



Department of Corrections and Rehabilitation

**NOTICE OF CHANGE TO
REGULATIONS**

**Sections: 3741, 3742, 3743, 3744,
3745, 3746, 3747, and 3748**

**Number:
18-05**

**Publication Date:
April 20, 2018**

**Effective Date:
To Be Announced**

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed adoption of several sections of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, to incorporate into the CCR, provisions concerning the Transfer of Parole.

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 (CDCR), Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, or by e-mail to RPMB@cdcr.ca.gov. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be postmarked no later than 5:00pm on **June 11, 2018**.

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held Monday, June 11, 2018, from 10:00 a.m. to 11:00 a.m. in Conference Room 100N, located at 1515 S Street North Building, 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 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. 04/18), Certification of Posting, shall be returned to the RPMB electronically 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, Associate Director, RPMB, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone 1-916-445-2269 or e-mail RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations may be directed to Charles Bell, Parole Agent II (Specialist) at 1-916-445-1040.

Original Signed By:

RALPH M. DIAZ
Undersecretary, Operations
California Department of Corrections and Rehabilitation

Attachments

NOTICE OF PROPOSED REGULATIONS

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, in order to implement, interpret and make specific PC Section 5054, proposes to adopt new Article 17.5, and new Sections 3741, 3742, 3743, 3744, 3745, 3746, 3747, and 3748 into the California Code of Regulations, Title 15, concerning transfer of parole.

PUBLIC HEARING:

Date and Time: **June 11, 2018 - 10:00 a.m. to 11:00 a.m.**
Place: California Department of Corrections and Rehabilitation
Conference Room 100N
1515 S Street, North Building
Sacramento, CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD:

The public comment period is April 20, 2018, through June 11, 2018, at 5:00 p.m. The Department will consider comments submitted in writing (by mail or by e-mail) to the contact person listed below postmarked no later than June 11, 2018.

CONTACT PERSON:

Please direct any inquiries regarding this action to:

J. Struckmann
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
RPMB@cdcr.ca.gov
Telephone 1 (916) 445-2276

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Y. Sun, Chief, Regulatory Services
Regulation and Policy Management Branch
Telephone 1 (916) 445-2269

Questions regarding the substance of the proposed regulatory action should be directed to:

C. Bell
Division of Adult Parole Operations
Telephone 1 (916) 445-1040

AUTHORITY AND REFERENCE:

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.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW:

Pursuant to Penal Code (PC) Section 3003, CDCR is given the authority to return an offender released to parole supervision to his or her County of Last Legal Residence (CLLR). The proposed regulations clarify how CDCR determines the CLLR and provides the criteria established in statute for placing an offender in another county outside the CLLR to serve parole. Additionally, the regulations provide the circumstances under which an offender who is placed on parole in a county other than the CLLR shall be returned to the CLLR. This proposed action also incorporates by reference two forms: CDCR Form 1658 (Rev. 06/11), Parolee Residence/Employment Verification, and CDCR Form 863 (Rev. 08/11) Notice of Release.

This action will:

- Define procedures for determining an offender's CLLR.
- Establishes criteria for placing an offender in a county other than his or her CLLR.
- Provide the conditions which will return an offender from another county to the CLLR.
- Incorporate by reference CDCR Form 1658 (Rev. 06/11), Parolee Residence/Employment Verification, and CDCR Form 863 (Rev. 08/11) Notice of Release.

FORMS INCORPORATED BY REFERENCE:

CDCR Form 1658 (Rev. 06/11), Parolee Residence/Employment Verification.

CDCR Form 863 (Rev. 08/11) Notice of Release.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed regulatory action may reduce recidivism and allow offenders on parole a better chance of successfully completing parole by placing offenders on parole in counties where family ties, rehabilitative programs, and/or employment exist. These factors may help offenders better reintegrate into the community and protect public safety.

EVALUATION OF CONSISTENCY / COMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

In developing the proposed regulations, the Department researched existing statutes and concluded that the proposed regulations are not inconsistent or incompatible with existing State laws or regulations.

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 pursuant to 17500 et seq.: *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 made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations make technical changes to parole procedures only and place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT:

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California.

As stated above under “Specific Benefits Anticipated By The Proposed Regulations,” the Department anticipates the proposed regulatory action may reduce recidivism and allow offenders on parole a better chance of successfully completing parole by placing offenders on parole in counties where family ties, rehabilitative programs, and/or employment exist. These factors may help offenders better reintegrate into the community and protect public safety.

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 will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business. The proposed regulations make technical changes to parole procedures only.

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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are 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 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: www.cdcr.ca.gov.

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, amends or repeals 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 at least 15 days after the date on which they are made available.

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.

TEXT OF PROPOSED REGULATIONS

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

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs, and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

TABLE OF CONTENTS Subchapter 6. Adult Parole is amended.

New Article 17.5 is adopted to read:

Article 17.5. Transfer of Parole

3741 County of Last Legal Residence

3742 Determining the County of Last Legal Residence

3743 Parole Transfer Outside the County of Last Legal Residence

3744 Factors Considered For Transfer Outside the County of Last Legal Residence

3745 Transferred Offender Returned to the County of Last Legal Residence

3746 County Closed to Parole Transfer

3747 Parole Transfer to Another State

3748 Parole Transfers for Life Term Offenders Released to Parole

Subchapter 6. ADULT PAROLE

New Article 17.5 is adopted to read:

Article 17.5. Transfer of Parole

New Section 3741 is adopted to read:

3741. County of Last Legal Residence.

Pursuant to Penal Code (PC) Section 3003, all offenders released on parole shall be returned to the County of Last Legal Residence (CLLR). For the purposes of this Section, the CLLR is the last county in which an offender resided prior to incarceration for the commitment offense. If an offender has multiple commitment offenses, the most recent of the offenses shall be used to determine the CLLR. Offenses that occur in custody shall not be considered in determining the CLLR. For the purposes of this Section, custody is defined as being confined in State prison, local jail, or a State hospital for treatment.

Note: Authority cited: Section 3003, Penal Code.

New Section 3742 and subsections 3742(a) through 3742(e) are adopted to read:

3742. Determining the County of Last Legal Residence.

(a) The Division of Adult Parole Operations (DAPO) determines the CLLR based on the last residence as recorded on the following documents, listed in order of precedence:

(1) The current Probation Officer's Report, as defined in Section 3000. If an address is not recorded, the parole agent shall assess using 3742(a)(2).

(2) If available, the sentencing transcript for the current commitment. If an address is not identified, the parole agent shall assess using 3742(a)(3).

(3) The arrest report for the current commitment offense. If an address is not recorded, the parole agent shall assess using 3742(a)(4).

(4) The abstract of judgment with the recorded county of commitment for the current commitment offense. For the purposes of this Section, the county of commitment is the county where the commitment offense occurred.

(b) The address designated as an offender's CLLR must be a complete address including a street number, street name, city name, and ZIP code.

(c) Incomplete addresses, ambiguous references to street intersections in lieu of a complete address, and addresses listed only by the name of a business shall not be considered when determining the CLLR.

(d) Post office boxes may be considered for areas in which the local county government has not established physical addresses for residences and the parole unit responsible for that area confirms that only post office boxes are used as mailing addresses for the area.

(e) If all of the documents in Sections 3742(a)(1)-(4) list the offender as either transient or homeless, or fail to list a complete address, the offender shall be paroled to the county of commitment.

Note: Authority cited: Section 3003, Penal Code.

New Section 3743 and subsections 3743(a) and 3743(b) are adopted to read:

3743. Parole Transfer Outside the County of Last Legal Residence.

(a) Pursuant to PC Section 3003(b), an offender may be transferred to another county outside of the CLLR to serve his or her parole if it is in the best interest of the public and DAPO determines placement in another county outside of the CLLR is appropriate based on criteria as defined in subsections 3744(a)(1) through 3744(a)(7).

(b) If placed in a county other than the CLLR, the reasons shall be documented on the offender's CDCR Form 1650-D (Rev 06/12), Record of Supervision. Notification shall be made to the sheriff or chief of police, or both, and the district attorney, in the receiving county, pursuant to PC Section 3058.6(a). Notice shall be made on a CDCR Form 863 (Rev. 08/11), Notice of Release, which is incorporated by reference.

Note: Authority cited: Sections 3003 and 3058.6, Penal Code.

New Section 3744 and subsections 3744(a) through 3744(a)(7) are adopted to read:

3744. Factors Considered For Transfer Outside the County of Last Legal Residence.

(a) For transfer to another county, the parole administrator shall consider the following factors to determine if a transfer is appropriate:

(1) The need to protect the life or safety of a victim, a witness, the parolee, or any other person.

(2) Public concern that would reduce the chance of the offender's parole being successfully completed such as cases in which the offender's chances of successfully completing parole in the CLLR are greatly

reduced due to the offenders criminal history, public recognition, family ties, career, or behavior in custody that has resulted in extensive media coverage, public interest, or high notoriety.

(3) The existence of a work offer or an educational/vocational training program.

(A) For the purposes of this Section, work offer is a conditional letter of employment, and work, is permanent employment that may enable the offender to be financially self-sufficient. Short-term employment is not of sufficient duration to qualify.

(B) For the purposes of this Section, educational and vocational training are full-time programs that materially upgrade the offender's employment skills or education level.

(4) The existence of immediate family members, as defined in Section 3000, in another county with whom the offender has maintained strong ties.

(A) Upon proof of a biological relationship, on a case-by-case basis, the parole administrator may give consideration to other relatives that are not immediate family members if strong family ties have been maintained and the familial relationship would increase the chance of successful completion of parole. Documentation proving a biological relationship may include birth certificates, marriage certificates, or adoption records.

(5) The availability of necessary outpatient treatment programs for offenders receiving treatment pursuant to PC Section 2960.

(6) The residence prior to the CLLR was in another county and placement in that county would increase the chance of successful completion of parole.

(7) Availability for direct placement into a CDCR-funded community-based residential treatment program which shall be approved for transfer provided there are no victim or witness residence restrictions as recorded in the offender's special conditions of parole. CDCR-funded community-based residential treatment programs may include Female Offender Treatment and Employment Program, Residential Multi-Service Center, Parolee Service Center, and Specialized Treatment for Optimized Programming.

Note: Authority cited: Sections 2960 and 3003 Penal Code.

New Section 3745 and subsections 3745(a) through 3745(d) are adopted to read:

3745. Transferred Offender Returned to the County of Last Legal Residence.

(a) If the transfer of an offender outside the CLLR is based on placement into a CDCR-funded community-based residential treatment program; and the offender does not successfully complete the CDCR-funded community-based residential treatment program; the offender shall be returned to the CLLR.

(b) If the transfer of an offender is based on participation in an educational, employment, training, or a treatment program and the qualifying program is no longer offered within that county, the offender may be allowed to participate in a similar program in another county if one is available and provided there are no victim or witness residence restrictions as recorded in the offender's special conditions of parole or board-ordered conditions prohibiting placement in a specific county. The offender shall be returned to the CLLR if no programs are available or if the offender does not successfully complete the program.

(c) At the discretion of the unit supervisor, an offender transferred outside of the CLLR may be returned to the CLLR at any time the offender violates his or her conditions of parole.

(d) If an offender successfully completes an educational, employment, training, treatment or a CDCR-funded community-based residential treatment program outside of the CLLR, the offender shall be given the option to remain in that county provided the offender does not violate any condition of parole and has established an appropriate residence. A residence is considered appropriate as long as it does not cause the offender to violate his or her general or special conditions of parole or any other applicable statutory requirements. A residence found to be in violation of any condition of parole or applicable statutory requirement is not appropriate. The Department verifies a residence is appropriate and completes a CDCR Form 1658 (Rev. 6/11), Parolee Residence/Employment Verification, which is incorporated by reference.

Note: Authority cited: Section 3003, Penal Code.

New Section 3746 and subsections 3746(a) through 3746(a)(2)(B) are adopted to read:

3746. County Closed to Parole Transfer.

(a) Pursuant to PC Section 3003(i), the parole administrator shall give consideration to the equitable distribution of offenders serving parole in a particular county.

(1) In order to give consideration to the equitable distribution, the parole administrator shall observe a five percent offender transfer limitation.

(2) The parole administrator shall monitor county import and export ratios of offenders released for parole supervision and transferring outside of his or her CLLR. Transfer imports shall not exceed an additional five percent of the total number of active parolees under the jurisdiction of CDCR who are required to be paroled to a particular CLLR. Any county that has an import ratio of five percent shall be closed to transfers and shall not reopen for intake until the import ratio is below five percent except in the following circumstances:

(A) The Board of Parole Hearings orders the placement of an offender released as a result of a board grant.

(B) Direct Placement of an offender into a CDCR-funded community-based residential treatment program.

Note: Authority cited: Sections 3003 and 5054, Penal Code.

New Section 3747 and subsections 3747(a) and 3747(b) are adopted to read:

3747. Parole Transfer to Another State.

(a) Pursuant to PC Section 3003(j), an offender may be transferred to another state to serve his or her parole.

(b) Before CDCR transfers an offender to another state, the offender shall be in compliance with PC Section 11177.2.

Note: Authority cited: Sections 3003, 5054, and 11177.2 Penal Code.

New Section 3748 and subsections 3748(a) through 3748(a)(2) are adopted to read:

3748. Parole Transfers for Life Term Offenders Released to Parole.

(a) In addition to Sections 3741 through 3747, if an offender is released as a result of a board grant to parole pursuant to PC Section 3000, the following shall apply when considering the transfer of the offender's parole.

(1) If the offender requests to serve his or her parole in a different county other than the CLLR, any previous BPH order or recommendation for parole placement must be amended or vacated prior to transfer if an order or recommendation exists. In addition, there must be no victim or witness concerns, as documented on the offender's special conditions of parole, in the desired county.

(2) Parole transfer for offender cases released as a result of a board grant and accepted by the Interstate Compact for an out-of-state transfer of parole must be reviewed by BPH in order to be granted placement in the desired state. If the parole transfer is granted, the offender must have any previous BPH orders or recommendations for parole placement amended or vacated prior to the transfer, and DAPO shall ensure there are no victim or witness concerns within the desired state, as documented on the offender's special conditions of parole.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 646.9, 667.5, 3003(a), 3003(b)(5), 3003(b)(5)(d), 3003(i), 3003(j), 3058.6, 11177.2, 12022.7, 12022.9, and 12022.53, Penal Code.

INITIAL STATEMENT OF REASONS:

The California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) proposes to adopt new Article 17.5, and new Sections 3741, 3742, 3743, 3744, 3745, 3746, 3747, and 3748 to the California Code of Regulations (CCR), Title 15, Division 3, Subchapter 6 concerning the transfer of an offenders' parole placement.

The Legislature has established that the period immediately following release from incarceration is critical to an offender's successful reintegration and transition back into the community. One of the cornerstones of successful reintegration into society is the placement of parolees within the appropriate county to serve their parole. In 1997, Penal Code (PC) Section 3003 was amended giving CDCR authority to return an offender released to parole supervision to his or her County of Last Legal Residence (CLLR). The practice of returning offenders to their CLLR where strong family ties are already established often leads to an offender's success on parole, improving public safety and reducing recidivism.

However, State officials recognize there are occasions when returning an offender to a county other than the CLLR is in the best interest of victims, witnesses, and the public and has made provisions for exceptions to returning an offender to the CLLR. These exceptions are often identified when the victims/witnesses makes a request to have the offender not return to the CLLR, necessary programs/services for the offender are not available in the CLLR, or the existence of strong family support is available in another county. The proposed regulations outline the circumstances, as provided for by PC Section 3003(j), under which an offender could be placed in another county to serve parole.

The proposed regulations are necessary to further interpret and comply with PC Section 3003 concerning the return of an offender to the CLLR upon release from incarceration for the most recent commitment offense. The regulations clarify how CDCR determines the CLLR and provides the criteria established in statute for placing an offender in another county outside the CLLR to serve parole. Additionally, the regulations provide the circumstances under which an offender who is placed on parole in a county other than the CLLR shall be returned to the CLLR.

CONSIDERATION OF ALTERNATIVES:

The Department must determine that no reasonable alternatives considered, 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 this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, 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 made an initial determination that no reasonable alternatives to the regulations have been identified or brought to the attention of CDCR that would lessen any adverse impact on small business.

Currently, no reasonable alternatives have been brought to the attention of the Department that would alter the Department's initial determination.

ECONOMIC IMPACT ASSESSMENT:

The Department believes there will not be any significant economic impact with these proposed regulations.

In accordance with Government Code Section 11346.3(b), the CDCR has made the following assessments regarding the proposed regulations:

Significant Adverse Economic Impact on Business

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations only affect offenders under CDCR supervision and place no obligations or requirements on any business.

Creation of New or Elimination of Existing Jobs Within the State of California

The Department has determined that the proposed regulations will not have an impact on the creation of new, or the elimination of existing jobs within California as the proposed regulations only affect California offenders released on parole.

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

The Department has determined that the proposed regulations will not have an impact on the creation of new, or the elimination of existing business within California as the proposed regulations only affect California offenders released on parole.

Expansion of Businesses Currently Doing Business in the State of California

The Department has determined that the proposed regulations will not have an impact on the expansion of businesses currently doing business in California as the proposed regulations only affect California offenders released on parole.

BENEFITS OF THE REGULATIONS:

The Department anticipates the proposed regulations will help to reduce recidivism by aiding in an offender's reintegration into society, by taking into account the availability of work, educational/treatment programs, and the existence of family ties in considering transfers outside of the offender's CLLR. These factors aid in the offender's successful completion of parole and results in the protection of public health and safety.

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 11346.2(b)(1):

Subchapter 6. ADULT PAROLE

New Article 17.5. Transfer of Parole

3741. County of Last Legal Residence

New Section 3741 is adopted to explain to those affected that inmates released on parole shall be returned to their County of Last Legal Residence (CLLR), and how the CLLR is determined. In the case of an offender with multiple offenses in different counties, the county where the most recent offense occurred will serve as the CLLR for parole supervision purposes.

3742. Determining the County of Last Legal Residence

New subsections 3742(a) – 3742(a)(4) are adopted to establish that the CLLR is determined through a review of specific documents by the assigned parole agent. The documents are listed in order of priority because each document listed first provides more accurate and current information for the offender's address gathered at or during the court proceeding for the commitment offense and has the greatest validity. The language in this section is necessary to clarify procedures and to ensure CDCR uniformity in determining the CLLR.

New subsection 3742(b) is adopted to establish that the legal documents used must have a complete address for the residence to be considered as the CLLR. It is necessary to get a complete address for the CLLR as it offers an exact location and serves as a reference to both the offenders and the Department staff, and provides for consistent application of the requirements statewide.

New subsection 3742(c) is adopted to establish the type of addresses that will not be considered when determining the CLLR because such addresses are too ambiguous for effective supervision of parolees. This language is necessary to clarify to offenders and the Department staff the types of addresses that are not acceptable and to provide consistent application of procedures statewide.

New subsection 3742(d) is adopted to specify a Post Office (P.O.) Box may be considered in some areas to establish the CLLR. California county governments assign a physical address, known as a situs, at the request of a builder or owner of a property for a fee. In incorporated areas this is usually done as part of the land use planning. However in rural or unincorporated areas some builders or owners do not request a situs and the county will not assign a situs without a request. Some properties with a situs may not be eligible for United States Postal delivery based on a decision of the postmaster for the area. In such cases, the resident qualifies for a P.O. Box as a mailing address at no charge. In this case, the P.O. Box will be sufficient to determine as the CLLR upon confirmation from the supervising parole unit that the post office does not provide mail service to that area. The language is necessary to serve as a notice to offenders and the Department staff, and to provide consistent application of procedures statewide.

New subsection 3742(e) is adopted to specify if an offender is unable to provide an address that could place him or her in a CLLR, or is determined to be homeless or transient, the offender will be paroled to

the county of commitment. This language is necessary to establish the county of commitment as the default county a parolee is paroled to if there is no county of last legal residence.

3743. Parole Transfer Outside the County of Last Legal Residence

New subsection 3743(a) is adopted to specify that a parolee may be transferred to another county outside of his or her CLLR under specific circumstances that meet the criteria listed in subsections 3744(a)(1)-3744(a)(7). This language is necessary to assist the offender in successfully completing parole.

New subsection 3743(b) is adopted to instruct how and where to document the reason of DAPO's decision regarding placement of an offender. This subsection also specifies the law enforcement officials who will be notified of the offender's parole placement. This new subsection is necessary to provide direction to staff on new procedures. The CDCR Form 863 (Rev. 08/11) Notice of Release, is incorporated by reference and a copy made available to the public. This new form is necessary to notify the officials of the receiving county. The CDCR Form 1650-D (06/12), Record of Supervision, is referenced as a form used. This form is already established elsewhere in Title 15, Division 3 regulations. Therefore, no copy has been made available for public review.

3744. Factors Considered in Parole Transfer Outside the County of Last Legal Residence

New subsections 3744(a) —3744(a)(2) are adopted to establish that the paroling authority will give first consideration to the public safety and to the parolee's opportunities to successfully complete parole in considering a parole transfer. These regulations comply with provisions of PC Section 3003. These sections are necessary to ensure the safety of the public by considering the effect on the community that the placement will have, and ensuring an opportunity for the successful completion of parole by minimizing the negative impact extensive media coverage can have on an offender's chances of successfully reintegrating back into society.

New subsections 3744(a)(3) – 3744(a)(3)(A) are adopted to establish that the existence of a work offer is consideration for transfer of an offender. The terms "work" and "work offer," for the purposes of this section, are also defined. This language is necessary to establish the offender may be transferred to a county that is not the CLLR if the offender has an offer of permanent employment in another county as it will enable the offender to be financially self-supporting which will increase the offender's successful completion of parole.

New subsection 3744(a)(3)(B) is adopted to define what is an educational and a vocational school training program and clarifies criteria to be considered a full-time student. This language is necessary to establish the type of educational or vocational school training program that meet the criteria for transfer and that improve the offender's employability which will preclude the offender from relying on public assistance or CDCR cash assistance programs.

New subsections 3744(a)(4) – 3744(a)(4)(A) are adopted to establish that an offender may be placed in a county other than the CLLR if there are existing family members in that county with whom the offender has strong ties. This language is necessary to allow the offender to benefit from the familial

support to more easily transition into the community and increase the chance of successful completion of parole.

New subsection 3744(a)(5) is adopted to further clarify that an offender may be considered for parole to another county other than the CLLR if the offender must continue to receive mental health treatment pursuant to PC 2960 and there is a mental health treatment program available to the offender outside of the CLLR. This language is necessary to ensure appropriate treatment is provided to the offender while in the community and for consistent application statewide to comply with provisions in PC Section 3003, and to serve as a notice to offenders and Department staff. Continuity of care for those offenders needing mental health treatment and support is crucial for a successful transition into the community.

New subsection 3744(a)(6) is adopted to establish that CDCR may decide to parole an offender to a county other than the CLLR if it can be shown that the offender's last legal residence prior to the CLLR was in another county and placement in that county would increase the chance of successful completion of parole. This language is necessary to allow offenders to return to a county in which he or she has support that would likely increase the offender's chances of successfully completing parole. The support can be in the form of immediate family, extended family, stable employment, stable housing, or available resources within the county.

New subsection 3744(a)(7) is adopted to establish that CDCR may directly place an offender on parole in another county for participation in a CDCR funded residential treatment program. This language is necessary to help ensure the offender's successful completion of parole. Enrollment in a treatment program that specifically addresses the offender's individual criminogenic needs aids the offender to successfully complete parole and reduce the offender's chance of recidivism.

3745. Transferred Offender Returned to the County of Last Legal Residence

New subsection 3745(a) is adopted to establish that if an offender does not successfully complete the CDCR-funded program outside the CLLR, as stated in 3744(a)(7), the offender shall be returned to the CLLR. This language is necessary to serve as a notice to offenders and Department staff, and for consistent application of this procedure statewide.

New subsection 3745(b) is adopted to establish what is to be done if an offender released on parole is placed in an educational, employment, training, or a treatment program that is no longer available. This language is necessary to demonstrate that CDCR will exhaust all avenues to place an offender released on parole into a program to address his or her criminogenic needs whenever possible.

New subsection 3745(c) is adopted to establish that an offender may be returned to his or her CLLR if he or she violates his or her conditions of parole. This language is necessary to make it clear and provide notice that an offender who has been allowed to transfer from the CLLR to another county for parole supervision and violates his or her conditions of parole may be returned to the CLLR at any time, at the unit supervisor's discretion, should he or she violate conditions of parole.

New subsection 3745(d) is adopted to establish that an offender who was transferred outside of the CLLR to participate in an educational/employment training, treatment, or CDCR-funded program, will have an option to remain in that county if the offender successfully completes the program, has established an appropriate residence, and remains violation free. Allowing offenders the option to

remain in that county will increase the offender's chances of successfully completing parole and does not disrupt the offender's progress. The subsection also specifies the CDCR form parole agents need to use to verify a parolee's residence and employment. This language is necessary to provide new procedures and ensure statewide uniformity. The CDCR Form 1658 (Rev. 06/11), Parolee Residence/Employment Verification, is referenced as a form used. This form is incorporated by reference and a copy made available to the public.

3746. County Closed to Parole Transfer

New subsection 3746(a) – 3746(a)(2) is adopted to establish that parole placement must be equitably distributed. CDCR will ensure the offender population paroled to a county is within the five percent offender released on parole import/export limitation. This language is necessary to ensure the offender population is not too high in any one county, pursuant to PC Section 3003(i). Upon release from prison, many offenders are poor and in need of resources or some form of assistance. In 2015 approximately 32 percent of California's 38.99 million residents received some form of government assistance, MediCal, Medicaid, CalFresh, CalWORKs, or General Assistance/General Relief. Many offenders upon release apply for one or more of these programs. DAPO concluded that not exceeding five percent of the offender population who are serving parole within a county that is their assigned CLLR is manageable for the Department and does not overburden county and state resources.

New subsections 3746(a)(2)(A) and 3746(a)(2)(B) are adopted to clarify that if a parolee ratio in a county exceeds five percent, the county will be closed to receiving parolees for placement within that county unless BPH orders the placement of an offender to serve parole in that county, or there is availability for direct placement into a CDCR-funded community-based residential treatment in that county. This language is necessary to provide the offender community transition and rehabilitation services.

3747. Parole Transfer to Another State

New subsections 3747(a) – 3747(b) are adopted to establish that an offender may be paroled to another state if he or she is in compliance with PC 11177.2 regarding their order of restitution. This language is necessary to emphasize that the law requires restitution to be satisfied prior to being paroled to another state.

3748. Life Term Offender Parole Transfer

New subsections 3748(a) – 3748(a)(2) are adopted to establish that sections 3741-3747 apply to offenders sentenced to a life term who are released to parole. The sections further state that before they are transferred to another county to serve their parole, they must have any BPH orders or recommendations for parole placement vacated or amended before the parole transfer is approved. Subsection 3748(a)(2) states if that before approving for the inmate out of state transfer to serve parole, BPH will review the offenders' cases to ensure that no victim/witness residence restrictions exist in the receiving state. These sections are necessary to explain that life term offenders released to parole and seeking a transfer outside the CLLR are subject to additional review and approval from BPH to help ensure public safety by taking additional precautions with this population of offenders.

NOTICE OF RELEASE

TO:

FROM:

The below identified inmate/parole violator is scheduled for release to CDCR Parole or Post Release County Supervision (PRCS). This notification is provided pursuant to Penal Code Section:

- 3058.6 3058.9 3058.61 3060.6
(see attached) 290

If you have any questions regarding this notification or wish to make written comments regarding this release, please contact:

PAROLE ADMINISTRATOR/POST RELEASE COUNTY SUPERVISION OFFICER
ADDRESS
CITY
TELEPHONE NUMBER

Comments will be reviewed and if necessary, appropriate action will be taken. You shall be advised of any decision.

INMATE/PAROLEE NAME		CDC NUMBER		
DATE OF RELEASE <small>The date may change by 1-2 days pursuant to PC 3060.7</small>	DATE OF BIRTH	SID/CII NUMBER		
STREET ADDRESS AND CITY (If the proposed residence is known)		TELEPHONE NUMBER (If known)		
PAROLE UNIT AND STREET ADDRESS INCLUDING CITY (IF RELEASING TO CDCR PAROLE)				
REGISTRATION REQUIREMENT: <input type="checkbox"/> PC 186.30 <input type="checkbox"/> PC 290 <input type="checkbox"/> H&S 11590 <input type="checkbox"/> PC 457.1		COUNTY OF COMMITMENT FOR VIOLENT OFFENSE	CASE NUMBER & OFFENSE	
Height/PC 290	Weight/PC 290	Eye Color/PC 290	Hair Color/PC 290	COMMENTS
NOTICE COMPLETED BY		TITLE	DATE COMPLETED	
FACILITY / REGION		TELEPHONE NUMBER		

PAROLEE RESIDENCE / EMPLOYMENT VERIFICATION

<input type="checkbox"/> PRE-RELEASE
<input type="checkbox"/> CHANGE
<input type="checkbox"/> TIR

SECTION I

No changes since the residence verification completed on: _____

Updates made, see specific area(s) below.

CDC Number:	Parolee Name (Print Last, First, MI):	Parole Unit:		
Proposed Primary Residence Address:	City:	Zip:	Map Code:	Phone:
Current Occupants (Name)	Age	Relationship to Parolee	Source of Support	On Parole or Probation
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION II

No changes since residence verification completed on: _____

Updates made, see specific area(s) below.

Identify the person(s) contacted at the residence and their relationship to parolee:

Identify the responsible/primary occupant of the residence:

Identify the owner/landlord or property manager of the residence:

How long is it anticipated that the offender will be at the residence?

Verified that there are no weapons in the residence to the occupants.

Explained the parole search and seizure expectations to the occupants.

Identify living area and conduct cursory inspection of the offender's proposed personal quarters.

Identify any barriers that could preclude access to the front door of the residence. Obtain access codes, gate keys, etc., if applicable. Comment(s):

Identify all dogs and/or other animals on the property and whether or not they may pose a danger to peace officers:

Residence concerns (gang members, registered sex offenders, safety concerns, etc.):

Residence compliant with laws for sex offender placement: Not Applicable YES NO* If no, explain:

Residence approved: YES NO* If no, explain:

