

**State of California
Office of Administrative Law**

In re:
**Department of Corrections and
Rehabilitation**

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections:

**Amend sections: 3000, 3075.1, 3075.2,
3075.3, 3521.1, 3521.2,
3720, 3763**

**Repeal sections: 3800, 3800.1, 3800.2,
3800.3**

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2018-0516-06

OAL Matter Type: Regular (S)

The California Department of Corrections and Rehabilitation proposed this action to amend and repeal regulations addressing parole.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2018.

Date: June 14, 2018

Richard L. Smith

Richard L. Smith
Senior Attorney

For: Debra M. Cornez
Director

Original: Scott Kernan, Secretary
Copy: Sarah Pollock

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0208-01	REGULATORY ACTION NUMBER 2018-0316-069	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2018 MAY 16 P 2:41

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 14 2018

3:13 PM

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)
15-0370

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2018-08-2	PUBLICATION DATE 2/23/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Assorted Parole Revisions	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, and 3763
TITLE(S) 15	REPEAL 3800, 3800.1, 3800.2, and 3800.3

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Sarah Pollock	TELEPHONE NUMBER 916 445-2308	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) sarah.pollock@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5.14.18
TYPED NAME AND TITLE OF SIGNATORY RALPH M. DIAZ, Undersecretary, Operations	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 14 2018

Office of Administrative Law

TEXT OF ADOPTED REGULATIONS

In the following text, ~~strikethrough~~ indicates deleted text; underline indicates added or amended text.

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

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3000. Definitions.

[Section 3000 is amended to alphabetically merge the definitions below with those that exist in the regulations]

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Board of Parole Hearings (BPH or Bboard) means the sState agency which is responsible for the administration of conducting parole consideration hearings for those persons committed to the department under Penal Code section 1168 and those committed under Penal Code section 1170 who also meet the criteria found in Penal Code section 2962 inmates sentenced to life terms with the possibility of parole and inmates sentenced to determinate terms but who have been deemed eligible for parole consideration hearings pursuant to statute or court order. The board also conducts parole reconsideration hearings for inmates returned to CDCR custody pursuant to Penal Code (PC) sections 3000(b)(4) or 3000.1. In addition, the board conducts hearings pursuant to PC section 3550, Mentally Disordered Offender hearings, and Sexually Violent Predator screenings, among many other functions.

California Interstate Cooperative Parolee means a person on parole for a California sentence who is under parole supervision in a state other than California pursuant to the Uniform Act for Out-of-State Parole Supervision (Penal Code sections 11175-11179); and the Interstate Compact for Adult Offender Supervision (PC sections 11180-11181).

California Parole Apprehension Team (CPAT) means a Division of Adult Parole Operations (DAPO) team that is responsible for the apprehension of parolees who have absconded parole supervision or pose a threat to public safety.

California Parole Supervision Reintegration Model (CPSRM) means a supervision model that employs evidence-based practices that enhance public safety through long-term positive behavioral change.

CalParole means a centralized statewide parolee information data system that was deactivated December 7, 2015 and replaced by the Strategic Offender Management System.

~~Control Service means the middle supervision category of a person on parole.~~

Cooperative Parolee means a person under supervision according to the provisions of the Interstate Compact for Adult Offender Supervision.

Correctional Intelligence Task Force (CITF) means an intelligence unit that aids in the apprehension of parolees-at-large through increased investigation.

Course of ~~e~~Conduct means two or more acts over a period of time, however short, evidencing a continuity of purpose.

Custody of the department means the inmate is in the physical custody of the department. The inmate would be considered out of the custody of the department when; out-to-court and housed in a County or Federal facility, escaped and not returned to departmental custody, in a non-departmental mental health facility, and in a medical facility under non-departmental supervision.

Felony means a crime which is punishable with death or by imprisonment in the ~~s~~State prison, or notwithstanding any other provision of law, by imprisonment in a county jail under the provisions of subdivision (h) of PC section 1170. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions.

High Control means the highest ~~risk supervision~~ category of a person ~~released to on~~ parole. High Control is also the term used for all non-Global Positioning System parolee-at-large cases assigned to the CPAT and CITF.

Interstate Commission for Adult Offender Supervision (ICAOS) means the commission that is responsible for overseeing California's participation in the Interstate Compact for Adult Offender Supervision. The rules promulgated by the ICAOS have the force and effect of statutory law and are binding in all member states pursuant to PC section 11180.

Interstate Compact for Adult Offender Supervision means the formal agreement between member states that seeks to promote public safety by systematically controlling the interstate movement of certain adult offenders. California's participation is authorized by PC section 11180.

~~Interstate Compact Unit means the Division of Adult Parole Operations DAPO unit which coordinates the functions of the ICAOS supervision of California cooperative parolee and the return of parolees-at-large from asylum states. The unit is responsible for Interstate and Western Interstate Corrections Compacts, federal contrast, federal concurrent, and consecutive prisoners and multi-jurisdiction parolees incarcerated in the prison of another jurisdiction.~~

Interstate Cooperative Parolee means a person convicted and sentenced to prison in a state other than California but under parole supervision in California according to provisions of the Interstate Compact for Adult Offender Supervision.

Laboratory means any toxicological or forensic laboratory which has been recognized by the sState, other certifying agency, or which is accepted by any local, county, or sState prosecuting authority to provide evidence as to the presence of controlled substances in human body fluids or confirm that a substance is or contains any controlled substance.

Non-Revocable Parole (NRP) is a form of unsupervised community release pursuant to the provisions of Penal Code section 3000.03, wherein the parolee is not subject to placement of a parole hold, revocation proceedings, or remedial sanctions. ~~or referral to the Board of Parole Hearings for violation of any condition of parole.~~

~~Parole Hearings Division means the division of the department which is responsible for the department's administration of paroles for those persons committed to the department under Penal Code section 1170, except those who also meet the criteria of Penal Code section 2962.~~

Parolee-at-Large means an absconder from parole supervision, who is declared a fugitive by the parole releasing authority ~~action~~ suspending parole.

Probation Officer's Report means a ~~CDC Form 174 (Rev. 3/87), Probation Officer's Report,~~ written report prepared by the probation officer in the county where the offense was committed, containing the circumstances surrounding the crime, prior history, and record of the person.

Public Interest Case describes an inmate/parolee whose crime/criminal history, public recognition, family ties, career or behavior in custody has resulted in extensive media coverage beyond the closest large city and its surrounding areas.

Receiving State means the state which supervises a cooperative parolee ~~or a concurrent parolee~~ under the terms of the Interstate Compact for Adult Offender Supervision.

Sending State means the state that requests the transfer of a cooperative parolee, or that transfers supervision of a cooperative parolee, under the terms of the Interstate Compact for Adult Offender Supervision.

Sentence Data Sheet means an option under the Prison function tab within the Strategic Offender Management System that contains commitment and release status of an inmate.

Strike means any concerted act of more than 50 percent of the bargaining unit employees in a lawful refusal of such employees under applicable sState or federal law to perform work or services for an employer, other than work stoppages based on conflicting union jurisdictions or work stoppages unauthorized by the proper union governing body.

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[Note Section is amended to read:]

Note: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3020, 3450, 3550, 4570, 4576, 5009, 5050, 5054, 5068, 7000 et seq., 11180 and 11191, Penal Code; Sections 1132.4, ~~and~~ 1132.8, and 1203(b)(1), Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH). *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; and *In re Garcia* (2012) 202 Cal.App.4th 892.

Article 6.5 Intake, Release and Discharge of Inmates

3075.1. Intake Processing.

[Sections 3075.1(a) through 3075.1(a)(2) are unchanged, but are shown for reference purposes]

(a) A CDC Form 188-L (Rev. 3/89), Cumulative Case Summary, shall be prepared for each inmate committed to the department and shall include:

- (1) CDC Form 188, Legal Status Summary.
- (2) CDC Form 112 (Rev. 9/83), Chronological History.

[Section 3075.1(a)(3) is amended to read:]

(3) ~~CDC Form 174 (Rev. 3/87)~~, Probation Officer's Report (POR).

[Sections 3075.1(a)(4) through 3075.1(j)(2) are unchanged]

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.01, 1203.03, 2930, 3002, 5054, and 5068, Penal Code.

3075.2. Releases.

[Section 3075.2(a) is amended to read:]

(a) Day of release. ~~Inmates, except as otherwise provided by applicable law and regulations, shall be released on their scheduled release date. Inmates shall not be retained beyond their discharge date.~~

[New Section 3075.2(a)(1) is adopted to read:]

(1) Inmates, except as otherwise provided by applicable law and regulations, shall be released on their scheduled release date. Inmates shall not be retained beyond their discharge date.

[Sections 3075.2(b) through 3075.2(b)(2) are unchanged, but are shown for reference purposes]

(b) Release Instructions.

(1) Notification of registration requirements:

(A) An inmate required to register pursuant to Penal Code sections 290 or 457.1 or Health and Safety Code section 11590 shall be notified of the requirement before being released from custody.

(B) Such inmates shall complete a SS Form 8047, Notice of Registration Requirement, acknowledging notification of the requirement.

(2) Reporting instructions for inmates being released to parole, except for inmates released to non-revocable parole as provided in section 3505:

[Section 3075.2(b)(2)(A) is amended to read:]

(A) The CDCR Form 611 (Rev. 8/12), Release Program Study, which is incorporated by reference; the CDCR Form 1515 (Rev. 04/14), Notice and Conditions of Parole, which is incorporated by reference, the CDCR Form 1515-Addendum (Rev. 11/15), Special Conditions of Parole, which is incorporated by reference, and reporting instructions, shall be explained to the inmate at least 45 days before their scheduled release to parole or, if less than 45 days remain as a result of a change in the inmate's legal status, as soon as possible.

[Section 3075.2(b)(2)(B) is unchanged, but is shown for reference purposes]

(B) The CDCR Form 611 shall specify a date, time, place and official to whom a newly released inmate shall report.

[Section 3075.2(b)(2)(C) is amended to read:]

~~(C) Authorized delay in reporting. Any delay in reporting shall be in writing. The assigned parole agent may authorize a delay in reporting of no more than seven days from the parolee's scheduled reporting date. A delay of more than seven days shall require the authorization of a unit supervisor or higher staff. Parolees designated as high control cases shall not be granted a delay in reporting to their assigned parole agent.~~ Parolees designated as the highest control or highest risk classification shall report to their assigned parole unit on the first working day following release or within two calendar days from release, as instructed by a parole agent. Under no circumstances shall parolees designated as the highest control or highest risk classification be granted a delay in reporting to their assigned parole unit.

[New Sections 3075.2(b)(2)(D) through 3075.2(b)(2)(D)1. are adopted to read:]

(D) Authorized delay in reporting for cases not designated as the highest control or highest risk classification.

1. Any delay in reporting to an assigned parole unit upon release from incarceration shall be case conferenced with a unit supervisor for approval. Parolees released from incarceration shall report to their assigned parole unit and any delay in reporting shall only be approved in extenuating circumstances, on a case-by-case basis, when the circumstances surrounding the release prevents the parolee from reporting in a timely manner and are beyond their control (e.g., parolee cannot report to the assigned parole unit as instructed due to the distance between the release location and the assigned parole unit). The unit supervisor should only authorize the amount of time reasonably necessary to allow the parolee to report to the assigned parole unit. Under no circumstances shall the delay in reporting be authorized for more than seven calendar days from the parolee's scheduled reporting date.

[Section 3075.2(b)(3) is unchanged, but is shown for references purposes]

(3) Notice and conditions of parole requirements, except for inmates released to non-revocable parole.

[Sections 3075.2(b)(3)(A) and 3075.2(b)(3)(B) are amended to read:]

(A) The CDCR Form 1515 and, if applicable, the CDCR Form 1515-Addendum (Rev. 11/15), Special Conditions of Parole, shall be interpreted or otherwise effectively communicated to any all parolees who does not understand or read English.

(B) A unit supervisor or higher level staff may place an inmate or parolee refusing to sign the CDC Form 1515 into custody pending a revocation hearing. The parole agent shall request the parolee sign the CDCR Form 1515, and the CDCR Form 1515-Addendum after explaining the form(s) to the parolee. If the parolee refuses to sign the CDCR Form 1515 or CDCR Form 1515-Addendum, the parole agent shall attempt to resolve the issue. If the parolee continues to refuse to sign the CDCR Form 1515 or CDCR Form 1515-Addendum, the parole agent shall note the refusal in the signature block of the CDCR Form 1515 or CDCR Form 1515-Addendum and advise the parolee that the conditions of parole are imposed regardless of the signature.

[Existing Section 3075.2(b)(3)(C) is relocated and renumbered as 3075.2(b)(3)(D)]

[New Section 3075.2(b)(3)(C) is adopted to read:]

(C) If an interstate cooperative parolee, as defined in section 3000, refuses to sign conditions of parole, this shall be considered behavior requiring retaking and reported to the state from which the parolee was sent, with a recommendation that the offender be returned to the sending state.

[Existing Section 3075.2(b)(3)(C) is renumbered 3075.2(b)(3)(D), but is otherwise unchanged]

(~~E~~) Any special conditions of parole imposed by the department shall be related to the inmate's commitment offense or to conduct that may reasonably lead to future criminal behavior.

[Existing Section 3075.2(b)(3)(D) is renumbered 3075.2(b)(3)(E), but is otherwise unchanged]

(~~E~~) When a department-imposed special condition no longer applies to a parolee, a unit supervisor or higher level staff may remove or modify any but the following department-imposed special conditions:

[Existing Sections 3075.2(b)(3)(D)1.-2. are renumbered 3075.2(b)(3)(E)1.-2 but are otherwise unchanged]

[Existing Section 3075.2(b)(3)(E) is renumbered 3075.3(b)(3)(F), but is otherwise unchanged]

(~~F~~) Within five days after verbally requiring or prohibiting specific behavior of a parolee, staff shall give the parolee written confirmation of such instructions.

[Section 3075.2(b)(4) is unchanged, but is shown for reference purposes.]

(4) Notice of non-revocable parole requirements:

[Section 3075.2(b)(4)(A) is amended to read:]

(A) Inmates who are approved for non-revocable parole shall have a CDCR Form 1515 and, if applicable, a CDCR Form 1515-Addendum ~~CDCR Form 1515-A (01/10), Notification of Non-Revocable Parole Requirements, which is incorporated by reference,~~ effectively communicated to them at least 45 days prior to their scheduled release to parole, or as soon as possible if less than 45 days prior to release remain. The ~~CDCR Form 1515-A~~ CDCR Form 1515 and the CDCR Form 1515-Addendum shall document the offender's understanding of requirements including, but not limited to, the following:

[Sections 3075.2(b)(4)(A)1. through 3075.2(b)(4)(A)4. are amended only to correct numbering format]

(~~1.~~) Return to the county of last legal residence prior to incarceration pursuant to Penal Code 3003(a).

(~~2.~~) Obligation to register with local law enforcement as ordered by law.

(~~3.~~) Obligation to pay outstanding restitution balances while on non-revocable parole.

~~(4.)~~ Search and seizure requirements pursuant to Penal Code section 3067.

[Sections 3075.2(b)(4)(B) and 3075.2(b)(4)(C) are deleted]

~~(B) Inmates and parolees who refuse to sign the CDCR Form 1515-A shall be denied non-revocable parole pursuant to the provisions of Penal Code section 3000.03.~~

~~(C) Parolees on non-revocable parole are not assigned to a parole agent and have no requirement to report to a parole office upon release.~~

[Sections 3075.2(b)(5) through 3075.2(d)(5) are unchanged]

[Section 3075.2(d)(5)(A) is amended to read:]

(A) Within the sState shall be given up to \$10 cash in addition to transportation expenses and, if necessary, clothing which shall not exceed \$20 in value.

[Sections 3075.2(d)(5)(B) through 3075.2(e)(1) are unchanged]

[Section 3075.2(e)(2) is amended to read:]

(2) Any transportation costs paid by the sState shall be deducted from the inmate's release allowance.

[Note Section is amended to read:]

Note: Authority cited: Sections 2713.1, 3000.03, 5058 and 5058.3, Penal Code. Reference: Sections 290, 457.1, 1168, 1170, 1170.05, 2713.1, 2901, 2962, 3053.5, 3060.7, 3067, 3450, 3452, 3453, 3454, 5054, 11175, 11176 and 11180, Penal Code; Section 11592, Health and Safety Code; ~~and~~ Sections 6601 and 6604, Welfare and Institutions Code; and Interstate Commission for Adult Offender Supervision Rules 1.101 and 5.103.

3075.3. Discharge Certificates.

[Sections 3075.3(a) and 3075.3(b) are unchanged, but are shown for reference purposes]

(a) CDCR Form 163 (Rev. 10/06), Certificate of Discharge, which is incorporated by reference, shall be issued to each person who has completed their commitment to the department.

(b) Such certificate shall be issued to the inmate before release and mailed to parolees after their discharge date.

[Section 3075.3(c) is deleted]

~~(c) Parolees on non-revocable parole, as provided in section 3505, must submit a written request to the department upon or after their discharge date to receive a CDCR Form 163 (Rev. 10/06), Certificate of Discharge.~~

[Existing Section 3075.3(d) is renumbered 3075.3(c)]

~~(d)~~ Inmates who are discharged due to release to Postrelease Community Supervision shall not be issued discharge certificates.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3000.03, 3450 and 5054, Penal Code.

Sub-Chapter 6. Adult Parole

Article 2. Preventing Parolee Crime Program

3521.1. Parolee Service Center Program.

[Section 3521.1 is amended to read:]

~~The Parolee Service Center (PSC) Program assists parolees in becoming productive citizens through transitional housing, and connecting parolees to community resources and support services.~~ provides residential, employment, and support services to parolees to enable successful reintegration into the community.

[Section 3521.1(a) is amended to read:]

~~(a) PSC facilities are used for residential placement of both male and female eligible parolees, based upon assessed need, on a sanctioned and non-sanctioned basis, meaning, non-sanctioned that the placement was not the result of an adjudicated parole violation, and sanctioned placement PSC facilities may be used for residential placement of eligible parolees on a sanctioned basis, meaning that the placement was the result of an adjudicated parole violation at the parole unit level, or as a result of an action and referral by the parole authority. PSC facilities provide services to newly paroled inmates that do not have available resources, as well as homeless parolees and parolees seeking a positive change to their current situation. PSC facilities provide comprehensive residential programing and case management, including but not limited to, life skills training, anger and stress management, 52-week domestic violence class, family reintegration, health education classes, computer skills, job readiness and retention, and money management.~~

[Section 3521.1(b) is unchanged, but is shown for reference purposes]

(b) All parolees are eligible for placement in the PSC Program who voluntarily agree to participate in the program, except the following parolees who shall be excluded:

[Sections 3521.1(b)(1) and 3521.1(b)(2) are deleted]

~~(1) Parolees who are required to register pursuant to PC section 290 (sex offenders) or PC section 457.1 (arson offenders).~~

~~(2) Parolees who are in custody pending local criminal charge(s) which could result in continued incarceration.~~

[Existing Section 3521.1(b)(3) is renumbered 3521.1(b)(1), but is otherwise unchanged]

~~(3) Parolees currently in need of detoxification.~~

[Sections 3521.1(b)(4) through 3521.1(b)(7) are deleted]

~~(4) Parolees with a felony hold.~~

~~(5) Parolees with pending felony criminal charges.~~

~~(6) Interstate parolees. "Interstate parolees" is defined to mean felons from other states who are in California being supervised under the provisions of the Interstate Compact for Adult Offender Supervision, as provided in PC section 11180.~~

~~(7) Inmates released to non-revocable parole as provided in section 3505.~~

[Sections 3521.1(c) through 3521.1(c)(3) are unchanged, but are shown for reference purposes]

(c) The following parolees will be considered on a case-by-case basis for participation in the PSC Program:

(1) Parolees who have a past or current violent felony conviction pursuant to PC section 667.5(c).

(2) Parolees who have a current felony conviction pursuant to PC section 1192.7(c) and/or 1192.8.

(3) Parolees with a misdemeanor hold.

[Section 3521.1(c)(4) is amended to read:]

(4) Parolees who are designated high notoriety as a Public Interest Case.

[Section 3521.1(c)(5) is unchanged, but is shown for reference purposes]

(5) Parolees who have a restraining order/court order and/or victim notification in the county of the PSC facility.

[Section 3521.1(c)(6) is amended to read:]

(6) ~~Street gang members~~ Security Threat Group I members or associates.

[Existing Section 3521.1(c)(7) is deleted]

~~(7) Validated prison gang members.~~

[New Sections 3521.1(c)(7) through 3521.1(c)(14) are adopted to read:]

(7) Parolees who are required to register pursuant to PC section 290 (sex offenders).

(8) Parolees who are in custody pending local criminal charge(s) which could result in continued incarceration.

(9) Parolees with a felony hold.

(10) Parolees with pending felony criminal charges.

(11) Parolees who are classified as Enhanced Outpatient Program.

(12) Parolees who are required to register pursuant to PC section 457.1 (arson offenders).

(13) Interstate cooperative parolees as defined in section 3000, Definitions.

(14) Inmates released to non-revocable parole as provided in section 3505.

[Sections 3521.1(d) and 3521.1(e) are amended to read:]

(d) The PSC Program has an initial placement of ~~90~~180-days, with the maximum stay not to exceed one year in accordance with subsection 3522(a)(1).

(e) Parolees ~~remain~~ shall be on active parole status while participating in the PSC Program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03, 3068 and 5054, Penal Code.

3521.2. Residential Multi-Service Center Program.

[Sections 3521.2(a) and 3521.2(b) are amended to read:]

(a) The Residential Multi-Service Center (RMSC) Program's primary goal ~~is to reduce parolee failures and their subsequent return to prison by providing a variety of services to homeless parolees and those in at-risk living environments.~~ is to assist "at-risk" parolees in becoming productive members of society through their reintegration into the community.

(b) The RMSC Program offers a variety of services to both male and female parolees, based upon assessed need, that include housing, literacy training, sustenance, life skills, anger management, substance use disorder treatment, relapse prevention, and job preparation and retention. ~~drug counseling, literacy training, job preparation/placement, anger management classes, as well as individual and group counseling.~~ The program offers a standard placement of up to six months of residence with participation in a 90-day aftercare program. Parolees may be allowed to stay in residence up to a maximum of one year, as provided in subsection 3522(a)(1).

[Section 3521.2(c) is unchanged, but is shown for reference purposes]

(c) All parolees are eligible for placement in the RMSC Program who voluntarily agree to participate in the program, except the following parolees who shall be excluded:

[Sections 3521.2(c)(1) through 3521.2(c)(2) are deleted]

~~(1) Parolees who are required to register pursuant to PC section 290 (sex offenders) or PC section 457.1 (arson offenders).~~

~~(2) Parolees who are in custody pending local criminal charge(s) which could result in continued incarceration.~~

[Section 3521.2(c)(3) is renumbered 3521.2(c)(1), but is otherwise unchanged]

~~(3)~~ Parolees currently in need of detoxification.

[Sections 3521.2(c)(4) through 3521.2(c)(7) are deleted]

~~(4) Parolees with a felony hold.~~

~~(5) Parolees with pending felony criminal charges.~~

~~(6) Interstate parolees as defined in subsection 3521.1(b)(6).~~

~~(7) Inmates released to non-revocable parole as provided in section 3505.~~

[Sections 3521.2(d) through 3521.2(d)(5) are unchanged, but are shown for reference purposes]

(d) The following parolees will be considered on a case-by-case basis for participation in the RMSC Program:

(1) Parolees who have a past or current violent felony conviction pursuant to PC section 667.5(c).

(2) Parolees who have a current felony conviction pursuant to PC section 1192.7(c) and/or 1192.8.

(3) Parolees with a misdemeanor hold.

(4) Parolees who are designated as a Public Interest Case.

(5) Parolees who have a restraining order/court order and/or victim notification in the county of the RMSC facility.

[Section 3521.2(d)(6) is amended to read:]

(6) ~~Street gang members.~~ Security Threat Group I members or associates.

[Existing Section 3521.2(d)(7) is deleted]

~~(7) Validated prison gang members.~~

[New Sections 3521.2(d)(7) through 3521.2(d)(14) are adopted to read:]

(7) Parolees who are required to register pursuant to PC section 290 (sex offenders).

(8) Parolees who are in custody pending local criminal charge(s) which could result in continued incarceration.

(9) Parolees with a felony hold.

(10) Parolees with pending felony criminal charges.

(11) Parolees who are classified as Enhanced Outpatient Program.

(12) Parolees who are required to register pursuant to PC section 457.1 (arson offenders).

(13) Interstate cooperative parolees as defined in section 3000, Definitions.

(14) Inmates released to non-revocable parole as provided in section 3505.

[Existing Section 3251.2(e) is renumbered 3521.2(f)]

[New Section 3521.2(e) is adopted to read:]

(e) The RMSC Program offers an initial placement of up to six months of residence which includes participation in an aftercare program phase for up to 90 days. Parolees may be allowed to stay in residence up to a maximum of one year, as provided in section 3522(a)(1).

[Existing Section 3521.2(e) is renumbered 3521.2(f) and is amended to read:]

(e)f) Parolees shall be remain on active parole status while participating in the RMSC Program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03, 3068 and 5054, Penal Code.

Article 15. Discharge

3720. Discharge Reviews.

[Section 3720(a) is deleted]

~~(a) Inmate/parolees who are released to non-revocable parole as provided in section 3505, are excluded from any of the provisions of this Article 15, Discharge.~~

[Existing Section 3720(b) is renumbered 3720(a), but is otherwise unchanged]

~~(b)~~ The following terms are defined for the purpose of this Article 15, Discharge:

[Existing Section 3720(b)(1) is renumbered 3720(a)(1) and amended to read:]

(1) Continuous Parole, pursuant to California Code of Regulations (CCR), Title 15, subsection 2535(b)(4), is parolees who have not had parole revoked or absconded from parole supervision since their initial release. If a revocation, or a revocation with credit for time served, or suspension with reinstatement of parole with time loss has occurred in the period, the parolee has not been on continuous parole.

[Existing Section 3720(b)(2) is renumbered 3720(a)(2), but is otherwise unchanged]

[Existing Section 3720(c) is renumbered 3720(b), but is otherwise unchanged]

~~(c)~~ Discharge review periods to be followed by the Division of Adult Parole Operations are as follows:

[Existing Sections 3720(c)(1) through 3720(c)(3) are renumbered 3720(b)(1) through 3720(b)(3) but are otherwise unchanged]

[Existing Section 3720(c)(4) is renumbered 3720(b)(4) and amended to read:]

(4) A parolee shall be immediately referred to the ~~Board of Parole Hearings~~ parole authority for discharge consideration if any of the following criteria exist:

[Existing Sections 3720(c)(4)(A) through 3720(c)(4)(B) are renumbered 3720(b)(4)(A) through 3720(b)(4)(B), but are otherwise unchanged]

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03, 3000.1, 3001, 3052, 5054 and 5076.2, Penal Code.

Article 19. Parole Violations and Reports

3763. Petition for Revocation.

[Section 3763 through 3763(a)(5) are unchanged]

[Section 3763(a)(6) is amended to read]

(6) CDCR Form 1515-Addendum (Rev. ~~04/13~~11/15), Special Conditions of Parole, which is incorporated by reference

[Section 3763(b) is unchanged]

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.2, 3000.08(a), 3000.08(f), 3052, 3053, 3063, 5054 and 5076.2, Penal Code.

[Article 21 is repealed]

~~Article 21. PC 3050 Residential Aftercare Program~~

[Section 3800 is repealed]

~~3800. General Policy.~~

~~Pursuant to Penal Code (PC) section 3050, eligible felon inmates who have successfully completed an in-prison drug treatment program or other CDCR sanctioned substance abuse program, upon release from state prison, shall, whenever possible, be entered into a 150 day residential aftercare drug treatment program sanctioned by the California Department of Corrections and Rehabilitation (CDCR). This residential treatment program shall be known as the Treatment Incentive Program (TIP). As a condition of parole, if the parolee successfully completes 150 days of residential aftercare treatment, as determined by the CDCR and the aftercare provider, the parolee shall be discharged from parole supervision at that time.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3050 and 5054, Penal Code.~~

[Section 3800.1 is repealed]

~~3800.1. Treatment Incentive Program Eligibility Criteria.~~

~~(a) To be eligible to participate in the Residential Aftercare Program, the felon inmate must:~~

~~(1) Volunteer to participate.~~

~~(2) Have successfully completed an in-prison Substance Abuse Program (SAP), as described in section 3040.1, or other CDCR sanctioned substance abuse program.~~

~~(3) Not meet any of the exclusionary criteria as provided for in section 3800.2.~~

~~(b) Successful completion of a SAP or other CDCR sanctioned substance abuse program will be determined by the Successful Completion Assessment Team (SCAT).~~

~~(1) The SCAT shall include:~~

~~(A) Correctional Counselor (CC) III~~

~~(B) SAP treatment staff.~~

~~(2) The SCAT shall determine successful completion of the SAP or other CDCR sanctioned substance abuse program based on the following criteria:~~

~~(A) Time in program.~~

~~(B) Participation in program.~~

~~(C) Performance in program.~~

~~(D) Accomplishment of treatment plan objectives.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3050 and 5054, Penal Code.~~

[Section 3800.2 is repealed]

~~3800.2. Treatment Incentive Program Exclusionary Criteria.~~

~~(a) An inmate is excluded from Treatment Incentive Program participation if any of the following conditions exist:~~

~~(1) The inmate is currently serving time as a parole violator who has been returned to custody.~~

~~(2) The inmate was convicted on or after January 1, 1997 of Corporal Injury pursuant to PC section 273.5; Violation of a Protective Order pursuant to PC section 273.6; or Stalking pursuant to PC section 646.9, where they are required to complete a 52-week batterer's program as outlined in PC Section 3053.2.~~

~~(3) The inmate is currently serving or has served a prior indeterminate sentence or a sentence for:~~

~~(A) A violent felony of any of the crimes listed as a violent felony in PC section 667.5(c).~~

~~(B) A serious felony of any of the crimes listed as a serious felony in PC sections 1192.7(c) and 1192.8.~~

~~(C) A crime that requires him or her to register as a sex offender pursuant to PC section 290.~~

~~(4) The inmate is eligible to participate in non-revocable parole status pursuant to Institution Classification action and as noted on CDC Form 128-B (Rev. 04/74), General Chrono.~~

~~(b) Inmates who volunteer to participate in the TIP but are denied entry may appeal the decision through the Department's inmate appeal process as outlined in sections 3084 through 3085.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 273.5, 273.6, 290, 646.9, 667.5(c), 667.59(c), 1192.7(c), 1192.8, 3050, 3053.2 and 5054, Penal Code.~~

[Section 3800.3 is repealed]

~~3800.3. 150 Day Residential Aftercare Program.~~

~~(a) After successful completion of a CDCR sanctioned in-prison SAP or other CDCR sanctioned substance abuse program, and volunteering, upon release to parole, the parolee shall be placed in a CDCR sanctioned 150-day community based drug treatment program.~~

~~(b) Parolees who successfully complete the 150-day residential aftercare program shall be allowed to leave the program at 5 p.m. on their 150th day in the program, and discharged from parole.~~

~~(1) Successful completion will be determined by the Aftercare Successful Completion Assessment Team (ASCAT), whose team members shall include:~~

~~(A) The Office of Substance Abuse Treatment Services (OSATS) PA II,~~

~~(B) The Treatment Provider.~~

~~(C) The Substance Abuse Service Coordination Agencies (SASCA) or Female Offender Treatment and Employment Program (FOTEP) Advocate, Case Manager.~~

~~(D) The Parole Agent of Record (AOR), whenever possible.~~

~~(2) Between the parolee's 130th day and no later than the 135th day of the PC section 3050 150-day residential aftercare program, the ASCAT shall conduct a case review to evaluate for successful completion, using the same criteria as for program eligibility outlined in section 3800.1(b).~~

~~(3) Upon a determination of successful completion, a copy of the Certificate of Completion and a CDCR Form 1502 (Rev. 10/06), Activity Report, shall be faxed to the AOR by the OSATS PA II no later than the 137th day. The AOR shall complete the CDCR Form 1502 and any remaining documentation, recommend closing interest in the case pursuant to PC section 3050(b), and shall submit the case to the Unit Supervisor (US) for review.~~

~~(4) The field parole US shall review the CDCR Form 1502, and upon approval, note an effective discharge date of 150 days from the date the parolee entered the residential program pursuant to~~

~~PC section 3050(b). The CDCR Form 1502 and Certificate of Completion shall then be forwarded to Case Records.~~

~~(5) Upon receipt of the CDCR Form 1502, Division of Adult Parole Operations (DAPO) Case Records shall discharge the parolee from parole pursuant to PC section 3050(b).~~

~~(c) Parolees who fail to successfully complete the Treatment Incentive Program will remain under active parole supervision of DAPO.~~

~~(1) The US may restart the parolee in another CDCR sanctioned PC section 3050 150-day program.~~

~~(A) The AOR will contact SASCA for an alternate placement and recommend that the parolee restart the 150 days. If there is no bed or program available the parolee will not be afforded the option to restart and will forfeit the opportunity to discharge from parole pursuant to PC section 3050.~~

~~(B) If the parolee is restarted in the program a CDCR Form 1502 shall be submitted to the US recommending the effective start date and noting the new tentative discharge date 150 days after the restart date.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3050 and 5054, Penal Code.~~

-DELETE- PROBATION OFFICER'S REPORT

To the Department of Corrections
(Submitted in accordance with Section 1203c of the Penal Code)

NAME..... ALIAS.....

COUNTY..... COUNTY CLERK NUMBER.....

CONVICTED OFFENSE.....

Pursuant to Section 1203c of the Penal Code, as amended effective September 23, 1963, the Administrator of the Youth and Adult Corrections Agency has prescribed the form of the Probation Officer's report which shall accompany the commitment papers of persons committed to an institution under the jurisdiction of the Department of Corrections.

This sheet, with the identifying data as indicated above, may serve as a transmittal letter or a copy of the Probation Officer's report prepared either before or subsequent to sentence. Copies are available upon request to this department.

The information requested in paragraphs I, II, III and IV below is prescribed as necessary for the proper evaluation of inmates. Most of this information is included in the usual Probation Officer's report. Therefore, to prevent the necessity of preparing a separate report on those cases committed to the custody of the Director of Corrections, the form prescribed shall consist of the report as prepared by the Probation Officer in the regular course of his investigation and as subject to the rules and policies of his department and the prerogatives of the respective courts. Important data not included in the Probation Officer's report may be added as an attachment to this sheet.

There are limited exceptions requiring only a report upon circumstances of the offense and/or the prior record and history of the defendant as prepared by the Probation Officer on request of the court and filed with the court before sentence. These include:

- a. Case ineligible for probation. (Sec. 1203c P.C.)
- b. Cases committed under non-criminal narcotic addict proceedings. (Sec. 6500 P.C.)

Other exceptions are:

- a. Cases or offenses by defendants who are already under commitment to the Director of Corrections, either in an institution or on parole or at large as an escapee. Such reports may be limited to circumstances of any new offense and available data of activities while at large, if an escapee.
- b. Those cases where time limitations and lack of resource material prohibit detailed reports. Such limitations should be indicated under the appropriate headings.

Factual information is a prime requirement. Succinct and selective reporting is preferred. Indicate the source of information and extent to which it is substantiated. Guidelines on the data to be included are given in paragraphs I, II, III, and IV.

I. CIRCUMSTANCES OF OFFENSE: Include a summary of the offense for each count for which convicted and sentenced. Include a description and the disposition of other counts charged but dismissed or otherwise disposed of.

II. CRIMINAL HISTORY: Show all prior offenses including those on CII and/or FBI transcripts. Supplement each item with information obtained by the Probation Officer regarding the nature and disposition of each of the various offenses. A lengthy record of offenses similar in pattern may be grouped and summarized.

III. OTHER CONFINEMENT HISTORY: Trace history of, and evaluate response to, confinement in mental hospitals, juvenile institutions, and other institutional experience.

IV. CASE HISTORY INFORMATION: Describe personal historical factors; name, age, occupation and addresses of parents and siblings; early family structure and nature of parental interaction and inter-family relation; residential pattern; childhood socio-economic circumstances; sexual development and adjustment; marital history and adjustment, both legalized and common-law; include attitude toward dependents, attitude of spouse, etc.; name and age of children; with whom residing, whether supported by ANC or otherwise; military service, including medical, social and emotional problems and related treatment.

Describe behavior problems and criminal history including institutionalization and probation. This need not duplicate notations made under Items II and III, but might include summary of juvenile delinquency; reactions to probation supervision; history of adjustment to placements; response and progress under mental hospitalization and release supervision; details regarding sexual and assaultive offenses; character references from relatives, friends and neighbors.

Describe current criminal involvement: details of offenses under Item I need not be repeated, but extent and nature of involvement might be verified and evaluated; factors underlying criminal behavior including defendant's attitude toward his behavior and impending confinement; his response to previous confinement experiences and Probation Officer's recommendations for institutional treatment with reasons in support of these recommendations.

Describe education and vocational history; include employment record with names and addresses of employers; the kind of business and duties of defendant; comments from former employers with emphasis on relationship to other employees and supervisors; skills demonstrated; pattern of attendance, etc. Such factors as last job held, best held and who he worked for the longest are significant. Special mention should be made of any employer willing to reemploy.

Describe psychological factors; give excerpts from diagnostic evaluations from mental hospitals, private or out-patient treatment of court-ordered examinations. Include name and location of hospital, date, name and title of psychiatrist or psychologist. Such excerpts are not indicated if complete report can be attached. Indicate defendant's interest in treatment and evaluation, if appropriate, of his probable response; indicate alcohol and narcotic involvement. Is he an occasional or heavy drinker? Did he use marijuana, heroin or other opiate? Was he addicted and rate of use?

ROLE REQUIREMENTS

-DELETE-

You meet the criteria set forth in Penal Code Section 3000.03 for non-revocable parole. You will be placed on unsupervised parole effective _____, 20____. You may be discharged after one year on parole, consistent with Penal Code Section 3001.

STATUTORY REQUIREMENTS:

- RESIDENCE:** Penal Code Section 3003(a) requires that you return to the county where you last held legal residence prior to your incarceration. That county is _____.
- REPORTING:** You do not have a parole agent. You do not have a requirement to report to a parole office.
- REGISTRATION:** Your placement on non-revocable parole does not remove your obligation to register as otherwise ordered by law.
- RESTITUTION:** If you have an outstanding restitution balance, you have an obligation to pay your restitution while on parole. If you fail to pay your full restitution balance by your discharge date, the balance will be referred to the Franchise Tax Board for collection. Restitution balances and payment information can be obtained by contacting the Office of Victim and Survivor Rights and Services at 1-877-256-6877.
- SEARCH:** You, your residence, and any property under your control may be searched or seized by a parole agent or other peace officer any time of the day or night with or without a warrant and with or without cause, as set forth in Penal Code Section 3067.
- STATUTORY REQUIREMENTS:** If you have statutory requirements due to your commitment offense, they are noted on the attached BPH Form 135, Miscellaneous Decision.

If special and general conditions of parole have been previously imposed upon you, they are no longer in effect.

Upon your discharge date, you may obtain a Discharge Certificate by sending a written request to:

CDCR RECORDS
P.O. Box 942883
Sacramento, CA 94283

I have read or have had read to me and understand the above requirements. I understand refusal to sign this agreement will result in my being placed on supervised parole.

CDC NUMBER	PAROLEE NAME	PAROLEE SIGNATURE	DATE SIGNED

TO BE COMPLETED BY STAFF:

Does the inmate/parolee have a qualifying disability requiring effective communication? YES NO
If yes, what type of accommodation/assistance was provided to achieve effective communication to the best of the inmate/parolee's ability? _____

STAFF NAME: (Print or Type)	STAFF SIGNATURE	DATE SIGNED

PAROLEE NAME: _____ CDC NUMBER: _____ DATE: _____

You shall comply with all of the following special conditions while you are on parole. Any exceptions must be approved in writing by the Unit Supervisor.

COURT IMPOSED

	REASON	INITIALS
<input type="checkbox"/> 1. You shall abide by any court imposed Special Conditions of Parole.		

SUBSTANCE ABUSE

<input type="checkbox"/> 2. You shall submit to urinalysis testing when instructed to do so by a parole agent.		
<input type="checkbox"/> 3. You shall not consume, possess, or have access to any alcoholic beverages, liquors, or over-the-counter medication that contains alcohol; (e.g., Nyquil). You shall provide a urine or breath sample for the purpose of detecting the presence of alcohol.		
<input type="checkbox"/> 4. You shall not enter a business whose primary purpose is to sell or serve alcoholic beverages.		
<input type="checkbox"/> 5. You shall not use, possess, or distribute any narcotic or other controlled substance as defined by law or any paraphernalia related to such substances, without a valid prescription.		
<input type="checkbox"/> 6. You shall enroll in and successfully complete a substance abuse treatment program as directed by your parole agent or appropriate parole authority.		

TREATMENT

<input type="checkbox"/> 7. You shall attend Parole Outpatient Clinic for an initial evaluation and remain in the mental health treatment program as deemed necessary by a Parole Outpatient Clinic clinician.		
<input type="checkbox"/> 8. You shall participate in a mental health treatment program as directed by your parole agent.		
<input type="checkbox"/> 9. You shall submit to psychological or physiological assessments to assist in treatment planning and/or parole supervision.		
<input type="checkbox"/> 10. You shall report to, enroll in, and actively participate in a Division of Adult Parole Operations approved treatment program specific to sex offenders.		
<input type="checkbox"/> 11. You hereby agree to polygraph examinations while on parole supervision, with the questioning limited to questions about the success of the sex offender treatment program, the crime(s) for which you were convicted, and related criminal behavior, whether past or future.		
<input type="checkbox"/> 12. You agree to and will sign any necessary documents including a waiver of the psychotherapist-patient privilege to allow full communication between your sex offender management professional and your parole agent as required by Penal Code (PC) Section 3008 (d)(4) and PC Section 290.09.		
<input type="checkbox"/> 13. Upon reporting to sex offender treatment, you shall sign the forms presented by the treatment provider, including an information release form and a "Consent to Polygraph" form.		

CONTACT WITH MINORS

<input type="checkbox"/> 14. You shall not have contact with any minor male/female you know or reasonably should know is under the age of 18. "No contact" means no contact in any form, whether direct or indirect, personally, by telephone, in writing, electronic media, computer, or through another person, etc., excluding biological or adopted children.		
<input type="checkbox"/> 15. You shall not have any contact with any minor male/female you know or reasonably should know is between the ages of 13 and 18. "No contact" means no contact in any form, whether direct or indirect, personally, by telephone, in writing, electronic media, computer, or through another person, etc., excluding biological or adopted children.		
<input type="checkbox"/> 16. You shall not have contact with your biological or adopted children. "No contact" means no contact in any form, whether direct or indirect, personally, by telephone, in writing, through electronic media, e-mail, computer, or through another person, etc.		
<input type="checkbox"/> 17. You shall immediately inform your parole agent regarding any contact with a minor. This includes "accidental" or "incidental" contact.		
<input type="checkbox"/> 18. You shall not enter or loiter within 250 feet of the perimeter of places where children congregate; e.g., day care centers, schools, parks, playgrounds, video arcades, swimming pools, state fairgrounds, county fairgrounds, etc.		
<input type="checkbox"/> 19. You shall not enter any school building or school grounds (kindergarten and grades 1 to 12, inclusive) unless for lawful business and written permission, indicating the date and time, has been granted from the chief administrative official of the school.		
<input type="checkbox"/> 20. You shall not enter any park where children regularly gather without prior written approval from your parole agent. The written approval must be kept with you while you are in the park.		

PAROLEE NAME: _____ CDC NUMBER: _____ DATE: _____

RELATIONSHIPS

		REASON	INITIALS
<input type="checkbox"/>	21. You shall not date, socialize, or form a romantic interest or sexual relationship with any person who has physical custody of a minor.		
<input type="checkbox"/>	22. You shall inform all persons with whom you have a significant relationship; e.g., employer, dating, or roommate, about your criminal history, and you will inform your parole agent about the relationship.		
<input type="checkbox"/>	23. You shall inform all persons with whom you have a sexual or romantic relationship, that you have been diagnosed as having a communicable disease.		

VICTIM(S): Provide the victim(s) full name(s). If unable to produce victim(s) name(s), supply the law enforcement agency case number(s) or DA case number and the conviction date(s). *Name(s) of Victim(s):* _____

<input type="checkbox"/>	24. You shall not enter the premises, unnecessarily travel past, or loiter near where your victim frequents, resides, is employed, or attends classes.		
<input type="checkbox"/>	25. You shall not contact or attempt to contact your crime victim(s) or their immediate families. "No contact" means no contact in any form, whether direct or indirect, personally, by telephone, in writing, electronic media, computer, or through another person, etc.		
<input type="checkbox"/>	26. You shall not threaten, stalk, abuse, harass, or commit further violent acts against the victim(s).		
<input type="checkbox"/>	27. You shall not have in your possession any of your victim's personal effects; e.g., pictures, letters, etc.		

ASSOCIATION

<input type="checkbox"/>	28. You shall not associate with any known sex offenders except as previously approved or instructed by your parole agent.		
<input type="checkbox"/>	29. You shall not have contact with co-defendants or other arrestees of your offenses. "No contact" means no contact in any form, whether direct or indirect, personally, by telephone, in writing, electronic media, computer, or through another person, etc.		

TRAVEL

<input type="checkbox"/>	30. You shall not travel more than _____ miles from your residence of record.		
<input type="checkbox"/>	31. You shall maintain and have in your possession a travel log, which shall include date and time of departure, destination, time of arrival, mileage, route taken, with whom, and include daily starting and ending mileage.		
<input type="checkbox"/>	32. You shall not hitchhike or pick up hitchhikers.		
<input type="checkbox"/>	33. You shall not enter or loiter within 100 yards of areas of sexual or pornographic activity; e.g., adult bookstores, massage parlors, nude or topless bars, sex shops, etc.		
<input type="checkbox"/>	34. You shall notify your parole agent in advance of operating any motor vehicle, providing the make, model, year, color, and license number.		

EMPLOYMENT

<input type="checkbox"/>	35. Employment shall be pre-approved by your parole agent.		
<input type="checkbox"/>	36. You shall not obtain employment that allows you to enter a residence where a stranger resides.		
<input type="checkbox"/>	37. Volunteer work shall be pre-approved by your parole agent.		

RESIDENCE

<input type="checkbox"/>	38. You shall not reside in a residence with any person also required to register pursuant to PC Section 290, unless he or she is legally related to you by blood, marriage, or adoption. This does not include treatment programs and/or board and care facilities with the appropriate use permit.		
<input type="checkbox"/>	39. You shall not reside within one-half mile of any public or private school (kindergarten and grades 1 to 12, inclusive) pursuant to PC Section 3003(g).		
<input type="checkbox"/>	40. You shall not reside within _____ feet of any public or private school (kindergarten and grades 1 to 12, inclusive).		
<input type="checkbox"/>	41. You shall not reside within _____ feet of any parks where children regularly congregate.		
<input type="checkbox"/>	42. You shall not reside in the county of _____.		
<input type="checkbox"/>	43. You shall be in your approved residence from _____ p.m. to _____ a.m.		
<input type="checkbox"/>	44. You shall not establish a residence that has not been pre-approved by your parole agent.		
<input type="checkbox"/>	45. You shall not reside within 35 miles of your victim.		

PAROLEE NAME: _____ CDC NUMBER: _____ DATE: _____

POSSESSIONS

		REASON	INITIALS
<input type="checkbox"/>	46. You shall not possess, or have access to any sexually oriented or sexually stimulating objects and/or devices.		
<input type="checkbox"/>	47. You shall not view, possess, or have access to any pornographic material; e.g., movies, photographs, drawings, literature, etc.		
<input type="checkbox"/>	48. You shall not view, possess, or have access to any material; e.g., periodicals, newspapers, magazines, catalogs depicting adults or children in undergarments, nude, partially nude, etc.		
<input type="checkbox"/>	49. You shall not possess or have access to sexually oriented devices, handcuffs, handcuff keys, restraint equipment, or any other items that could be used for bondage, restraint, control, or confinement.		
<input type="checkbox"/>	50. You shall not possess or have access to children's clothing, toys, games, or other similar material related to children's interests.		
<input type="checkbox"/>	51. You shall not possess any household pets or animals including animals not traditionally considered household pets; e.g., snakes, lizards, gerbils, farm animals, etc.		
<input type="checkbox"/>	52. You shall not use or possess law enforcement identification, insignia, badges, uniforms, or other items identified with law enforcement.		
<input type="checkbox"/>	53. You shall not use, possess, or have access to surveillance equipment.		
<input type="checkbox"/>	54. You shall not use, possess, or have access to police radio scanners, or other telecommunications device(s) which monitor police radio transmission.		
<input type="checkbox"/>	55. You shall not wear, possess, purchase, or have access to costumes, masks, or other identity-concealing items.		
<input type="checkbox"/>	56. You shall not use or have access to a post office box, safe deposit box, storage facility, or locker.		
<input type="checkbox"/>	57. You shall not possess or have access to checks, money orders, or credit cards.		
<input type="checkbox"/>	58. You shall not possess or have access to latex, surgical, or any other type of gloves.		

GANG

<input type="checkbox"/>	59. You shall not contact or associate with any person you know or reasonably should know to be a member or associate of a prison gang, disruptive group, or street gang.		
<input type="checkbox"/>	60. You shall not violate any gang abatement injunction, ordinance, or court order.		
<input type="checkbox"/>	61. You shall not wear or carry on your person any clothing or apparel with gang colors, signs, symbols, or paraphernalia you know or reasonably should know to be associated with gang affiliation and/or activity.		
<input type="checkbox"/>	62. You shall not possess items such as photographs, written material, publications, jewelry, or any other items depicting or describing activity you know or reasonably should know are associated with gang activity.		
<input type="checkbox"/>	63. You shall not be within 100 yards of: _____, a known place of gang activity, loitering (delaying, lingering, or idling about), or congregating.		

FAMILY VIOLENCE

<input type="checkbox"/>	64. You shall enroll in and successfully complete a certified Batterer's Program. Enrollment shall occur within 30 days from the date of release.		
<input type="checkbox"/>	65. You shall enroll in and successfully complete a certified Parenting Program. Enrollment shall occur within 30 days from the date of release.		
<input type="checkbox"/>	66. You shall enroll in and successfully complete an Anger Management Program. Enrollment shall occur within 30 days from the date of release or 30 days from the signature of these conditions, whichever occurs last.		
<input type="checkbox"/>	67. You shall not come within 100 yards of the victim, the victim's residence, or the victim's workplace.		

GLOBAL POSITIONING SYSTEM (GPS)

<input type="checkbox"/>	68. You shall participate in continuous electronic monitoring; e.g., GPS technology. I understand and acknowledge the GPS device continuously records my location and provides data to the Division of Adult Parole Operations. I understand and acknowledge the data is retained indefinitely and may be shared with other law enforcement agencies.		
<input type="checkbox"/>	69. You may be charged criminally with grand theft, petty theft, or vandalism and be fined for the cost of the equipment's replacement in the event it is not returned, is purposely discarded, stolen, and/or damaged.		
<input type="checkbox"/>	70. You are approved for a GPS modification. You shall maintain the GPS device on your person or ambulatory device 24 hours a day, 7 days a week, except when showering or sleeping. When showering or sleeping, you must keep the device within reach of your person.		
<input type="checkbox"/>	71. You shall observe a _____ a.m./p.m. to _____ a.m./p.m. curfew and remain within your approved residence.		
<input type="checkbox"/>	72. You shall charge the GPS device at least two times per day (every 12 hours). Charge the device at _____ a.m. for at least 1 full hour. Charge the device at _____ p.m. for at least 1 full hour.		

PAROLEE NAME: _____ CDC NUMBER: _____ DATE: _____

GLOBAL POSITIONING SYSTEM (GPS) (CONTINUED)

		REASON	INITIALS
<input type="checkbox"/>	73. You shall charge the GPS device at least two times per day (every 12 hours) for at least 1 full hour for each charging time.		
<input type="checkbox"/>	74. You shall not tamper with the device or cover the device with any material that you know or reasonably should know will interfere with the GPS signal.		
<input type="checkbox"/>	75. You shall contact your parole agent immediately if and when the device vibrates and/or makes an audible tone or beep.		
<input type="checkbox"/>	76. You shall not expose the device to extreme temperatures or place it under water; e.g., pool, hot tub, bath, etc.		

PC SECTION 290 TRANSIENT

<input type="checkbox"/>	77. If you are transient, you shall register as a transient and comply with all transient registration requirements pursuant to PC Section 290.011.		
<input type="checkbox"/>	78. If you are transient, you shall contact your parole agent by telephone between the hours of _____ a.m. and _____ p.m. on (circle all that apply): M / T / W / TH / F / S / SU.		
<input type="checkbox"/>	79. If you are transient, you shall report to the following destination: _____ on (circle all that apply): M / T / W / TH / F / S / SU.		

COMPUTER USE AND ELECTRONIC MEDIA

<input type="checkbox"/>	80. You shall not have access to or use a personal computer and peripheral devices; e.g., printer, scanner, camera, storage devices, etc.		
<input type="checkbox"/>	81. You shall not use or possess cameras, cell phones that include a camera, video cameras, or photography equipment of any kind.		
<input type="checkbox"/>	82. You shall not use or possess a cell phone of any kind.		
<input type="checkbox"/>	83. You shall agree to install, or allow to be installed at your own expense, equipment and/or software to monitor or limit computer use.		
<input type="checkbox"/>	84. You shall not use or access social media sites, social networking sites, peer-to-peer networks, or computer or cellular instant messaging systems; e.g., Facebook, Instagram, Twitter, Snapchat, Lync, Gmail, Yahoo, KIK Messenger, Tumblr, etc. This would include any site which allows the user to have the ability to navigate the internet undetected.		
<input type="checkbox"/>	85. You shall not use the computer for any purpose which might further sexual activity; e.g., possession of sexually explicit material in any form; sexually related "chat" or e-mail exchange; visiting or joining "chat rooms" which contain sexually explicit conversations; visiting/viewing sexually explicit material on web sites; downloading text or video files, digital images in any format, text files, or multi-media material that is sexual in nature; or visiting and/or subscribing to user groups, newsgroups, or list servers which contain sexual content.		
<input type="checkbox"/>	86. You shall not use the computer for any purpose which might further sexual activity involving minor children, (e.g., possession of sexually explicit material in any form, sexually related "chat" or e-mail exchange, visiting or joining "chat rooms" which contain sexually explicit conversations, visiting/viewing sexually explicit material on web sites, downloading text or video files, digital images in any format, text files, or multi-media material that is sexual in nature, or visiting and/or subscribing to user groups, newsgroups, or list servers which contain sexual content).		
<input type="checkbox"/>	87. You shall not possess or view certain materials related to, or part of, the grooming cycle for your crime, (e.g., images of your victim, stories or images related to your crime or similar crimes), images which depict individuals similar to your victims, (e.g., stories written about, or for individuals similar to your victim); or materials focused on the culture of your victim, (e.g., children's shows or web sites).		
<input type="checkbox"/>	88. You shall not use any method to hide or prevent unauthorized users from viewing specific data or files, (e.g., encryption, cryptography, steganography, compression, or password protected files). Login and password information shall be provided to your parole agent upon request.		
<input type="checkbox"/>	89. You shall not alter or destroy records of computer use; e.g., delete or remove browser history data, possess software or items designed to boot into the computer memory, alter or "wipe" computer media, defeat forensic software, block monitoring software, restore a computer to a previous state, or reinstall operating systems, etc.		
<input type="checkbox"/>	90. You shall consent to announced or unannounced examination and/or search of electronic devices to which you have access for the limited purpose of detecting content prohibited by your parole conditions or by court order; e.g., hard disks, DVDs, CDs, zip disks, floppy disks, thumb drives, and/or any other storage media whether installed within a device or removable and separate from the actual computer device.		
<input type="checkbox"/>	91. You shall not view, possess, or have access to sexually explicit programming through televisions or any type of monitor.		
<input type="checkbox"/>	92. You shall not view, possess, or have access to electronic media that depicts sexually explicit content.		

PAROLEE NAME: _____ CDC NUMBER: _____ DATE: _____

OTHER		REASON	INITIAL
<input type="checkbox"/>	93. You shall not place or answer any type of personal advertisement seeking or soliciting a relationship with a stranger.		
<input type="checkbox"/>	94. You shall not use or access any telephone numbers designed for sexual arousal or stimulation.		
<input type="checkbox"/>	95. You shall not use any fictitious names or change your name in an attempt to conceal your true identity or establish another identity.		
<input type="checkbox"/>	96. If you spend the night away from your residence of record, you shall notify your parole agent in advance. You shall provide all contact information, including the address and the telephone number.		
<input type="checkbox"/>	97. You shall not loiter (delay, linger, or idle about) or be in the vicinity of: _____		
<input type="checkbox"/>	98. Unless you are a resident, you shall not enter or remain on the grounds of a day care or residential facility where elders or dependent adults are regularly present or living (PC Section 653c).		
<input type="checkbox"/>	99. You shall not use any public shower facility; join any health club, physical fitness training facility, or sports club.		
<input type="checkbox"/>	100. You shall wear clothing so as not to expose your genitals, breasts, or buttocks.		
<input type="checkbox"/>	101. You shall contact your parole agent within 24 hours of any type of law enforcement contact; e.g., traffic stop, identification check, suspect, witness, etc.		
<input type="checkbox"/>	102. You shall have your updated PC-Section 290 registration verification with you at all times. You must present it during any contact or interaction with any law enforcement officer.		
<input type="checkbox"/>	103. You shall observe a _____ a.m./p.m. to _____ a.m./p.m. curfew on Halloween, and remain within your approved residence.		
<input type="checkbox"/>	104. You shall/shall not:		
<input type="checkbox"/>	105. You shall/shall not:		
<input type="checkbox"/>	106. Other information:		
<input type="checkbox"/>	107. Other information:		
<input type="checkbox"/>	108. Other information:		

PAROLEE NAME: _____ CDC NUMBER: _____ DATE: _____

REASONS FOR SPECIAL CONDITIONS OF PAROLE

Special conditions can be imposed if there is a nexus or the conditions reasonably related to the subject's commitment offense, criminal conduct, and/or future criminality. A special condition that bars lawful activity is valid only if the prohibited conduct either:

1. Has a relationship to the crime of which the offender was convicted.
2. Is reasonably related to deter future criminality.

Conditions may regulate conduct that is not in itself criminal, but rather reasonably related to future criminality by regulating or prohibiting non-criminal conduct.

REASON CODES	DESCRIPTION
1	Subject has a history, supported by an arrest, conviction, or documented admission or pattern of illegal or illicit drug use.
2	Subject has a history, supported by an arrest, conviction, or documented admission or pattern of alcohol use and/or abuse, where continued use could result in criminal or harmful activity.
3	Based on factors and circumstances directly related to the subject's commitment offense(s), the imposition of this condition will assist in the goal of preventing the subject from committing subsequent criminal offenses under Federal, State, or local law. These factors include:
4	Based on the nature of the commitment offense(s), a nexus exists between the behavior displayed during the course of committing his or her prior crime(s) and the behavior that is being restricted by imposing this condition. The nature of the commitment offense is described as:
5	Based on previous offense(s) as noted in the subject's criminal history, the restrictions imposed by this condition will assist in the goal of preventing the subject from committing subsequent criminal offenses under Federal, State, or local law. Previous offenses include:
6	Based on previous offense(s) as noted in the subject's probation or parole violation history, the restrictions imposed will assist in the goal of preventing the subject from committing subsequent criminal offenses under Federal, State, or local law, or additional violation of his or her conditional release. Previous violations include:
7	Subject has a documented history of psychiatric/psychological illness and/or related symptoms.
8	Parole Outpatient Clinic referral as required per PC Section 3002 and/or Division of Adult Parole Operations policy.
9	Based on behavior displayed by offenders convicted of similar crimes, or displaying similar criminal behavior, imposition of this condition may regulate conduct that is not in itself criminal, but rather reasonably related to future criminality.
10	Based on current Federal, State, or local laws, or regulations cited in the California Code of Regulations, Title 15, as described below, this condition is imposed to ensure compliance with the following laws or regulations:

PAROLEE NAME: _____ CDC NUMBER: _____ DATE: _____

REASON CODES	DESCRIPTION (cont.)
11	Based on your lawful requirement to register as a sex offender pursuant to PC Section 290, you are subject to sex offender treatment programs pursuant to PC Section 3008(b).
12	GPS/Electronic Monitoring is authorized for use on subject by PC Sections 3010, 3010.1, 3010.5, 3010.7.
13	Other good cause determined by parole agent as the specific condition controls those behaviors associated with subject's sexual deviancy and sex offender profile behavioral characteristics.
14	Subject is a validated gang member.
15	Subject has a documented history of gang involvement/activity/association.
16	Subject has a current or prior conviction of PC Sections 182.5 and 186.22.
17	Parole authority imposed special conditions:
18	Parolee volunteered to participate in the 150-day aftercare program. This special condition is to be placed on all Treatment Incentive Program participants.
19	Based on prior history of victimizing biological or adopted children and/or evidence of risk to family members.

PAROLEE'S NAME (LAST, FIRST, M.I.)	PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED

PAROLE AGENT'S NAME	PAROLE AGENT'S SIGNATURE	BADGE NO.	DATE SIGNED

UNIT SUPERVISOR'S NAME	UNIT SUPERVISOR'S SIGNATURE	BADGE NO.	DATE SIGNED

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FINAL STATEMENT OF REASONS:

The Initial Statement of Reasons (ISOR) is incorporated by reference.

UPDATES TO THE INITIAL STATEMENT OF REASONS

On February 23, 2018 the Notice of Proposed Regulations for Assorted Parole Revisions was published, which began the public comment period. The Department's Notice of Change to Regulations #18-04 was also mailed the same day to individuals who had requested to be on the Department's mailing list for regulation changes. In addition they were posted on the California Department of Corrections and Rehabilitation (CDCR) internet and intranet websites, and copies posted in CDCR institutions. The Department received one written comment which is included below under *Summaries and Responses to the Written Public Comments Received During the Initial Comment Period*. A public hearing was held on April 18, 2018, there were no attendees to the public hearing. Minor non-substantive changes, such as grammar and punctuation corrections, were made to the final adopted text after the closing of the comment period.

In the second paragraph of Page 1 of the ISOR (under the bulleted section), the last sentence reads, "Parolees released and classified as highest control or highest risk are required to report to their assigned parole unit within two calendar days (first working day following release) or as instructed by their parole agent, and shall not be granted a delay in reporting," the Department removes the word "or," so that the sentence reads: "...as instructed by their parole agent..." The word "or" was incorrectly placed, and removal of the word "or" makes this sentence consistent with the regulation text and Penal Code (PC) Section 3060.7(a).

Additionally, on Page 8 of the ISOR, regarding Section 3075.2(b)(3)(C), the Department replaces the second sentence, which stated, "This language comports with the Interstate Commission for Adult Offender Supervision changes that became effective June 1, 2017, in which it was determined that significant violations are now considered 'behavior requiring retaking,'" with the following sentence, which states, "This language implements the ICAOS rule 5.103(a) and the definition of 'behavior requiring retaking' and ICAOS rule 1.101."

DETERMINATION

The Department has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This determination was reached by a consensus of the Division of Adult Parole Operations (DAPO).

Except as set forth and discussed in the summary and response to the individual comment received, no other alternatives have been proposed or otherwise brought to the Department's attention that would alter the Department's decision.

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.

DELETED AND REFERENCED FORMS

The CDC Form 174 (Rev. 03/87), Probation Officer's Report, and the CDCR Form 1515-A (01/10), Notification of Non-Revocable Parole Requirements, were deleted in this rulemaking, and both forms were included for reference purposes. The CDC Form 174 was deleted as this form is no longer utilized by the Department, but rather the county "Probation Officer's Report" is the form now utilized. The CDCR Form 1515-A was deleted as DAPO now utilizes the CDCR Form 1515, Notice and Conditions of Parole, and if needed, the CDCR Form 1515-Addendum, Special Conditions of Parole. Both the CDCR Form 1515 and the CDCR Form 1515-Addendum have previously been incorporated by reference into the California Code of Regulations (CCR), Title 15, Division 3, and no changes were made to these forms in this rulemaking.

Although the CDCR Form 1515-Addendum (Rev. 11/15), Special Conditions of Parole, was already incorporated by reference in recently revised Section 3620(a); this section however, inadvertently left out the language "incorporated by reference"; therefore, to resolve this inadvertent omission in Section 3620(a) the language "incorporated by reference" was added to Section 3075.2(b)(2)(A). The CDCR Form 1515-Addendum was not revised in this rulemaking, and was included in this rulemaking for reference purposes only.

NOTE REGARDING DUPLICATION OF LANGUAGE:

The Department recognizes that portions of the language utilized in these sections duplicates state statute, more specifically in part, PC Section 11180. This is necessary as the target population for the CCR Title 15, Division 3, includes incarcerated inmates and newly released parolees. This population does not have immediate access to current California Penal Code editions for review. By duplicating the statutory language, the Department can establish the foundation for the regulation to help ensure a complete understanding of the statutory authority. Because of this necessity, it is the Department's position that any duplication of state statute in these regulations does not serve as the same purpose for the above referenced PC Section, and as provided in Government Code Section 11349(f), is necessary and allowed in order to satisfy the clarity standard as described in Government Code Section 11349(c).

SUMMARIES AND RESPONSES TO THE WRITTEN PUBLIC COMMENTS RECEIVED DURING THE INITIAL COMMENT PERIOD

Commenter #1

Comment 1A: Commenter states these regulations focus on discriminating against parolees who are required to register pursuant to PC Section 290, i.e. sex offenders. Commenter states the regulations unjustly ban the majority of sex offenders, including those convicted of non-violent offenses under California's Penal Code, unfairly and unethically prohibiting all sex offenders from ever receiving any residential, employment, and support services to parolees to enable successful reintegration into the community. Commenter cites a CDCR report in which it was noted that re-offenses for those convicted of sex-related crimes is less than 1 percent, and therefore, it stands to reason that these parolee-programs would be of greater benefit to sex offenders who've proven themselves to be at the highest level of law-abiding citizens, as opposed to offenders in Security Threat Groups I & II.

Accommodation: none

Response 1A: The proposed regulations do not focus on sex offenders, but rather focus on a variety of parole revisions, including: updating definitions in Section 3000; updating procedures for parolees released and classified as highest control or highest risk; updating procedures for parolees who refuse to

sign conditions of parole; removing some references to Non-Revocable Parole; deleting forms no longer utilized; and repealing Article 21, PC 3050 Residential Aftercare Program. In addition, contrary to Commenter's account that the 'regulations *ban* sex offenders from participation in programs,' the proposed regulations now *allow* for sex offenders to be considered on a case-by-case basis into Parolee Service Centers (PSC) or Residential Multi-Service Center (RMSC) programs, whereas previously they were excluded from participating in these programs.

Comment 1B: Commenter states the regulations lack clarity and don't specify the conditions for a parolee to be considered for participation in the PSC or RMSC programs. Commenter feels this violates the Administrative Procedures Act standards for "clarity" and "consistency."

Accommodation: none

Response 1B: The Department feels the regulations are clear and consistent. Specifically regarding the PSC and RMSC programs, the eligibility criteria for these programs is clearly outlined. Commenter may have issue with those that are to be considered on a "case-by-case" basis, however, consideration for those that are eligible based on a case-by-case basis is for the general welfare, safety, and security of the participants in those programs, the instructors of those programs, the general public, and/or possibly for the requesting parolee themselves. There may be circumstances where it would not be appropriate to place a parolee in a particular program based on the individualized circumstances of the parolee. For example, placement of a parolee who has residence restrictions, in a program located near a victim or school, would not be appropriate, and a cause for specific and general public safety concerns. Additionally, placement of a parolee who has on-going medical needs (such as dialysis), in a program located in a city or area where the necessary medical treatments are not available, would not be appropriate for the general welfare of the parolee. These examples would be taken into consideration on a case-by-case basis to determine the appropriateness of the placement. As explained in the ISOR, the parolee will be evaluated based on their case factors, which includes: criminal history, STG status, propensity for violence and/or escape, programming needs, work skills, and medical and psychiatric needs.

Comment 1C: Commenter states the regulations don't take into consideration the individuality of each sex-offender to be eligible for these programs on a case-by-case basis. If one of CDCR's primary goals is to assist parolees in becoming productive members of society through their reintegration into the community, then the exclusion of any sex offenders will be in complete contradiction of its stated goals and responsibilities, therefore, violating CCR, Title 15, Section 3004(a), Rights and Respect of Others.

Accommodation: none

Response 1C: See responses to Comments 1A and 1B.

Comment 1D: Commenter opposes Section 3521.1(c)(6) and feels it should not include Security Threat Group Level (STG) (II) members or associates, as they are always posing an imminent and high level of threat to both the public and prison communities. The population at Security Threat Group Level (II) are usually committed to being career criminals and/or form [*sic*] part of a violent criminal organizations. They typically do not have any morals nor regrets for the crimes they committed. Commenter recommends that no validated STG Level I & II members and associates should be allowed the privilege of being eligible to participate in either PSC or RMSC programs.

Accommodation: none

Response 1D: The proposed regulations do *not* allow for STG II members to participate in the PSC or RMSC programs. STG I members are eligible for the PSC and RMSC programs on a case-by-case basis. As stated in the ISOR, the parolee will be evaluated based on their case factors, which includes: criminal history, STG status, propensity for violence and/or escape, programming needs, work skills, and medical and psychiatric needs. Additionally, it is noted that street gang members and validated prison gang members were previously allowed on a case-by-case basis, and the changes in these proposed regulations basically update the terminology from “street gang members” and “validated prison gang members” to “Security Threat Group I members or associates.”