victim or the victim's next of kin has formally requested notice about the status of the inmate in prison, including, but not limited to, notification of release, escape, a scheduled execution, an inmate's entry into a contract for the sale of the story of a crime, ~~or~~ death, or of any hearing to review or consider the release or parole suitability or the setting of a parole date for the inmate, in writing; either by submitting a signed letter or a completed CDCR Form 1707 (Rev. ~~10/11~~ 06/16), Request For Victim Services, which is incorporated by reference, to the Office of Victim and Survivor Rights and Services, and the requesting party has kept the department or the Board of Parole Hearings apprised of their current mailing address. The notification shall include the name and address of the court that will consider the recall of the inmate's commitment.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 679.03, 1170(d), 1170(e), 2085.5, 3003, 3043 through 3043.3, 3053.2, 3058.8, 3605, and 5054, and 5065.5 Penal Code.

**California Department of Corrections and Rehabilitation (CDCR)
Office of Victim and Survivor Rights and Services (OVSRS)
P.O. Box 942883, Sacramento, CA 94283-0001
Toll Free Number: 1-877-256-6877 Fax Number: 916-445-3737
<http://www.cdcr.ca.gov/victims>**



DO NOT MAIL THE COMPLETED FORM TO A PRISON. ALL INFORMATION WILL REMAIN CONFIDENTIAL.

Check one: New/Revised Request for Victim Services Change of address/phone/e-mail only (complete sections A, E, and F)

SECTION A. APPLICANT INFORMATION (Must be completed.)

Check one: Victim of crime(s) committed by offender Witness who testified against the offender
 Family member of victim (next of kin), indicate relationship: _____

Print Applicant Name: *Circle Mr./Mrs./Ms.* _____
(FIRST) (MIDDLE) (LAST)

Home Address: _____
(STREET) (CITY) (COUNTY) (STATE) (ZIP CODE)

Mailing Address: _____
(IF DIFFERENT) (STREET) (CITY) (COUNTY) (STATE) (ZIP CODE)

Telephone: _____
(DAYTIME) (EVENING) (CELL) (E-MAIL)

NOTE: It is your responsibility to keep the OVSRS informed of any changes to your personal information.

SECTION B. NOTIFICATION OF OFFENDER STATUS IN STATE PRISON (Complete if you want to request notification.)

1. To be notified of the **release, escape, or death** of an offender, check one of the boxes (a, b, or c) below:
- a. Send me notification by mail; **or**
 - b. Register me through VINE to receive (*check one or both*): phone and/or e-mail notification instead of notification by mail, **or**
 - c. I registered through VINE at 1-877-411-5588 or online at www.VINELink.com to receive phone and/or e-mail notification and do not need notification by mail.
2. Notify me of the offender's **criminal appeal**. (Note: *Checking this box means your information will be shared with the California Attorney General's Office to notify you of the offender's criminal appeal.*)

******* FOR VICTIMS/VICTIMS' FAMILY MEMBERS (NEXT OF KIN) ONLY *******

1. To be notified of **parole hearing** date(s) for an offender sentenced to life imprisonment, check one of the boxes below:
- a. Send me notification by mail; **or**
 - b. Register me for (*check one or both*): phone and/or e-mail notification instead of notification by mail.
- Note: *May we share your contact information with the district attorney's office where the trial was held?* Yes No
2. To be notified of the **scheduled execution** of an offender sentenced to death, check this box.

SECTION C. CONDITIONS OF PAROLE/COMMUNITY SUPERVISION (Complete if you want to request special conditions.)

Requests for special conditions of parole/community supervision are considered but not guaranteed.

I request the following conditions when the offender is released on parole/community supervision:

- 1. Offender not be allowed to contact me while he/she is on parole/community supervision
- 2. Offender not be allowed to live in the same county that I live in

For victims/witnesses only:

- 3. Offender not be allowed to live within 35 miles of my home address (available only for specific types of crimes, see reverse)
- NOTE: *If you would like to provide additional information explaining your request, attach a separate sheet of paper.*

SECTION D. RESTITUTION (Complete if you have a court order to receive restitution.)

There is a restitution court order in the amount of \$ _____ payable to (name): _____

NOTE: *To be determined (TBD) orders must be finalized by the county before CDCR can collect restitution.*

SECTION E. OFFENDER IDENTIFICATION (Complete as much information as possible.)

Offender's Full Name (*Print*): _____ Date of Birth: _____
(FIRST) (MIDDLE) (LAST) MO / DAY / YEAR

CDCR Number (*Prison Number*): _____ Date Sentenced to State Prison: _____
MO / DAY / YEAR

Court Case Number: _____ County of Commitment: _____

SECTION F. APPLICANT SIGNATURE (Sign and date the completed form.)

Signature of Applicant: _____ Date: _____

DELETE

INSTRUCTIONS

Read the following instructions carefully to fill out the front side of the form so that it can be processed correctly. Sections A, E, and F must be completed. Complete all other sections, based on your needs. All information will remain confidential.

Check one of the two boxes at the top of the CDCR 1707 form to indicate if this is a **new/revised request** or a **change of address/phone/e-mail only**. If you check "Change of address/phone/e-mail only," complete sections A, E, and F only.

SECTION A. APPLICANT INFORMATION

This section must be completed. Check the box that most accurately describes your relationship to the offender: **victim**, **witness**, or **family member of victim** (next of kin) and your relationship to the victim.

Circle the appropriate title: **Mr.**, **Mrs.**, or **Ms.** Clearly print your name, home address, mailing address (*if different*), your daytime, evening, cell phone numbers and e-mail address (*if you have one*).

NOTE: *It is your responsibility to keep the OVSRS informed of any changes to your personal information.*

SECTION B. NOTIFICATION OF OFFENDER STATUS IN PRISON

Complete this section if you choose to request notification services. Check the most appropriate box(es).

You have one of three choices to receive notice of an offender's **release, escape, or death**. Check **Box 1a** to register to receive notification by mail. Check **Box 1b** to indicate you would like OVSRS to register you through VINE to receive phone and/or e-mail notification instead of notification by mail. Check **Box 1c** to let OVSRS know that you already registered through VINE by phone at 1-877-411-5588 or online at www.VINElink.com to receive phone and/or e-mail notification and do not need notification by mail.

Check **Box 2** to allow the OVSRS to share your information with the California Attorney General's Office to notify you of the status and outcome of any **criminal appeal** filed by the offender in this case.

In the area marked **FOR VICTIMS/VICTIMS' FAMILY MEMBERS (NEXT OF KIN) ONLY**, if you are the victim or the family member of a victim, check **Box 1a** to register to receive notification by mail of the date of an offender's **parole hearing only** if the offender has been sentenced to **life imprisonment**. Check **Box 1b** to ask the OVSRS to register you to receive notification by phone and/or e-mail instead of notification by mail. *In addition, check yes* to allow the OVSRS to share your information with the district attorney's office where the trial was held. The district attorney's office may be in contact with you if there is a parole hearing for an offender with a life sentence. Check **no** if you do not want the OVSRS to share your information. Check **Box 2** to request to receive notification of the **scheduled execution** of an offender sentenced to death.

SECTION C. CONDITIONS OF PAROLE/COMMUNITY SUPERVISION

Complete this section if you choose to request special conditions of parole/community supervision. Such conditions are not guaranteed but you may check all that you wish to request or are eligible to receive.

Check **Box 1** to request that the offender have **no contact** with you while he/she is on parole/community supervision.

Check **Box 2** to request that the offender **not be allowed to live in the same county** that you live in.

The third box applies to **victims and witnesses only**.

Check **Box 3** to request that the offender **not be allowed to live within 35 miles of your home address**. *Per Penal Code Section 3003, available only for the following crimes: murder or voluntary manslaughter, mayhem, rape, sodomy by force, oral copulation, lewd acts on a child under 14, any felony punishable by death, stalking, and assault with a great bodily injury enhancement.*

SECTION D. RESTITUTION

Complete this section if you have a court order requiring the offender to pay you restitution and would like to provide the OVSRS with information to verify that our restitution records are complete. If your court order for restitution states "TBD" for the dollar amount, contact the district attorney's office to request that a motion be filed to determine the restitution amount.

SECTION E. OFFENDER IDENTIFICATION

Provide as much information as you can in this section so we can be sure that we have the correct offender involved in your case. If you need help completing this section, you may contact the district attorney's office in the county where the trial was held.

SECTION F. APPLICANT SIGNATURE

Sign and date the completed form.

PROVIDING INFORMATION: The information requested is necessary to process your request for victim services and is voluntary. Failure to provide any of the information requested may prevent the OVSRS from processing your request. **All information will remain confidential.**

MAIL THE COMPLETED FORM TO:

California Department of Corrections and Rehabilitation
Office of Victim and Survivor Rights and Services
P.O. Box 942883
Sacramento, CA 94283-0001

AGENCY PRIVACY STATEMENT: The California Department of Corrections and Rehabilitation (CDCR), Request for Victim Services, CDCR 1707. **OFFICE RESPONSIBLE FOR FORM:** Office of Victim and Survivor Rights and Services, P.O. Box 942883, Sacramento, CA 94283-0001. The telephone number is 1-877-256-6877. **AUTHORITY:** Penal Code Section 679.03, 2085.5, and 3058.8.

Office of Victim and Survivor Rights and Services (OVSRS)
P.O. Box 942883, Sacramento, CA 94283-0001
Toll Free Number: 1-877-256-6877 Fax Number: (916) 445-3737
Web: <http://www.cdcr.ca.gov/victims> Email: victimservices@cdcr.ca.gov



DO NOT MAIL THE COMPLETED FORM TO A PRISON. ALL INFORMATION WILL REMAIN CONFIDENTIAL.

- Check one: New/Revised Request for Victim Services Change of address/phone/e-mail only (complete sections A, D and E)
 Collection of court ordered restitution only/**no notification services** (complete sections A, D and E)

SECTION A. APPLICANT INFORMATION (Must be completed.)

- Check one: Victim of crime(s) committed by offender Witness who testified against the offender
 Family member of **victim**, indicate relationship: _____
(See page 2 – Section A)

Name of Victim(s): _____

Person requesting information: _____
(FIRST) (MIDDLE) (LAST)

Physical Address: _____
(STREET) (CITY) (STATE) (ZIP CODE)

Mailing Address (If different): _____
(STREET) (CITY) (STATE) (ZIP CODE)

Telephone: (____) _____ (____) _____ (E-MAIL) _____
(PRIMARY) (SECONDARY)

NOTE: It is your responsibility to keep the OVSRS informed of any changes to your contact information.

SECTION B. NOTIFICATION OF CHANGES TO OFFENDER'S CUSTODY STATUS (Complete if you want to request notification.)

To be notified of changes to the custody status of an offender, check the box below to indicate your preferred method* of receiving notices:

1. Send me notification by electronic mail (e-mail)
OR
2. Send me notification by mail
Please choose only one (1) mail delivery method:
 Regular Mail Certified Mail (signature required to receive)

Change in custody status includes release, death, escape, parole proceeding (Victims/Victims' family members only), contract, or scheduled execution.

NOTE: CDCR is unable to provide notification each time an offender is transferred between institutions.

* **NOTE:** If the preferred method of notification you selected is not available, regular mail will be used to send the notice.

SECTION C. CONDITIONS OF PAROLE/COMMUNITY SUPERVISION (Complete if you want to request special conditions.)

Requests for special conditions of parole/community supervision are considered but not guaranteed.

I request the following conditions when the offender is released on parole/community supervision:

1. Offender not be allowed to contact me while he/she is on parole/community supervision.
2. Offender not be allowed to live in the same county that I live in.

For direct victims/witnesses only:

3. Offender not be allowed to live within 35 miles of my home address (available only for specific types of crimes, see page 2)
NOTE: If you would like to provide additional information explaining your request, attach a separate sheet of paper.

SECTION D. OFFENDER IDENTIFICATION (Complete as much information as possible.)

Offender's Full Name (Print): _____ Date of Birth: _____
(FIRST) (MIDDLE) (LAST) MO DAY YEAR

CDCR Number (Offender ID): _____ Date Sentenced to Prison: _____
MO DAY YEAR

Court Case Number: _____ County of Sentencing: _____

SECTION E. APPLICANT SIGNATURE (Sign and date the completed form.)

Signature of Applicant: _____ Date: _____

**REQUEST FOR VICTIM SERVICES
CDCR 1707 (Rev. 06/16)****INSTRUCTIONS**

Read the following instructions carefully to fill out page 1 of the form so that it can be processed correctly. Sections A, D, and E must be completed. Complete all other sections, based on your needs. All information will remain confidential.

Check one of the three boxes at the top of the CDCR 1707 form to indicate if this is a **new/revised request for victim services**, a **change of address/phone/e-mail only**, or **Collection of court ordered restitution only/no notification services**. If you check **change of address/phone/e-mail only**, complete sections A, D, and E. If you check **Collection of court ordered restitution only/no notification services**, complete sections A, D, and E.

SECTION A. APPLICANT INFORMATION

This section must be completed. Check the box that most accurately describes your relationship to the crime: **victim**, **witness**, or **family member of victim** and your relationship to the victim. (Example - spouse, child, sibling, grandparent or grandchild)

Please indicate the name(s) of the victim(s) of the crime committed by the offender.

Clearly print your name, physical address, mailing address (*if different*), your primary phone number, secondary phone number, and e-mail address.

NOTE: *In order to be entitled to receive notice the requesting party shall keep the department or board informed of his or her current contact information. (Penal Code sections 3043(a)(1), 3058.8(b))*

SECTION B. NOTIFICATION OF CHANGES TO OFFENDER'S CUSTODY STATUS

Complete this section if you choose to request notification services. Check the most appropriate box(es).

You have one of two choices to receive notice of an offender's **release, escape, death, parole proceeding** (*Victims/Victims' family members only*), **contract, or scheduled execution**.

Check **Box 1** to register to receive notification by electronic mail (e-mail).

Check **Box 2** to register to receive notification by mail. Indicate whether you prefer to receive your notice by regular mail or certified mail. If the preferred method of notification you selected is not available regular mail will be used to send the notice.

NOTE: *It is your responsibility to request notification of an offender's criminal appeal. Please call the State of California, Office of the Attorney General, Victim Services Unit 1-877-433-9069.*

SUBMIT COMPLETED FORM BY MAIL, FAX OR E-MAIL (SCANNED COPY) TO:

California Department of Corrections and Rehabilitation
Office of Victim and Survivor Rights and Services
P.O. Box 942883, Sacramento, CA 94283-0001
Fax: (916) 445-3737 / E-mail: victimservices@cdcr.ca.gov

PRIVACY STATEMENT:

AGENCY STATEMENT: The California Department of Corrections and Rehabilitation (CDCR), CDCR 1707, Request for Victim Services.

OFFICE RESPONSIBLE FOR FORM: Office of Victim and Survivor Rights and Services, P.O. Box 942883, Sacramento, CA 94283-0001. The telephone number is 1-877-256-6877. **AUTHORITY:** California Constitution Article I, section 28, Penal Code sections 667.5, 679.03, 2085.5, 3003, 3043, 3058.8, 3605, 5065.5.

PROVIDING INFORMATION: The information requested is necessary to process your request for victim services and is voluntary. Failure to provide any of the information requested may prevent the OVSRS from processing your request. **All information will remain confidential per Penal Code section 679.03(c);** Your information may be shared with the investigating agency, the district attorney's office that prosecuted the case, and/or the State of California, Office of the Attorney General, Victim Services Unit.

Penal Code section 5065.5: When notified that an offender has entered into a contract for the sale of the story of a crime for which the offender was convicted CDCR will notify registered victims and victim's immediate family members.

SECTION C. CONDITIONS OF PAROLE/COMMUNITY SUPERVISION

Complete this section if you choose to request special conditions of parole/community supervision. You may check all the conditions that you wish to request or are eligible to receive however such conditions are not guaranteed.

Checking **Box 1** will request that the offender have **no contact** with you while he/she is on parole/community supervision.

Checking **Box 2** will request that the offender **not be allowed to live in the same county** that you live in.

Checking **Box 3** will request that the offender **not be allowed to live within 35 miles of your home address**. *Per Penal Code Section 3003, available only for the following crimes: murder or voluntary manslaughter, mayhem, rape, sodomy by force, oral copulation, lewd acts on a child under 14, any felony punishable by death or imprisonment in the state prison for life, stalking, felony with a great bodily injury enhancement, and continuous sexual abuse of a child.*

NOTE: *The third box applies to direct victims and witnesses only. (Penal Code section 3003)*

SECTION D. OFFENDER IDENTIFICATION

Provide as much information as you can in this section to ensure that we have the correct offender involved in your case. If you need help completing this section, you may contact the district attorney's office in the county where the trial was held.

SECTION E. APPLICANT SIGNATURE

Sign and date the completed form.

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR) Office of Victim and Survivor Rights and Services (OVSRS) proposes to amend Section 3076.5 Victim Notification for Recall of Commitment Recommendations and CDCR Form 1707 (Rev. 06/16), Request for Victim Services.

Penal Code (PC) Section 679.03(b) provides “*The Department of Corrections and Rehabilitation shall supply a form to the agency designated pursuant to subdivision (a) in order to enable persons specified in subdivision (a) to request and receive notification from the department of the release, escape, scheduled execution, or death of the violent offender. That agency shall give the form to the victim, witness, or next of kin of the victim for completion, explain to that person or persons the right to be so notified, and forward the completed form to the department. The department or the Board of Parole Hearings is responsible for notifying all victims, witnesses, or next of kin of victims who request to be notified of a violent offender’s release or scheduled execution, as provided by Sections 3058.8 and 3605.*”

Through the last 20 years, victims’ rights have solidified and in 2008 Marsy’s Law was passed into law confirming a constitutional Bill of Rights amendment for victims which broaden their notification and participation rights in the post-sentencing criminal justice process. The OVSRS proposes to revise the CDCR form 1707, Request for Victim Services. The revisions combine multiple notification options into a single option. Previously, notification of release, escape, or death was one notification option and notification of a parole hearing date, or scheduled execution, was a separate option. Section B of the revised CDCR 1707 combines the notifications into one single option for “Notification of Changes to Offender’s Custody Status”. The revised CDCR 1707 also updates the method of preferred delivery of notifications, to electronic mail (e-mail), regular mail, or certified mail.

Victims and their family have a new right based on PC 5065.5, which states in part “*A person or entity that enters into a contract with a criminal offender for the sale of the story of a crime for which the offender was convicted shall notify the California Department of Corrections and Rehabilitation that the parties have entered into a contract for sale of the offender’s story... Within 90 days of being notified, the California Department of Corrections and Rehabilitation shall notify the victim, or if the victim cannot be reasonably notified, a member of the victim’s immediate family, who has requested notification of the existence of a contract described by this section*”. This new option for notification is being added and is now included in the existing option of notification.

The department’s goal is that beginning in 2017, CDCR will no longer be using the VINE service currently listed on the form. CDCR will be rolling out similar electronic services through SOMS thus the reference to VINE and VINELink.com is being removed from the form and the nonspecific choice of “*notification by electronic mail (e-mail)*” is being added.

Anticipated Benefits

The proposed revisions to the CDCR 1707 form will benefit the victim community, CDCR, and the Board of Parole Hearings (BPH). This regulatory action benefits the protection of public health and safety because it protects victims, their families and witnesses from the offender, upon notification of a change in custody status of the offender such as “escape”, “parole”,

“release” “death” or “setting of an execution.” Also, the form assists with coordination of restitution collections, and all of these services mentioned comply with victims’ constitutional right to know this information under “Marsy’s law” (California Constitution, Art I, § 28(c)(1)). The Request for Victim Services, CDCR 1707 form is completed by the victim or witness, and is confidential and protected from any type of public records request under PC 679.03.

Currently, CDCR is proposing changes to § 3076.5, which include the notification to the victim or applicant when an inmate or offender agrees to sell the story of their crime, and changes to the CDCR 1707 form, in order to streamline the process such as including a space to list the name(s) of the victim(s), allowing applicants to further define their relationship to the crime victim; clarifying next-of-kin relationships for cases with multiple victims. These revisions assist both CDCR and BPH in collaborating to notify applicants. CDCR is responsible for the intake process as well as the notification of release, death, escape and BPH is responsible for a 90-day advanced notification of any hearing to review or consider the parole suitability for any inmate in a state prison. The information from the CDCR 1707 is entered into the Strategic Offenders Management System (SOMS), which is the Department’s system of record, and the Electronic Records Management System (ERMS). Both agencies access SOMS and ERMS to review records and confirm that victims have filled out the CDCR 1707 form and provided contact information.

Further, the CDCR 1707 form assists OVSRS in gathering information needed to confirm victims are registered in the Trust, Restitution, Accounting and Canteen System (TRACS), to ensure they receive their direct order restitution payments. The form also provides access for the Division of Adult Parole Operations to review victim requested conditions of parole such as placement and contact restrictions on parolees (PC 3003, PC 3053.2).

Consideration of Alternatives

CDCR has developed an electronic version of the CDCR 1707 form ([e1707](#)) which is a public facing form for victims to submit via the CDCR OVSRS website (www.cdcr.ca.gov/victim_services/). This function launched in April of 2016, and services many victims by giving them the ability to register on-line. However, many victims still prefer the paper form and/or do not have computer access to fill out and submit the form electronically; therefore the CDCR 1707 will continue to be available in hard-copy.

ECONOMIC IMPACT ASSESSMENT

CDCR will have a direct financial benefit as revising the CDCR 1707 form to be more generic in nature allows the form flexibility for future law changes, or policy mandates, surrounding victims’ rights with regard to notification and restitution collection. Keeping the CDCR 1707 generic in nature will assist in the form adapting to database changes, or future enhancements, as the data will be in a simpler format for data extraction. Also, the revision of the CDCR 1707 will be in-line with the recently rolled out e1707 web based form which will assist in staff training, processing and data gathering. With the format being more generic and flexible, this will save on staff training time, time dedicated to creating business rules around multiple versions of the form, and ensure all notifications and services requested are being met.

Creation or Elimination of Jobs within the State of California

Based on the Economic Impact Assessment, the Department has determined the proposed revisions will have no impact on the creation of new or elimination of existing jobs within the state of California.

Creation of New Businesses or Elimination of Existing Businesses within the State of California

Based on the Economic Impact Assessment, the Department has determined the proposed changes will have no effect on the creation of new, or elimination of existing, businesses within the state of California.

Expansion of Businesses Currently Doing Business within the State of California

Based on the Economic Impact Assessment, the Department has determined the proposed changes will have no effect on the expansion of businesses currently doing business within the state of California.

The Department has determined the proposed regulations may benefit the health and welfare of California residents by using an in-house notification system belonging to CDCR which will lead to more accurate and timely notifications of release. The in-house system could also lead to other types of victim notifications, which are not currently mandated but would be extremely reassuring to crime victims. Such types of notifications could include notification to victims that an offender has been moved to another CDCR facility or has discharged off parole. Having an in-house system will also be more conducive to enhancements based on the specific CDCR legal mandates and the various notification rights victims have under California law.

Significant Adverse Economic Impact on Business

Based on the information above the Department has concluded there will be no significant adverse economic impact on business as a result of this proposed regulatory action.

Materials Relied Upon

The Department, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

Specific Purpose and Rationale for each Section, per Government Code Section 11346.2(b)(1)

Subsection 3076.5 Victim Notification for Recall of Commitment Recommendations.

Subsection 3076.5 is amended to reflect the change to the revision date of the CDCR 1707 (Rev. 06/16), Request For Victim Services.

CDCR form 1707 (Rev. 06/16), Request for Victim Services: Page 1

The top section of the CDCR 1707 is amended by adding the OVSRS e-mail address, victimservices@cdcr.ca.gov. Additionally a box is added for “Collection of court ordered

restitution only/**no notification services**. This feature was added for informational purposes to be input into SOMS. PC 2085.5 no longer requires victims to formally request collection of court ordered victim restitution. However, CDCR will still track this information in SOMS using the CDCR 1707.

Section A: Applicant Information is amended by removing the words “next of kin”. Also a line was added for the “name of victim(s)” if the applicant is someone other than the victim. The references on the “Telephone” line were changed from “daytime”, “evening”, and “cell” to “primary” and “secondary”.

Section B: Notification of Offender Status in State Prison is amended by updating the section title to **Notification of Changes to Offender’s Custody Status**. The references to VINE and VINElink.com were removed. SOMS will be taking over the e-mail notification functionality. Additionally, section B is amended by including notification to victims when an offender is scheduled for execution or enters into a contract for the sale of the story of a crime for which the offender was convicted (PC 5065.5), and combining all types of changes in custody status into one notification option. The option for notification of criminal appeal was deleted and information regarding how to be notified by the Attorney General’s (AG) Office is updated on page 2, section B of the revised CDCR 1707. Including the AG’s office’s information on the CDCR 1707 is not legally mandated; however this information is included to assist victims with obtaining criminal appeal information. Pursuant to PC 3043 victims can request notification certified mail, regular mail, or electronic mail; therefore boxes have been added for victims to choose notification via e-mail, regular mail, or certified mail. Section B is further amended by deleting the option of phone notification to victims when there’s a change in custody status as SOMS does not have this capability. The section for victims/victim’s family to select to be notified of a parole hearing or scheduled execution was deleted and all notifications are combined (and shown in the gray box on the new form).

Section C: Conditions of Parole/Community Supervision is amended by adding the specification of “direct” victim/witnesses above option 3 in section C.

Section D: Restitution is deleted. The section for restitution is deleted as PC 2085.5 no longer requires victims send a request for collection of court ordered victim restitution. Pursuant to PC 2085.5 and CCR, Title 15, Section 3097, the Department will begin collecting court ordered restitution; a formal request by the victim is not required.

Section E: Offender Identification is re-lettered to Section D: Offender Identification and amended by changing “prison number” to “offender ID”, and “county of commitment” to county of sentencing”.

Section F: Applicant Signature is re-lettered to Section E Applicant Signature with no additional amendments made.

CDCR form 1707 (Rev. 06/16), Request for Victim Services: Page 2 (Instructions)

The top section of the CDCR 1707 is amended by adding instructions on which box to choose if applicant is requesting “collection of court ordered restitution only/no notification services”.

Section A: Applicant Information is amended by adding examples of family member relationships, (e.g. spouse, child, sibling, grandparent or grandchild.) Also, instructions are added for applicant to indicate the name of the victim. Additionally, “Note” to applicant is added, pursuant to PC 3043(a)(1) and 3058.8(b), that it is the applicant’s responsibility to keep the Department apprised of his/her current contact information.

Section B: Notification of Changes to Offender’s Custody Status is amended by updating the instructions for notification of change to offender’s custody status. Notification choices include e-mail, regular mail, or certified mail. The option for using VINE has been deleted and the service of notification will be provided through SOMS. “Note”: *It is your responsibility to request notification of an offender’s criminal appeal. Please call the State of California, Office of the Attorney General, Victim Services Unit 1-877-433-9069*, has been added.

Section C: Conditions of Parole/Community Supervision is amended by updating the wording of PC Section 3003 and adding the “Note”: *The third box applies to direct **victims and witnesses only**. (Penal Code section 3003).*

Section D: Restitution is deleted and Section E: Offender Identification is re-lettered to Section D: Offender Identification and amended to reword existing language for clarity.

Section F: Applicant Signature is re-lettered to Section E Applicant Signature

Instructions to “**Submit Completed Form**” are amended to provide fax number and e-mail address to the Office of Victim and Survivor Rights and Services.

The statement for **Providing Information is relocated** to the bottom of the CDCR 1707, and updated with the details of PC sections 679.03(c) and 5065.5.