CHAPTER 8 — PAROLE OPERATIONS

ARTICLE 1 — RELEASE PROCEDURES AND CONDITIONS OF PAROLE

Effective December 28, 1989

81010.1 Introduction

Parole is a critical period in the life of an offender. Through the application of controls and the provision of services, the Parole Agent helps to create favorable conditions for the parolee's successful adjustment. Community protection is the paramount concern and is effectively achieved if the parolee makes a favorable transition to society. A Parole Agent has broad discretion over the life of a parolee and in exercising that discretion, will act as a professional. During this period of supervision and observation, it is imperative that the Parole Agent be knowledgeable about the parolee's activities and significant others in the parolee's life. The Parole Agent's task is to maintain in the community, those parolees who can perform acceptably in the community and to remove those who cannot.

81010.2 Policy

Revised November 28, 1990

All inmates shall be paroled to the county of commitment unless the case complies with an exception criteria. County of commitment is the county where the crime for which the parolee was committed occurred, except for crimes committed in prison. Commitments to prison for an in-custody (prison) felony shall not be used as the basis for determining the county of commitment. If the parolee has been discharged from all previous terms, consideration shall be given to placement in another, more appropriate county in accordance with exception criteria. An inmate may be paroled to another county if it would be in the best interest of the public and of the parolee. The reasons for parole to another county shall be specified in writing in the parolee's C-File.

Another County

The following factors shall be considered in determining if parole to another county is justified:

- The need to protect the life or safety of a victim, the parolee, a witness or any other person.
- Public concern that would reduce the chance that the individual's parole would be successfully completed.
- The verified existence of a work offer, or an educational or vocational training program in another county that encompasses the following:
  - Permanent employment that will enable parolee to be financially self-sufficient. (Minimum wage jobs, such as busboy or short-term jobs such as cannery worker, are not self-supporting or of sufficient duration to qualify.)
  - Training or educational program that will: be full time; materially upgrade the parolee's employment skills or educational level and thus substantially improve employability; and will provide sufficient funds to preclude the parolee from relying on welfare, CDC cash assistance or similar programs.
- The last legal residence of the parolee having been in another county.
- The existence of family in another county with whom the parolee has maintained strong ties and whose support would increase the chance that parole would be successfully completed.
  - Family members are defined as the parolee's legal spouse, natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the parolee's incarceration; step-parents or foster parents; grandparents; brothers and sisters; the parolee's natural and adoptive children; step-children or grandchildren. Aunts, uncles and cousins are not considered as immediate family members unless a bonafide foster relationship exists.
- The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to PC 2960.
- An inmate who is released on parole shall not be returned to within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7) inclusive of subdivision (c) of PC 667.5 and any, felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in PC 12022.7 or 12022.9, if the victim or witness has requested additional distance in the placemeny of the inmate on parole, and if the BPT or the P&CSD finds that there is a need to protect the life, safety or well-being of a victim or witness.
- Preparole referrals for out of state placement shall not be made unless the inmate is a resident of the other state or has relatives in the receiving state and it is clear that the inmate will be self-supporting.

81010.3 Release on Parole Definitions

Release on parole: The actual transfer of an inmate incarcerated in a CDC institution, reentry facility or housed temporarily in a county or city jail, to the supervision of the P&CSD on a date established by operation of law (PC 1170) or by the BPT (PC 1168).

Release dates:

- Indeterminate Sentence Law (ISL) release date: Date from which an ISL prisoner may be released from confinement pursuant to the ISL.
- Determinate Sentence Law (DSL) release date: The date a prisoner sentenced under PC 1170 is released to parole or discharged; also the date a prisoner sentenced prior to July 1, 1977, and recalculated by the BPT under the provisions of PC 1170.2 is released to parole or discharged.
- Life Prisoner ISL release date: A prisoner serving a sentence of life with the possibility of parole. The parole date is determined by the BPT.

CDC Form 611, Release Program Study: An informational document that specifies the inmate's proposed residence and employment, institutional adjustment, and prognosis for parole adjustment.

County of commitment means the county where the crime for which the inmate was committed occurred.

Inmates Housed in CYA facilities ("M cases"): The W&I authorizes a Superior Court to order that certain offender (aged 18-21 years) committed to prison be housed and programmed in CYA institutions.

81010.4 Imminent Release Policy

The Penal Code requires all cases to be referred to the parole region of the inmate's county of commitment for reentry screening. CDC policy requires referrals to be forwarded to the Regional Reentry Coordinator 210 days prior to the earliest possible release date (EPRD).

However, in those cases where recalculation of the EPRD indicates release on parole must occur in the immediate future, it is the C&PR's responsibility to make immediate telephone contact with the appropriate parole unit to arrange release procedures.

81010.4.1 Imminent Release Procedures

Institution C&PR (Immediately upon Learning of Imminent Release)

Telephones Regional Records to determine unit of assignment and advise region of new release date.

Telephones unit supervisor for release program information and reporting instructions.

Provides inmate with written release program reporting instructions.

Regional Records Staff

Advises Regional Reentry Coordinator of inmate's new release date.

81010.5 Release Program Study (RPS) Policy

The Parole Agent shall investigate all proposed programs. If a proposed program is determined by a Parole Agent not to be suitable for a parolee, efforts shall be made by the Parole Agent to develop an appropriate alternate program in the county of commitment.

P&CSD staff shall return the completed RPS Form, CDC Form 611, and Conditions of Parole to the institution housing the inmate 60 days before the inmate's EPRD. However, if the RPS, CDC Form 611, is not received by the parole unit at least 75 days before the EPRD, the preparole investigation shall be returned within 15 days of receipt.

81010.5.1 Release Program Study Procedures

Regional Screening Agent

Reviews case to determine compliance with county of commitment law.

Sends preparole package to appropriate unit office.

Notifies sending institution's C&PR of assigned unit.

Unit Supervisor or Designated Parole Agent

Assigns case to a Parole Agent.

Parole Agent

Reviews case and prepares CDC Form 1659, Risks and Needs Assessment for felon cases.

- Investigates residence program to determine:
  - Type of residence (apartment or single family dwelling) and neighborhood.
  - Other persons residing in the home, their ages, occupations, income and relationship to parolee.
  - Willingness of persons in the home to assist and their understanding of limitations on a parolee and the Conditions of Parole.
- Investigates employment, training or school plans by contact with employer or other appropriate individuals to determine:
  - Validity of any offer.
  - If the proposed job is appropriate for inmate's prior experience, skills, training and criminal history.
  - Evaluates any behavior problems and prescribed treatment or medication.
  - Sends letter to inmate requesting information about alternative residence or employment if proposed program is unsatisfactory.
  - Contacts relatives or other persons who may offer support or employment, or makes arrangements for halfway house, motel or other accommodations if there are no resources.
- Forwards file with cover memorandum by unit supervisor to appropriate unit within county of commitment if investigation reveals case is incorrectly assigned.
  - Forwards copies of cover memorandum to regional screening agent and to C&PR of sending institution.
- Reviews case file and recommends imposition of any appropriate special conditions of parole to the unit supervisor.
- Completes CDC Form 611, Release Program Study, indicating inmate reporting instructions and distribution of release funds.
  - Clearly specifies county of residence in section B "Assigned Agent's Comments and Reporting Instructions to Inmate."
- Returns preparole case file and completed CDC Form 611 and CDC Form 1650D, Record of Supervision, documenting the preparole investigation, to the unit supervisor if case is High Control or High Services Category or a special condition of parole is recommended.

Unit Supervisor

Reviews preparole material for High Service or High Control case or imposes special condition of parole, if appropriate, and signs CDC Form 611.

Returns RPS package to Parole Agent with instructions for additional investigation if required.

Unit Clerical Staff (60 Days Prior to EPRD or Within 15 Days of Receipt

Forwards completed CDC Form 611 to C&PR of institution where inmate is housed.

81010.6 Release Funds Policy

Inmates paroled or discharged from a CDC institution or reentry facility shall be given $200 in release funds. Parolees released to a local hold who are subsequently released from custody are entitled to release funds under PC 2713.1. In these cases, P&CSD staff shall delay requesting release funds either until after the parolee is released from local custody or until the release date form local custody has been determined. Cash assistance or vouchers to assist the parolee will be provided, pending receipt of release funds. Parolees released from county jail following a period of BPT ordered revocation shall be given release funds at the rate of $1.10 per day in revocation status to a maximum of $200. Parolees released directly to custody of another state or the federal government

including releasees to the USINS shall not be given release funds under PC 2713.1 (Cash assistance funds equal to release funds under PC 2713.1 shall be used to meet the release needs of these parolees if they are subsequently released from custody). All personal funds should accompany parolee being released to hold.

Check Log

A check log shall be maintained documenting the name of the agent who was given the check for distribution, the date it was given, the date it was delivered by the agent or the disposition of the undelivered check.

Revocation Unit

Parolees and civil addicts released from a CDC revocation unit due to dismissal of charges, a finding that the charges are unsubstantiated, or ordered continued on parole without being assessed a revocation term shall be provided a budget equal to bus transportation to their area of residence plus $10.00 for incidentals if traveling up to 200 miles and $15.00 for incidentals for greater distances. The individual shall be directed to report to the assigned parole unit for further instructions and further assistance as required.

Release funds are intended to aid the parolee in reintegrating into the community and shall not be provided until the parolee is released to the community. A maximum of one-half of the $200 can be given to an inmate when the inmate enters a reentry facility. Parolees in a DMH institution are not considered to be in custody.

No remaining portion of the release funds shall be provided to a parolee who absconds prior to receipt of the total release monies.

81010.6.1 Release Funds Procedures

Parole Agent

Specifies amount of money to be given to parolee at release and the amount to be forwarded to parole office on the CDC Form 611.

- Request for release funds for parolees released to a local hold shall be delayed until actual date of release from custody is determined.

(Within 30 Days After Release)

Provides second check to parolee.

Returns all undelivered checks, including release fund checks, more than 30 days old from the date of issue, receipt or release; whichever comes later to the originator of the check.

81010.6.2 Revocation Release Funds Procedures

Parole Agent

Computes amount of money parolee is to receive at rate of $1.10 per day based on the actual revocation time served.

Prepares CDC Form 102, Release Statement and forwards it to Headquarters Accounting.

(No Later Than 60 Days After Revocation Release Date)

Provides release funds to parolee.

81010.7 Verification of Employment Authorization Policy

All persons, including parolees, must present potential employers with certain documents that prove their identity and right to work. It is illegal for employers to knowingly hire, recruit or refer for a fee unauthorized aliens for employment. An unauthorized alien includes anyone who is not a U.S. citizen, is not a permanent resident alien, or is not authorized to work by the Immigration Reform and Control Act or the U.S. Attorney General. In order to be lawfully employed, all persons, including parolees, must prove their identity and right to work by presenting one of the following documents to future employers:

- Driver's license with individual's photograph.
- Identification card with individual's photograph.
- Social Security card which authorizes employment.
- U.S. birth certificate.

If the above listed documents are unavailable, an individual may present one of the following:

- U.S. passport.
- Certificate of U.S. citizenship.
- Certificate of Naturalization.
- Unexpired, foreign passport authorizing employment.
- Resident alien card or other alien registration card with individual's photograph.
- Any other document the U.S. Attorney General finds acceptable.

The verification of employment authorization shall occur within 24 hours of an individual's hiring, recruitment or referral.

81010.7.1 Verification of Employment Authorization Procedures

Correctional Counselor

Reviews case file to determine if inmate has document(s) required to prove identity and right to work.

(Prior to Inmate's Parole)

Obtains copies of appropriate required document(s).

(Upon Inmate's Transfer to Reentry or Release on Parole)

Provides inmate or parolee with required document(s).

Parole Agent (During Initial Interview)

Advises parolee of requirement and assures that parolee has required document(s).

Assists parolee in obtaining the required document(s).

81010.8 Length of Parole

Parole period is five years for persons serving life sentences whose commitment offenses occurred on or after January 1, 1979. Maximum parole period, including time under parole supervision and time under revocation status, shall not exceed seven years.

Parole period is three years for persons serving life sentences whose commitment offenses occurred on or before December 31, 1978. Maximum parole period, including time under parole supervision and time under revocation status, shall not exceed four years.

Parole period is three years for persons serving a non-life sentence whose commitment offenses occurred on or after January 1, 1979. Maximum parole period, including time under parole supervision and time under revocation status, shall not exceed four years.

Parole period is one year for persons serving a non-life sentence whose commitment offenses occurred on or before December 31, 1978. Maximum parole period, including time under parole supervision and time under revocation status, shall not exceed 18 months.

81010.8.1 CYA "M" Case Policy

"M" cases are felon offenders age 16-21 years committed to prison but ordered housed in a CYA facility. As felon commitments, CYA "M" cases are subject to CCR, BPT Rules and Regulations, and all laws applicable to CDC inmates and parolees. CYA may transfer an "M" case to CDC jurisdiction at any time it is determined that CYA jurisdiction is no longer appropriate (usually on the basis of serious disciplinary or additional law violations). Jurisdiction automatically transfers to CDC when an "M" case reaches age 25, if still under correctional supervision.

If the BPT revokes the parole of a CYA "M" case and assesses a revocation term, a decision will be made by CYA staff to either retain the case in the "M" program or have jurisdiction revert to CDC. The case will be placed in either a contract RTC facility (e.g., Tulare, Hidden Valley, etc.) or a CDC institution to serve the revocation term. "M" cases being retained under CYA jurisdiction will usually be placed in a contract RTC facility. "M" cases serving revocation terms in CDC facilities will, in many cases, be transferred to P&CSD supervision upon release.

81010.8.2 "M" Case Procedure

Regional Records Staff (If a Community Hearing and Region has File) or Institutional Records Staff (If an Institutional Hearing and Institution has File)

Calculates revocation release date (RRD) if "M" case reverts to CDC jurisdiction.

Classifies case for CSR endorsement.

CYA Regional "M" Coordinator (If Case Reverts to CDC Jurisdiction)

Forwards case file to regional Reentry Coordinator.

Regional Reentry Coordinator

Assigns case to appropriate P&CSD parole unit.

Notifies institution C&PR in writing of unit assignment.

Forwards field file to assigned parole unit.

Parole Agent

Prepares and forwards a "Notice of Transfer from CYA to CDC Jurisdiction" letter to the former "M" case

Provides reporting instructions for former "M" case to institution C&PR.

81010.9 Effect of Revocation and Suspension on Parole Period

Time during which parole is revoked extends the parole period automatically by amount of time ordered for the revocation. When parole is revoked, any time credited toward continuous parole is lost. Time on continuous parole begins again when parolee is released after serving revocation period.

Time during which parole is suspended because parolee has absconded will not be credited toward the parole period. When parole is suspended, any time credited towards continuous parole is lost. Time on continuous parole begins again when parolee is reinstated on parole by BPT action.

81010.10 Establishing Length of Parole Policy

Length of parole will be established within specified statutory maximums by the BPT for persons subject to PC 1168 and by CDC for those persons subject to PC 1170.

The BPT will set length of parole for inmates sentenced under PC 1168 at the Parole Consideration Hearing. The parole period specified by the BPT shall be on CDC Form 1515, Notice and Conditions of Parole. The inmate shall be given a copy of the CDC Form 1515 prior to release on parole.

The length of parole is one year for inmates sentenced under PC 1170 whose commitment crime was prior to January 1, 1979.

The length of parole is three years for inmates sentenced under PC 1170 whose commitment crime was after January 1, 1979.

The Parole Agent shall note the appropriate length of parole on the Conditions of Parole prior to sending the RPS to the institution. Institution staff will serve the Conditions of Parole on the inmate a minimum of 45 days before the inmate's EPRD.

81010.11 Exception to Parole to County of Commitment Policy

An inmate shall be paroled to county of commitment. Notwithstanding this policy, an inmate may be paroled to another county when this would be in the best interest of the public and parolee. If a decision is made to allow parole to another county, the reasons shall be specified in writing.

81010.11.1 Parole to Other County Procedures

Parole Agent (Sending Unit)

Reviews case with the unit supervisor to determine if it meets an exception to the county of commitment policy.

Prepares a CDC Form 1551, Transfer Investigation Request, and CDC Form 1681, Exception to County of Commitment specifying the specific criteria allowing inmate to parole to a county other than the county of commitment and stating how the inmate meets the criteria.

Unit Supervisor (Sending Unit)

Sends preparole file with CDC Form 1551 to the appropriate parole unit.

Unit Supervisor (Receiving Unit)

Reviews preparole file and CDC Form 1551 outlining exception to parole to County of Commitment Policy and reasons for exception.

Assigns case to Parole Agent to conduct preparole transfer investigation.

Parole Agent (Receiving Unit)

Conducts preparole transfer investigation.

Completes CDC Form 1681, Exception to Placement or Parole to County of Commitment and returns preparole file with copy of CDC Form 1551 to sending unit if case meets criteria for parole to other county.

Indicates specific reasons on CDC Form 1551 why program does not meet criteria to allow parole to other county if case is rejected.

Unit Supervisor and PA (Receiving Unit)

Review and complete CDC Form 1681.

Unit Supervisor (Receiving Unit)

Forwards CDC Form 1551 and CDC Form 1681 to sending unit indicating acceptance of case with copies to C&PR of sending institution if case is accepted for parole supervision.

Unit Supervisor (Original Sending Unit)

Reviews CDC Form 1551 rejecting transfer to other county if case is rejected.

Contacts unit supervisor of receiving unit and attempts to work out difference of opinion if one exists.

Sends copies of a memorandum to PAs of both regions for resolution of any difference of opinion.

Designated PA

Reviews memorandum.

Investigates to determine accuracy of memorandum and discusses the proposed program with the corresponding administrator.

If administrators agree, decision is final.

If agreement is not reached, both administrators prepare memoranda outlining the reasons for their decision and forward them to the Deputy Director, P&CSD.

Deputy Director, P&CSD

Reviews memoranda and file materials and makes final decision.

81010.12 Parole of Inmates Sentenced Under 1168 PC Policy

The BPT establishes parole dates for cases sentenced under PC 1168. The BPT can establish a fixed date or, if inmate has what appears to be a valid program, order a parole date advancement of up to 60 days.

81010.12.1 Parole of Inmates Sentenced Under PC 1168 Procedures

Parole Agent

Reviews RPS report.

(Immediately)

Completes preparole investigation if the BPT has ordered a parole date advancement.

(Within 60 Days of Receipt)

Completes investigation and returns the preparole investigation to institution. (If parole date is less than 60 days from date of case assignment, returns preparole materials within 15 days of receipt).

(Within 15 Days of Receipt)

Completes preparole investigation and returns the RPS Form, CDC Form 611, to the sending institution.

81010.13 Direct Release to Parole From Court Policy

The sentencing court, under certain circumstances, may sentence a person directly to parole supervision. The P&CSD shall provide supervision as outlined below as if the person had been paroled from an institution.

81010.13.1 Direct Release to Parole From Court Procedures

Officer of the Day (OD)

Interviews parolee, completes the CDC Form 1650B, Initial Interview/Transfer, and obtains a complete address and the names of two or more persons to be contacted in an emergency.

Forwards case materials to Unit Supervisor.

Unit Supervisor

Assigns case to a Parole Agent when parolee reports to unit office.

Parole Agent

Contacts sentencing court to secure:

- Certified copy of order sentencing parolee to parole [Abstract of Judement (AOJ)].
- Copy of POR.
- Copy of arrest reports and other pertinent information.

Telephones LPU staff to advise legal documents are being FAXed.

FAXs all legal documents, including POR (personal data if no POR available), and the identity of the assigned unit, to LPU, CDC headquarters.

Secures fingerprint cards, photographs and arrest record.

Requires parolee to sign copy of Conditions of Parole.

(Until Case is Reviewed by BPT)

Provides supervision.

LPU Staff (On Day of Receipt of AOJ or no Later Than Morning of Following Work Day)

Verifies that there is no existing active CDC number on commitment name and FAXs CDC number to parole unit.

Provides Headquarter OBIS with the following information in order to enter the admit and parole moves and the legal commitment:

- AOJ.
- Sentence Data Entry form.
- Race.
- CI&I SSCH, if available.
- Date of birth.
- Parole unit assigned.
- Parolee's county of residence (if other than county of commitment, approval if applicable).
- Controlling discharge date.

Reviews and refers those appropriate cases to the BPT for consideration for discharge review.

Unit Clerical Staff (Day of Receipt of CDC Number)

Makes three copies of all documents.

- Develops unit field file with one set of copies.
- Forwards original and one set of copies to regional records.

Forwards one black and white fingerprint card and two red and white fingerprint cards, original Conditions of Parole, CDC Form 1515, and parolee photo to regional records.

Regional Records Staff

Sends original set of documents to LPU in central office.

Advises Parole Agent of BPT action and date, court sentencing date (date case becomes active on parole), discharge date, discharge review date, special conditions imposed by BPT (if appropriate), and any registration requirements when notified of BPT action by LPU.

Prepares Discharge Certificate and mails copy to Parole Agent if BPT has waived parole.

Parole Agent

Gives or mails Discharge Certificate to parolee if BPT has waived parole and closes case.

Completes Risks and Needs Assessment and continues supervision, if parole not waived.

81010.14 Delay In Reporting Policy

The Parole Agent may allow a parolee to delay reporting for an initial interview if there is a valid reason for the delay. High Control cases shall not be granted delays.

81010.14.1 Delay In Reporting Procedures

Parole Agent

Reviews request for delay in reporting for initial interview.

Determines whether delay in reporting is appropriate based on:

- Stated reason for the delay.
- Background of parolee requesting delay.
- Character and relationship of any persons parolee proposes to contact en route.
- Any factor which Parole Agent determines to be a good reason for delay.
- Submits any request for delay in excess of seven days to unit supervisor for approval.
- Specifies in instruction section of the CDC Form 611 that delay in reporting for initial interview is approved and specifies new reporting date.
- Notifies, by CDC Form 1526, Visitation Permit, unit offices covering the area where parolee will be stopping.

81010.15 Conditions of Parole Policy

The general conditions of parole, as established by CDC or the BPT, are the same for persons sentenced to either a determinate or an indeterminate term of imprisonment. These conditions of parole are not a contract, but are a means of informing parolees of the specific rules governing their behavior. The conditions apply whether or not an inmate signs the CDC Form 1515, Notice and Conditions of Parole.

Non-English

A Spanish language translation of the CDC Form 1515-B shall be provided to Spanish speaking parolees. If the parolee is a non-reader, staff shall interpret or read the form to the parolee.

Other non-English speaking parolees shall be provided with an adequate interpretation of the Conditions of Parole.

- A statement shall be typed on the CDC Form 1515-B that the inmate (identified by name and CDC number) has been provided with an adequate interpretation of the Conditions of Parole. The interpreter or reader shall sign and date the statement. The same procedure shall be followed if special conditions are imposed at a later date.

A violation of any condition of parole may result in arrest, suspension or revocation of parole and return-to-custody.

81010.16 Special Conditions of Parole Policy

The BPT or P&CSD may impose special conditions of parole in addition to the general conditions of parole prior to or after parole.

The BPT will establish and impose the special parole conditions for persons subject to PC 1168. The BPT may impose any special condition of parole at the hearing where parole is granted. The special condition and reasons for its imposition will be typed on the CDC Form 1515 given to the inmate prior to release. A special condition imposed by the BPT is removed or modified only through BPT action.

The P&CSD will establish and impose special parole conditions for persons subject to PC 1170.

All special conditions of parole will be specified in writing with the reason for their imposition and must be issued to the parolee in writing prior to becoming effective.

- To participate in psychiatric treatment. This special condition will be imposed whenever the BPT or CDC staff determine that treatment is required.
- To abstain from alcoholic beverages. The Penal Code requires that this special condition be imposed on all parolees convicted of any of the offenses listed in PC 290 who were intoxicated or addicted to the excessive use of alcohol at the time the offense was committed. This special condition may also be imposed whenever BPT or CDC staff determine that there is evidence alcohol use was a major contributing factor in the commitment offense or evidence that the continued use of alcohol over a long period of time contributed to involvement in numerous criminal acts.
- To participate in anti-narcotic testing. This special condition may be imposed if there is a documented history or admission of illegal use of controlled substances within five years prior to the present commitment or during incarceration.

Any other restriction or instruction may be imposed as a special condition if warranted by the circumstances of the case. The behavior to be controlled must be sufficiently documented in the parolee's file to support imposition of a special condition.

A special condition of parole shall be imposed only if the condition is:

- Related to the crime for which the prisoner was convicted.
- Related to conduct that is not in itself criminal, but is reasonably related to potential future criminal behavior.

81010.16.1 Imposition of Special Conditions of Parole Procedures

Parole Agent

Reviews case to determine whether special conditions are appropriate.

Determines whether inmate is capable of understanding the Conditions of Parole in English.

Prepares the Conditions of Parole in appropriate language if inmate is unable to understand English.

(At Least 60 Days Prior to EPRD)

Includes specific recommended special condition of parole and reason for recommendation on CDC Form 1515 in appropriate language and forwards to unit supervisor with preparole materials.

Unit Supervisor

Reviews recommended special condition(s) of parole and signs Notice and Conditions of Parole thereby imposing special conditions.

Parole Agent (At Least 60 Days Prior to EPRD)

Forwards original and copy of Notice and Conditions of Parole to institution.

- Retains copy for unit file.

Institution Staff (Prior to Inmate's Parole)

Serves inmate with CDC Form 1515 and has inmate sign form.

Parole Agent (After Release on Parole)

Includes specific recommended special conditions of parole and reasons for recommendation on CDC Form 1515 and forwards to unit supervisor.

Prepares an Activity Report titled: Modification of Special Condition of Parole, indicating recommended special condition of parole and reasons for recommendation and forwards to unit supervisor if parolee is ISL case.

Unit Supervisor

Reviews CDC Form 1515 and signs or:

Reviews Activity Report and signs if approved for ISL case.

- Forwards Activity Report with Headquarters Calendar Decision Form, BPT Form 1130, attached to BPT Headquarters Calendar by regional records

Parole Agent

Serves parolee with CDC Form 1515 and has parolee sign form.

Provides parolee with written notification of appeal rights.

Distributes original CDC Form 1515 to regional records, copy to parolee and copy to unit file.

81010.17 Removal of Special Conditions of Parole Policy

The unit supervisor may remove or modify special conditions of parole not imposed by the BPT.

Special condition to participate in psychiatric treatment may not be removed without concurrence of POC staff. The special condition prohibiting use of alcoholic beverages may not be removed if imposed pursuant to the Penal Code.

81010.17.1 Removal of Special Conditions of Parole Procedures

Parole Agent

Presents case for supervisor review to determine if special conditions of parole should be removed.

Records, dates, and signs decision on CDC Form 1650D, Record of Supervision.

Prepares revised CDC Form 1515.

- Obtains unit supervisor's signature on form.

Serves parolee with CDC Form 1515 and has parolee sign form.

Distributes original CDC Form 1515 to regional records, copy to parolee and copy to unit file.

Prepares a CDC Form 1502, Activity Report, recommending removal of special conditions of parole, to participate in POC, reasons for recommendation and POC staff recommendation.

- Forwards Activity Report to PA if unit supervisor disagrees with POC recommendation.

PA

Makes final decision.

81010.18 Inmate or Parolee Refusal to Sign Notice and Conditions of Parole Policy

The BPT shall revoke the parole of any inmate or parolee who refuses to sign the CDC Form 1515, including any added special conditions of parole.

81010.18.1 Inmate or Parolee Refusal to Sign Notice and Conditions of Parole Procedures

Parole Agent

Requests inmate or parolee to sign Notice and Conditions of Parole.

Places offender in custody if inmate or parolee refuses to sign CDC Form 1515, if so directed by unit supervisor.

Prepares and submits a CDC Form 1521, Violation Report, recommending referral to screening calendar.

81010.19 Parole Agent's Verbal and Written Instructions Policy

A verbal instruction requiring or prohibiting specific behavior is to be confirmed in writing within five working days after notifying the parolee and may be processed and issued as a special condition of parole.

Only the BPT can impose instructions requiring or prohibiting specific behavior for more than 30 days on life sentenced parolees, ISL release date parolees, and parolees serving a year-and-a-day sentences.

81010.19.1 Parole Agent’s Verbal and Written Instructions Procedures

Parole Agent

Verbally instructs parolee and assures that parolee understands

(Within Five Days of Verbal Instructions)

Prepares instructions in written form and gives copy to the parolee.

Prepares a special condition of parole using the procedure outlined above for any action to be performed by a parolee for more than 30 days.

- Verbal imposition of special conditions will take the place of written notice as long as the new conditions of parole are served on parolee within five days of issuing verbal instruction.

81010.20 Dual Referral Preparole Policy

Preparole packages for inmates in CDC institutions referred for out-of-state placement will be forwarded to both the appropriate parole region and the Interstate Unit (ISU) for investigation. Field unit staff will conduct the RPS in the same manner as other preparole referrals until notified by institution staff of acceptance by the other state. If the inmate is not accepted for supervision by the other state prior to release on parole, the inmate shall report to the release program developed by California parole unit staff.

81010.21 Warrant Pending Preparole Policy

Preparole referrals for inmates with pending Warrants will be forwarded to the appropriate regional office.

Field unit staff will conduct the RPS in the same manner as other preparole referrals.

If the Warrant is exercised by a California agency or a federal agency (other than USINS) upon the inmate’s parole and the parolee is housed in custody in California, the assigned Parole Agent is responsible for monitoring case status and providing service in the same manner as other Minimum Supervision cases in local custody.

If the Warrant is exercised by an out-of-state agency or by a federal agency (excluding USINS) and parolee will be in custody outside California, the case shall be transferred to the ISU.

If the Warrant is exercised by an out-of-state agency or by a federal agency (excluding USINS) and the inmate is paroled to local agency pending extradition, the assigned Parole Agent is responsible for monitoring case status and providing services in the same manner as for other Minimum Supervision cases in local custody. The case shall be transferred to the ISU when extradited.

81010.21.1 Inmates Paroled to Warrant Procedures

Parole Agent

Assures that length of parole and special conditions of parole for DSL cases are included in the completed CDC Form 611.

Determines name, address, warrant number Also-Known-As (AKA) (if applicable) for agency taking custody out-of-state.

Transfers case to ISU.

Institution Staff

Notifies field unit on or before scheduled release date if Warrant is not exercised (Field unit assumes responsibility for the case).

Enters release unit into OBIS.

Parole Agent

May request another unit to provide courtesy supervision if parolee will be in custody outside assigned unit's area of supervision.

81010.22 Release to Deportation Policy

The RPS shall specify if an inmate will be paroled to USINS hold. The assigned Parole Agent is responsible for monitoring case status both prior to completion of deportation proceedings and after deportation.

81010.22.1 Deportation Case Procedures

Parole Agent

Includes clear reporting instruction in CDC Form 611 for parolee to follow if released on bail.

(Within Three Days of Inmate's Parole)

Contacts non-CDC institutions housing inmates released to USINS hold and obtains USINS "A" number and other information relative to case.

Forwards request with inmate's name and USINS "A" number for information on status of deportation proceedings to:

- USINS, Los Angeles, CA (for inmates released from an institution south of CTF).
- USINS, San Francisco, CA (for inmates released from CTF and institutions north of CTF).

(Each 60 Days)

Contacts USINS office to determine parolee's status and date of deportation hearing.

(Every 90 Days)

Obtains CI&I and local SSCHs after parolee has been deported.

(45 Days Prior to Lapse of Jurisdiction)

Develops and submits CDC Form 1635, Discharge Review Report, to unit supervisor.

Unit Supervisor

Reviews and includes discharge recommendation on Discharge Review Report.

- Submits discharge review reports on deportation cases to the BPT.

Parole Agent

Places parolee in custody if parolee is located and has not been discharged.

Places a parole hold and submits a Violation Report to the BPT if a deported parolee is located in custody. (The parolee will be charged with violation of 8 USC 1326, Illegal Reentry of a Previously Deported Alien; Failure to Report to the Parole Agent; and any violation of parole conditions that may have been committed).

81010.23 Release From Revocation Status Policy

The BPT may set a specific period of revocation time following a finding of good cause. The parolee shall be released from custody the day of completion of the revocation period. The Parole Agent will assist the parolee in readjusting to the community.

81010.23.1 Release From Revocation Status Procedures

Parole Agent

Retains field file of parolee serving a revocation period.

Reduces case to minimum supervision and maintains parolee as active case when serving a revocation period in local custody.

Removes from active status and places on roster as RTC case any revoked case in a CDC institution or RTC facility.

Monitors the case in local custody during the RTC period.

[At Least 30 Days Prior to Revocation Release Date (RRD)]

Submits a CDC Form 102, Release Statement, requesting release funds for parolee serving revocation term in local custody.

Contacts parolee in local jail to develop a proposed release program.

Investigates proposed program and provides parolee with specific reporting instructions.

Requests an updated release program by memorandum to institution for parolee serving revocation period in CDC institution or RTC facility.

Investigates proposed program if different than parolee's previous program.

Informs institution regarding release plans, reporting instructions and distribution of release funds.

(Prior to RRD)

Updates parole plan for High Control or High Service case.

81010.24 Parole of Psychotic Inmate Policy

A psychotic inmate will be retained at the releasing institution pending BPT emergency action if, on the day of parole release, it is determined that the inmate is so mentally ill as to be unable to function while en route to the parole program. Emergency psychiatric return procedures shall be implemented immediately by appropriate P&CSD staff.

81010.24.1 Parole of Psychotic Inmate Procedures

Institution or Transportation Staff

Requests qualified institutional staff to conduct immediate psychiatric examination of the inmate if inmate appears to be too mentally ill to proceed to parole program.

Contacts P&CSD staff if examination confirms that inmate is too mentally ill to proceed to parole program.

- Makes contact by C&PR to unit supervisor if release is during normal business hours.
- Makes contact by institutional AOD to region of release (Identification/Warrants Unit, telephone: (ATSS) 485-6713 or (916) 445-6713).

The Regional Administrator will be contacted if the AOD cannot be contacted.

Unit Supervisor or AOD

Authorizes institution staff to detain mentally ill inmate pending BPT emergency action by telephone.

FAXs written verification of P&CSD authorization to detain mentally ill parolee in institution.

Unit Supervisor or Designee

Obtains emergency BPT psychiatric action.

81010.25 Revisions

The Deputy Director, Paroles and Community Services Division, is responsible for ensuring that this section is current and accurate.

81010.26 References

PC §§ 1168, 1170, 3003, 3003(b), 2692, 2694, 2713.1, 3057(b), 3060.5, 3064, and 11177.

CCR (15) (2) §§ 2510, 2512, 2513, 2515, 2647, and 2635.1.

8 USC 1326.

ARTICLE 2 — CASE SUPERVISION*

EffectiveDecember 28, 1989

Not Cleared For Statewide Use

81020.1 Policy

Legal Basis of Parole

The California Legislature has found and declared "...that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the State to provide for the supervision and surveillance of parolees and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge".

Objectives of Parole

The objectives of parole supervision are to reduce the frequency and severity of incidents of parolees' criminal behavior and to facilitate their community adjustment.

Responsibility for Supervision

Each parolee, whether on active, suspended Parolee-at-Large (PAL), or revoked status, shall be assigned to a Parole Agent. Parole agents are responsible for case supervision, surveillance and services delivery to parolees assigned to their caseloads. The primary means through which Parole Agents fulfill these responsibilities are through contacts with parolees and persons involved with the parolees. Parole agents shall cooperate with other law enforcement and human services agencies that may be involved with their parolees. Case contacts (field, office or collateral) shall be carried out to accomplish supervision objectives.

81020.2 Case Supervision Definitions

Case Contacts

Collateral contact - Any communication with other people concerning a parolee.

Face-to-Face Contact - Personal contact with a parolee.

Phone Contact - Telephone call to a parolee.

Field Contact - Face-to-face contact with a parolee away from the parole office.

Home Contact - Face-to-face contact with a parolee at the parolee's residence.

Office Contact - Face-to-face contact with a parolee at the parole unit office.

81020.3 Parole Agent Responsibilities

Parole Agent

Obtains information about a parolee's activities and needs.

Intervenes if a parolee's behavior violates the Conditions of Parole or jeopardizes public safety.

Conducting control activities mandated by policy or ordered by the unit supervisor.

Refers parolees for needed services such as counseling, residence placement, employment, drug counseling, detoxification or maintenance, and any other indicated services which may aid in parolee's rehabilitation.

Shares information about parolee with other law enforcement and human service agencies that demonstrate a need-to-know.

81020.4 Supervision Categories

Each parolee will be assigned to a specific supervision category. There are four categories of supervision emphasis: High Control, High Service, Control/Services, or Minimum Supervision. Scores obtained on Risk and Needs Assessments determine the initial supervision category to which parolees are assigned.

Initial Case Assignments

Supervision Emphasis	Risks Score	Needs Score
High Control	7.5 - 10	
High Service	0 – 7.4	7.5 – 10
Control/Services	3.75 – 7.4	Less than 7.5
Minimum	0 – 3.74	Less than 7.5

81020.5 Change In Supervision Category Policy

Each felon parolee who completes 180 days of satisfactory parole under control/services supervision shall, absent a case review, be assigned to minimum level supervision. The exception will be PC 290 registrants, POC, known institutional gang cases, and high notoriety cases. These cases will require a case review with the unit supervisor to reduce the case to minimum supervision. Other cases may be maintained at the control services level with unit supervisor approval subsequent to a case review. Cases may be reduced to Minimum Supervision prior to six months on parole by case review providing at least 30 days of successful parole have been completed. The parolee's current residence shall be verified by personal field contact by the Parole Agent prior to assignment to Minimum Supervision. No outpatient or civil addict parolee shall be assigned to Minimum Supervision until a report has been submitted and approved by the NAEA .

Changes in supervision levels to or from High Control or High Services shall only be made with unit supervisor approval subsequent to a case review.

All parolees in custody will be automatically reduced to Minimum Supervision after final BPT' action unless an exception is approved by the unit supervisor. Parolees will automatically return to their previous supervision level upon release from custody.

81020.6 Case Contact Policy

Each parolee will receive the level of supervision required by the assigned supervision category and the specific needs of the individual case.

Case contacts will be carried out for the purpose of accomplishing case objectives. Additional specific purpose contacts, when deemed appropriate, will be spelled out in the parole plan as will any special supervision requirements. In any instance where the Parole Agent is unavailable due to vacation, illness or other reasons for a period sufficient to prevent timely field contacts and case reviews, the unit supervisor will assign those responsibilities to another agent.

Unusual Circumstances

In unusual circumstances (e.g., a parolee residing in a geographically remote area), the unit supervisor may establish contact requirements for a specific case that varies from mandated supervision requirements. The reason for such variations shall be documented in the CDC Form 1650-D, Record of Supervision form.

81020.7 High Service And High Control Case Supervision Procedures

Parole Agent (On First Working Day After Release)

Conducts High Control case face-to-face contact. Any exceptions to this requirement shall receive prior unit supervisor approval and documented on CDC Form 1650-D.

(Within 7 Working Days of Release)

Conducts one face-to-face contact at parolee's residence.

(Each 30 Days)

Conducts two face-to-face field contacts, one of which is at parolee's residence.

Conducts two collateral contacts.

81020.8 Control Services Supervision Procedures

Parole Agent (On First Working Day After Release)

Conducts control/services face-to-face case contact.

(Within 15 Working Days of Release)

Conducts one face-to-face field contact at parolee's residence.

(Each 30 Days)

Conducts face-to-face contact, at least one of which each quarter will be at the parolee's residence, another in the field, and a third at a location of the agent's choice, including the office.

81020.9 Minimum Supervision Procedures

Parole Agent (Within 30 Days of Release or Assignment)

Conducts one face-to-face field contact at parolee's residence. (If initial interview was conducted at parolee's residence, this requirement is considered satisfied.)

(Within 30 Days of Assignment to Minimum Supervision)

Conducts one face-to-face contact at parolee's residence (This requirement is waived if there has been a face-to-face contact at parolee's residence within 30 days.).

Contacts parolee by mail to advise of transfer to new Parole Agent.

Instructs parolee to submit a monthly report by fifth working day of each month.

Instructs parolee of testing requirements.

Monitors monthly reports.

(By First of the Month Prior to Discharge Review)

Obtains a current CI&I SSCH.

(During Month Prior to Discharge Review)

Conducts face-to-face contact.

(Annually, if Continued on Parole)

Conducts two face-to-face contacts.

81020.10 Custody Case Supervision Procedures

Parole Agent

Conducts collateral contact with appropriate agencies to track court status and other changes.

(Prior to Release From Custody)

Communicates reporting instructions to parolee either in writing or in person.

81020.11 Anti-Narcotic Testing Policy

Special supervision techniques must be utilized to supervise effectively parolees with a history of drug abuse. These techniques include, but are not limited to, observation in the field and urinalysis testing. The Parole Agent must also make direct examination for symptoms of drug abuse such as hypodermic injection marks, physical condition of the parolee (signs of withdrawal), the condition of the parolee's eyes (dilated or constricted pupils) and unusual or bizarre behavior.

If no specific level of testing has been ordered by the BPT or NAEA, high control and high service cases will be tested twice each 30 days. Felon control services cases required to test will be tested once every 30 days.

Prior NAEA approval is required to reduce testing frequency below twice each 30 days for civil addict cases.

Anti-narcotic testing is by urinalysis and shall be on an unscheduled basis (less than 72 hours notice) except for cases being tested twice weekly.

A written, signed, dated and witnessed CDC Form 1527, Statement of Admission Form may substitute for a required anti-narcotic test.

A parolee scheduled for urinalysis testing shall be asked to show proper identification if the testing staff are not familiar with the parolee. Also, a photograph of the parolee to be tested shall be available to the testing staff to assure accurate identification.

Contractor Testing

The following assays may be conducted by contractor testing:

- Routine screen detects Morphine, Cocaine, Amphetamine, Methamphetamine, Phenobarbital, Pentobarbital, Secobarbital and Phencyclidine (PCP).
- Routine screen plus Marijuana (THC test).
- Routine screen plus alcohol.
- Routine screen plus THC and alcohol.
- THC only.
- Alcohol only.
- THC and alcohol.
- Confirmation of specimens determined "positive" by Enzyme Multiplied Immunoassay Technique (EMIT).
- Qualitative analysis for unknown substances.

Urine Samples

Urine samples shall be taken under direct observation. If this is not possible, steps shall be taken to reduce the possibility of manipulation, including checking restroom for other individuals or contraband before allowing parolee to enter, prohibiting parolee from taking anything other than specimen container into restroom, and noting general temperature and color of sample immediately after securing it. The person securing the sample will be responsible for handling and routing the sample.

Urinalysis samples are usually taken in 30cc bottles. The bottle needs to be filled to at least two thirds to permit analysis. The label of each urinalysis sample bottle must be completed and samples mailed in contractor-provided container. Bottle label will be completed as follows:

- Date - Print date sample was obtained.
- Sample Identification (I.D.) - Print inmate's or parolee's last name, followed by first name and CDC number. If inmate or parolee is in custody, add "IN CUSTODY" to this section of label.
- Office - Print unit number.
- Test Request - Check appropriate box for type of analysis desired. Routine screen involves screening for eight controlled substances. If a qualitative analysis of an unknown substance is needed, laboratory shall be contacted for packaging and mailing instructions.

Fails to Report

If a parolee fails to report for anti-narcotic testing as instructed and has no valid reason, failure will be considered a violation of parole and will be reported to the unit supervisor. If manipulation of testing is detected, behavior will be considered a violation of parole and will be reported to unit supervisor.

When doubt arises as to the accuracy of a test indicating drug use, the Parole Agent shall make an effort to validate the test result through retesting and checking for other physical symptoms of drug use. If efforts fail to confirm the positive test and, in the judgment of the Parole Agent or unit supervisor, an error has occurred, the matter will be submitted to the NAEA with a recommendation "continue on outpatient status" or "continue on parole". The report must document efforts made to validate test results including: results and dates of three follow-up tests within three weeks of the positive tests, and a summarization of test dates and results during the last six months, or results from the last board action (whichever occurred last).

81020.11.1 Anti-Narcotic Testing Procedures

Parole Agent

Tests parolee per policy.

Prior NAEA approval is required to reduce testing frequency for civil addicts.

Takes urinalysis samples, labels samples, specifies tests and forwards samples to laboratory per contract requirements.

Substantiates parolee's admission of use by checking for puncture wounds or urinalysis.

Completes a CDC Form 1527, when appropriate. Documents on CDC Form 1650-D any verbal admission of use by parolee.

Documents test results and actions taken on CDC Form 1650-D.

Unit Supervisor or AOD (Immediately Upon Learning Test Results)

Notifies other unit office by telephone of any positive test results reported for a parolee being tested for another unit.

81020.12 Alcohol and Marijuana Testing Policy

Testing for alcohol or THC use shall be limited to parolees whose commitment offenses were clearly alcohol or THC related. A special "no alcohol" condition of parole shall be imposed if alcohol testing is required. Testing for alcohol or THC must be stipulated in the parole plan and approved by the unit supervisor.

81020.13 Notification of Testing Results Policy

Notification of positive results will be telephoned to the office indicated on sample label. Test results for in-custody cases will be reported promptly. Notification will normally occur the morning of first working day following analysis. Written follow-up of all tests performed for a unit will be in summary form indicating names, CDC numbers, tests ordered, and results.

81020.14 Case Review Policy

A case review is a planned and structured concurrent analysis of a case by the Parole Agent and unit supervisor. Case reviews will specify factors such as job adjustment, employment, residence, compliance with special conditions, response to supervision, violations, patterns of testing and individualized supervision goals.

Case reviews shall be conducted as follows:

- When a Parole Plan is initially developed for a High Control or High Services case.
- Cases classified to High Control and High Services will be reviewed after 30 calendar days following first assignment to that classification, then each 60 days thereafter (as long as they remain in that classification). Case reviews of High Control and High Service cases every 60 days are intended to determine the necessity for continuing as High Control and High Services cases. These case reviews will be brief. The focus will be on verifying current information or specifying changes being made in the Parole Plan. It need not cover all areas of the Parole Plan.
- Changes in supervision level from or to High Control or High Services.
- When requested by either the Parole Agent or unit supervisor.

Results of the case review shall be documented by the Parole Agent on the CDC Form 1650-D if routine, or a CDC Form 1502, Activity Report or CDC Form 1521-A-D, Violation Report.

81020.14.1 Case Review Procedures

Parole Agent (After Case Review)

Records following information on CDC Form 1650-D:

- Date of review.
- Case classification.
- Current program.
- Contact and testing requirements if above minimums.
- Adjustment factors.
- Specific instructions regarding controls or services.
- Any noted supervision deficiencies.

Unit Supervisor (After Case Review)

Initials and dates review.

Records specific instructions from unit supervisor on the CDC Form 1502 if used in place of case review.

The title "Case Review" shall be added to top of CDC Form 1502.

81020.15 Parole Plan Policy

A Parole Plan documenting case status and supervision goals shall be developed for each parolee by the assigned agent and recorded in legible form on the CDC Form 1650-D.

The Parole Plan shall specify factors such as employment, residence, special conditions, anti-narcotic testing patterns and compliance, response to supervision and parole violations. Parole plans for cases assigned to either High Control or High Services shall be developed by the Parole Agent and reviewed by the unit supervisor prior to the inmate's release on parole.

81020.15.1 Parole Plan Procedures

Parole Agent (Prior to Inmate's Parole)

Develops Parole Plans for cases assigned to High Control and High Service.

(Within 15 Days of Parole)

Develops Parole Plans for cases assigned to Control/Services and Minimum Supervision.

Records each Parole Plan on the CDC Form 1650-D.

81020.16 Initial Interview Policy

The Parole Agent shall conduct the initial interview with the parolee within three working days of parolee's release from prison. The objectives of the initial interview are to establish positive rapport with the parolee, to inform the parolee of available assistance and services and to advise the parolee of his or her responsibilities while under parole supervision.

81020.16.1 Initial Interview Procedures

Parole Agent (Within Three Days of Parolee's Release)

Conducts initial interview including the following items:

- A review of the general conditions of parole and any special conditions.
- Instructs parolee to sign Conditions of Parole (if not previously signed) and informs parolee that failure to sign Conditions of Parole will result in revocation.
- Instructs parolee of testing requirements.
- Determines during the initial interview if releasing institution prepared and served parolee with Notice of Felony Registration Requirement.
- Prepares and serves the parolee immediately in those instances where the institution staff failed to do so.
- Instructs a parolee required to register per PC 290 of the registration time limit of 14 days from date of parole or change of address and advises of requirement that failure to register per PC 290 will result in parole revocation.
- Photographs the parolee:
    - Standing against a neutral background, with hat and non-prescription glasses removed.
    - Parolee's name, CDC Number and date photo was taken shall be printed on plain white paper and will be held by parolee at chest level.

- Photos to be no smaller than 3-1/8" x 3-1/8" in size.
- Tattoos may be photographed if deemed appropriate.

Completes the CDC Form 1650-B, Record of Initial/Transfer Interview.

81020.17 Clearance of Driver's License Procedures

Parole Agent

Reviews preparole file to determine if driver's license has been cleared.

Refers parolee to Driver's License Improvement Analyst, DMV, with a letter which specifies:

- Current parole adjustment.
- Any anti-narcotic testing requirements.
- A recommendation regarding issuing a driver's license.
- Attaches Driver's Record Information Form to letter if available.
- Clears outstanding Traffic Warrants by sending a letter to issuing court per VC.

81020.18 Information Furnished to Local Law Enforcement

Upon request, the P&CSD is required to furnish the following information within ten days to the local sheriff or chief of police:

- Name, CDC number and address of parolee.
- Photograph of parolee no smaller than 3-1/8 x 3-1/8 inches in size.
- Copies of fingerprints.

If the sheriff or chief of police requests additional parolee information, the Regional Administrator or a designee shall meet with the appropriate agency staff to develop mutually acceptable procedures for providing the necessary information. The following information may be furnished:

- Parolee CI&I number.
- Commitment offense(s) and discharge date.
- Date of birth.
- Car license and description.
- Any special condition of parole.
- Parole agent's name.
- Address and telephone number of parole unit.

81020.19 Arson Registration

Parolees who have been convicted of arson offenses specified in PC 4587.1 that occurred on or after January 1, 1985, and have been ordered by the court to register, shall register with the sheriff or chief of police within 30 days of coming into any city or county.

81020.20 Controlled Substance Offender Registration Policy

Any person convicted in California of any offense listed in H&SC 11590(a), or convicted in Federal Court or another state, of an offense which would have been punishable as one of the offenses in H&SC 11590 (a) if committed in this State must register with the police department or sheriff's office within 30 days of establishing residence in any California city or county.

81020.20.1 Controlled Substance Offender Registration Procedures

Parole Agent

Determines during the initial case assessment whether:

- Institution staff identified the parolee as a case required to register.
- Parolee's commitment crime requires registration.
- Parolee has prior convictions that require registration.

During the initial interview:

- Determines whether the institution served parolee with Notice of Registration.
- Prepares Notice of Registration if parolee not served.
- Instructs parolee where to register based on parolee's residence address.

(30 Days After Parole)

Verifies that parolee registered as required and records date, agency and number from registration certificate on the Face Sheet.

Prepares Activity Report if parolee fails to register as required and reviews case with unit supervisor for appropriate action.

81020.21 Sex Offender Registration Policy

Within 14 days of being paroled or transferred to or visiting any California city or county, any person convicted of an offense listed in PC 290 must register with the police department or sheriff's office which has jurisdiction where that person resides.

Within ten days of changing residence any person so registered must report new address to law enforcement agency with which last registered.

Any person required to register under this section will be relieved of this requirement only upon receipt of a Certificate of Rehabilitation or a pardon, unless that person has been declared a Mentally Disordered Sex Offender (MDO).

If a parolee is required to register under this section, the Parole Agent will advise parolee of this requirement, the procedure for registering and will verify parolee's registration. The Parole Agent will also verify that parolee has notified local law enforcement of any change of address.

Whenever a parolee fails to register under PC 290 within specified time limits, the parolee may be taken into custody. Any parolee who fails to register as required shall be processed as a parole violator and scheduled for revocation proceedings.

81020.21.1 Sex Offender Registration Procedures

Parole Agent (Prior to Release)

Determines from preparole file whether parolee has been convicted of any crime that requires registration per PC 290.

Notifies assigned Correctional Counselor by Mini Memo if file does not clearly indicate institution staff are aware of PC 290 registration.

(At Initial Interview)

Determines during initial interview if releasing institution prepared and served parolee with Notice of Felony Registration Requirement.

Informs parolee of following:

- Where to register, based on parolee's address.
- That parolee has 14 days from release to register and ten days after changing residence to register.
- That failure to register within required time limits shall result in BPT revoking parole.

(15 Days After Release)

Requires parolee to present proof of registration showing parolee registered within 14-day time limit.

Submits Activity Report and Case Review on parolee who fails to register within time limits.

May place a parolee who failed to register into custody pending revocation proceedings by the BPT.

Submits a Violation Report to BPT for parolee who fails to register within required time limits.

81020.21.2 Notification and Disclosure of HIV Infected Parolee Policy

Revised March 8, 1990

Information regarding the HIV, AIDS or ARC status of a person is confidential and shall not be disclosed except as provided by law. Willful or negligent disclosure of HIV information by a peace officer is a misdemeanor.

Designated Department institution medical representatives shall inform the assigned Parole Agent of the pending parole of an inmate who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS and of the appropriate medical precautions to be taken. The Parole Agent is responsible for ensuring that the parolee who has tested positive for HIV infection or who has ARC or AIDS contacts the county health department or his or her own physician in order to receive appropriate counseling and medical treatment for AIDS.

If it becomes known to a Parole Agent that a parolee who has tested positive for HIV infection, or has ARC or AIDS has not informed his or her spouse, the Parole Agent may request that only the CMO of the parolee's releasing institution, or the physician treating the spouse or parolee, inform the spouse. The Parole Agent shall seek to ensure that counseling is provided to the spouse by the person providing the information to the spouse.

In the apprehension of a parolee diagnosed with ARC or AIDS, the Parole Agent shall inform local law enforcement officers assisting him or her in that activity of this information in order to protect themselves from potential HIV exposure or transmission.

81020.21.3 Notification and Disclosure of HIV Infected Parolee Procedures

Revised March 8, 1990

Performed by designated institution medical representative prior to parolee's release:

- Notes inmate's HIV infection status on the CDC Form 611, Referral Release Program Study and on a CDC Form 128-C for the Medical Record.
- Conveys the appropriate medical precautions to the Parole Agent.

Performed by Parole Agent:

- Ensures that HIV infected parolee contacts the county health department or his or her own physician in order to receive appropriate counseling and medical treatment for AIDS.
- May request institution CMO or the physician treating the spouse or parolee to inform the spouse of the parolee's HIV positive status if parolee has not informed the spouse of HIV infection.
- Informs assisting law enforcement officers of parolee's diagnosis with ARC or AIDS.

81020.22 Notification of Release of Parolees Convicted of a Violent Felony Policy

P&CSD staff have the responsibility for notification of victims, or witnesses who request notification of the death, release, or escape of parole violators, convicted of a violent offense, serving revocation time in county jails or RTC facilities.

Any parolee who has served a term of imprisonment after conviction for an offense listed in PC 667.5(c) and who is serving a period of parole revocation is subject to the provision of PC 3058.6 and 3058.8.

Notification

Notification of release from revocation status must be made to law enforcement officials and, if a request has been made, to certain witnesses, victims or their next of kin. Institution Division staff are responsible for providing the notice for those persons first released from prison to parole and for those persons released from an institution following a period of parole revocation.

The P&CSD staff is responsible for providing the notices for parolees released from a revocation period served in a county jail or community RTC facility. For this group, P&CSD staff must notify local law enforcement, including the DA of the county the parolee will be released to, of the release of parole violators at least 15 days prior to the scheduled revocation release date if to the county of commitment, or 45 days prior to release if to a county other than the county of commitment.

The notification shall include the name of the person who is scheduled to be released, whether or not the person is required to register with local law enforcement, and the community in which the person will reside. In the event the court, BPT, or P&CSD orders the immediate release of a parolee in local custody, the P&CSD shall notify the sheriff or chief of police (or both), and the DA having jurisdiction over the community in which the person is scheduled to be released on parole at the time of release. In no case shall notice required by PC 3058.6 and 3058.8 be made to the appropriate law enforcement agency or person requesting notice later than the day of release on parole.

81020.22.1 Notification of Release of Parolees Convicted of a Violent Felony Procedures

Regional Screening Coordinator

Reviews CDC Form 611, Release Program Study (RPS) to determine if parolee was convicted of a violent offense per PC 667.5(c). (Listing follows).

Completes and attaches PC 3058.6 Notice Memorandum to RPS package.

Parole Agent

Makes notations that case requires PC 3058.6 and 3058.8 notice on Field Book Face Sheet and Parolee Roster.

Notes PC 3058.6 Notice Requirements on Risks and Needs Assessment Form.

(At Least 15 Days Prior to Release)

Notifies sheriff or chief of police and DA of parolee's release from local custody facility and Revocation Release Date (RRD) or Projected Revocation Release Date (PRRD) by CDC Form 863, Notice of Release to Parole, if parolee is returning to county of commitment.

Notice is made 45 days prior to release if parolee is returning to county other than county of commitment.

Includes parole unit address and telephone number and "address to be determined upon release" in CDC Form 863, if parolee's specific residence is not established.

PC 667.5(c):

- Murder or Voluntary Manslaughter.
- Mayhem.
- Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- Oral copulation by force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person.
- Rape as defined in subdivision (2) of PC 261.
- Lewd acts on a child under 14 as defined in PC 288.
- Any felony punishable by death or life imprisonment in the state prison.
- Any other felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in PC 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in PC 213, 264 and 461, or any felony in which the defendant uses a firearm, of which the use has been charged and proved as provided the of which in PC 12022.5.
- Any robbery perpetrated in an inhabited dwelling house or trailer coach, as defined in the VC or in the inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of PC 12022, in the commission of that robbery.
- Arson, in violation of subdivision (a) of PC 451.
- The offense defined in subdivision (a) of PC 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

Notifies Victim

Notifies victims, next of kin, or witnesses of parolee's release from custody, if such notice has been requested, by CDC Form 863-A, Confidential Notice of Release to Parole.

- The notice shall inform those persons of the fact that the person who committed the violent offense is scheduled to be released and specify the proposed date of release.
- Notice of the community in which the person is scheduled to reside shall also be given only if it is:
  - In the county of residence of a witness, or family member of a victim who has requested notification, or
  - Within 25 miles of the actual residence of a witness, victim, or family member of a victim who has requested notification.
- If, after providing the witness, victim, or next of kin with the notice, there is any change in the release date or the community in which the person is to reside...the Parole Agent shall provide the witness, victim, or next of kin with the revised information.
- Requests received pursuant to PC 3058.8 will be processed in accordance with the provisions of case records procedures.
- Notifies the witnesses or victims of any change in release date or community of parole for preparole referrals.
- CDC Form 863-A, Notification of Release Letters sent to victims and witnesses, shall be deemed confidential.

(Immediately Upon Determining Residence)

Notifies agency of specific residence of parolee if this was not included on original Notification of Release letter.

Regional Records Staff

Posts notification requirements on CDC Form 112, Chronological History and CDC Form 144, Control Card if not posted by institution staff.

Files Notification of Release letter in the Hold, Warrants and Detainers section of the C-File.

Forwards copy of completed Notification of Release to Executive Officer, BPT, if Indeterminate Sentence Law (ISL) case.

Regional Administrator or Designee

Reviews any comments received from a law enforcement agency regarding the release of an inmate or parolee.

Forwards copy of comments to Executive Officer, BPT, if ISL case.

Modifies original decision regarding community of release per PC 3003 after consideration of comments, if appropriate.

Regional Reentry Coordinator

Notifies law enforcement agency submitting comments of decision on release plan.

81020.22.2 Response to Written Request for Victim or Witness Notification Policy

Written requests for notice of an inmate's/parole violator's death, release, or escape will be responded to in writing by the Regional Administrator, or designated staff members not less than the level of a PA-I.

Each request will be evaluated in terms of the potential risk of harm the parolee's release or escape will present to the requester, as well as the need to maintain the confidentiality of the requester's identity and of information contained in the request.

81020.22.3 Response to Written Request for Victim or Witness Notification Procedures

Regional Administrator or Designee

Acknowledges request and advises requester:

- Of actions taken by CDC;
- Of additional information, if any, required before an action can be taken.
- Of his or her responsibility, pursuant to PC 3058.8, to inform CDC of any change in the address (or telephone number) to which a notice is to be sent or a call is to be made; and
- That the request is considered confidential.
- Forwards copies of request and response to regional records.

regional Records

Makes entry on the CDC Form 112, Chronological History, in bold red ink "**REQUESTED NOTICE OF DEATH, RELEASE, OR ESCAPE FROM DEPARTMENTAL CUSTODY**" and to the CDC Form 144, Control Card.

Stamps, with letters no less than one-quarter inch high, may be used.

81020.23 Parolee Restrictions

Parolees are prohibited from owning, using, having access to or having under their control any firearm or other weapon as defined in state or federal statutes. This includes any weapons used for hunting, self-defense or display, whether or not the weapon is operable.

The following state and federal statutes continue to apply after discharge from parole:

- The Penal Code prohibits anyone who has been convicted of a felony, or is addicted to any narcotic drug from owning or possessing any firearm capable of being concealed upon the person.
- The Penal Code also prohibits those who have been convicted of using a firearm in the commission of the felony, from owning, possessing, or having under their control or custody any firearm.
- Federal law prohibits persons convicted of felonies from owning, possessing or having under their control any firearm or ammunition.

According to California law the right to possess a firearm may be restored by a Governor's pardon unless the person was ever convicted of a felony involving use of a firearm. The right to possess a firearm under federal law is not restored by a Governor's pardon but may be requested through application to the United States' Secretary of the Treasury.

Parolees should be referred to County Registrar for specific requirements.

A person convicted of a felony may be ineligible to hold certain public offices but may request a determination from the official who certifies candidates for the office in question.

The California Probate Code excludes a person convicted of "an infamous crime" from acting as an executor or administrator of an estate.

81020.24 Parolees Employment Restriction Policy

A parolee's criminal, psychiatric or drug abuse history may indicate that the parolee will pose a serious threat to the person or property of others in certain employment situations. The Parole Agent shall prohibit specific employment by a special condition of parole if a parolee:

- With a narcotics record would have access to drugs.
- With a record of embezzlement would have access to a large amount of funds.
- With a history of violent or aberrant sexual behavior would be in a situation which is likely to prompt similar behavior.

The Parole Agent will disclose the parolee's status to an employer if it is necessary for the safety or well being of the employer, the employer's property, the parolee or others.

81020.24.1 Disclosure of Parolee Status Procedures

Parole Agent

Requires the parolee to inform the employer of the conviction(s) within a set time (or notification will be done by Parole Agent) if disclosure is indicated.

Contacts employer to verify whether parolee informed the employer and makes disclosure if necessary.

Discloses no more information than is necessary to safeguard employer or others.

(Immediately)

Confers with unit supervisor and advises employer if parolee's employment poses an immediate and serious threat to the safety of employer or others.

81020.25 Parolee Contact With Prisoner Policy

A parolee or former parolee may not enter grounds of any jail, camp or prison in California without the consent of the Warden or official-in-charge (OIC).

81020.25.1 Parolee Contact With Prisoner Procedures

Parole Agent

Sends a letter to the Warden or OIC of the institution where the parolee wishes to visit with a recommendation.

Informs parolee not to visit until the Warden or OIC responds to the letter and consents to the visit.

Advises parolee of Warden's or OIC decision.

81020.26 Parolee Financial Matters

P&CSD is not a collection agency. Parole staff will not collect money for any other agency or person and will not threaten a parolee with sanctions to compel payment of a debt. If a Parole Agent is contacted by a creditor, the agent shall verify the identity of the creditor and indicate that the parolee will be advised of the obligation to pay debts. On occasion, institution staff will contact the field to verify debts or financial obligations by an inmate. Field staff may also be contacted by the institution to verify trust fund withdrawal information. It is the policy of the P&CSD to investigate all such requests as expeditiously as possible.

P&CSD staff will not handle funds of individual parolees except:

- The disbursement of release funds forwarded to unit office.
- The disbursement of cash assistance.
- Managing funds of a physically or mentally incompetent parolee pending establishment of a conservatorship. The Parole Agent shall obtain unit supervisor approval for such management and will document approval on the CDC Form 1650-D.
- The repayment of cash assistance loans by parolee.

81020.27 Parolees Acting As Informers Policy

P&CSD shall cooperate with law enforcement agencies regarding the use of parolees as informers. Information regarding a releasee's or parolee's activities as an informer shall be restricted to parole staff and law enforcement personnel on a need-to-know basis. Any documents regarding informer activity shall be classified as confidential. A reentry inmate shall not be permitted to act as an informer.

81020.27.1 Parolees Acting As Informers Procedures

Parole Agent

Advises law enforcement agency to submit request (on official letterhead stationery) signed by an agency command person with the following specific information:

- Activity parolee will be involved in.
- Duration of activity.
- Scope of the activity.
- Travel from area required by activity.
- Planned procedures to protect parolee during and after activity.

Contacts parolee and determines:

- If parolee wishes to act as an informer.
- If parolee knows potential danger involved.

Informs parolee that supervision will continue and all violations shall be reported to BPT for action.

Reviews case with unit supervisor.

Prepares specific plan of supervision, including anti-narcotic testing, to be followed while parolee is in informer status.

Places law enforcement agency letter of request, written case review and report in envelope marked "Confidential".

All documents dealing with parolee informer status shall be marked "Confidential" and processed per instructions on handling confidential documents.

Prepares written report to BPT if required.

Submits entire package to BPT for review and decision through the unit supervisor in any of the following circumstances:

- Parolee is in custody with a hold.
- Parolee has been suspended.
- Pending violation requires a report to BPT.
- Parolee has been ordered returned.
- Revocation proceeding has been scheduled.
- Parolee is serving a revocation term.

Unit Supervisor

Reviews package and forwards it with recommendation to PA.

PA

Reviews package and determines whether request is approved as submitted, disapproved or to be forwarded to BPT for approval.

Parole Agent

Releases hold and completes specified program upon unit supervisor approval or notification that BPT has approved the action.

81020.28 P&CSD Use of Informants Policy

Parole agents will not recruit, develop or utilize individuals on a preplanned, pre-arranged basis solely for the purpose of acting as informants. Under no circumstances will an agent:

- Pay or offer to pay an individual for information.
- Make any promises of immunity, dismissal of charges or reduced charges in exchange for information.
- Have operational control over any individual whose primary role is that of an informant, except in supervising a parolee who may be operating as an informant for a law enforcement agency.

81020.29 Visitation Permit Policy

Parolees who leave their county of residence for more than two days require travel permits. A travel permit will not be used to seek employment or a program in another county. Visitation permits will not exceed 30 days. Travel that exceeds 30 days will require use of case transfer policy. Parolees who routinely travel to another county for employment or other approved purposes will not require visitation permits, but must have prior approval from their Parole Agents.

81020.29.1 Visitation Permit Procedures

Parole Agent

Reviews travel request to determine:

- Need for visit.
- Details of the visit (name, address, date, time of return).
- How visit may affect employment.
- Need for reporting to other unit office (Depending on time, location, testing requirements, gang membership.).

Reviews case file to determine parole plan requirements (Therapist contact required if POC is a special condition of parole.).

Documents permission for parolee to travel routinely to another county on the CDC Form 1650-D.

Completes CDC Form 1526, Visitation Permit.

Includes reporting instructions on visitation permit.

Tells parolee to report upon return and what to do if emergency delays return.

Distributes copies of CDC Form 1526:

- Original and copy to receiving unit.
- Copy to parolee.
- Copy to unit file.

Verifies parolee's return by face-to-face contact.

Prepares letter addressed to parolee (if approving ongoing interstate travel for employment purposes) documenting time limits, any reporting instructions, and names of states to which parolee is authorized to travel.

Unit Supervisor

Reviews and approves or disapproves visitation permit request.

81020.30 Merchant Marine Travel Policy

A parolee employed by the Merchant Marine will advise parole staff of his position, union, union number, name of ship and name of shipping company. The case of a parolee employed by the Merchant Marine will be kept in the San Francisco, Long Beach, or San Diego unit offices with the following exceptions:

- If the parolee is at sea and port of embarkation is outside of California the case will be processed for transfer according to Interstate procedures.
- If parolee resides with a person or family within 50 miles of the port of embarkation, case will be assigned to unit covering area of residence providing that case meets county of commitment exception criteria.

81020.30.1 Merchant Marine Travel Procedures

Parole Agent

Instructs parolee to submit monthly reports while at sea, giving estimated date of return to California.

Instructs parolee to report to Parole Agent within seven days of return to California.

81020.31 Case Transfer Policy

Transfer of parolees between units usually will be permitted only if the parolee is transferring to the county of commitment unless the parolee's case meets county of commitment exception criteria as documented on CDC Form 1681, Request For Exception To Placement Or Parole To County Of Commitment. County of commitment is the county where the crime for which the parolee was committed occurred except for crimes committed in prison. Commitments to prison for an in-custody (prison) felony shall not be used as the basis for determining the county of commitment. If the parolee has been discharged from all previous terms, consideration may be given to placement in another, more appropriate county in accordance with exception criteria. The parolee shall not be allowed to proceed to the new program until the transfer investigation request is approved. Prior telephonic approval may be requested from the unit supervisor in urgent situations per DOM 81020.32, Emergency Transfer Investigation Policy. If a request to transfer is rejected, it is the parolee's responsibility to file an appeal.

Appeals of inter-regional transfer decisions will be processed by the region denying the transfer. The Informal Appeal Level will be reviewed by the Unit Supervisor denying transfer; First Appeal Level will be reviewed by the Field Administrator of the denying unit; Second Appeal Level will be reviewed by the

Regional Administrator; Third Appeal Level will be reviewed by Headquarters Inmate Appeals Branch. Copies of all decisions will be sent to the respective level of the sending unit.

The reasons for granting parole or transfer of a parolee to a county other than county of commitment shall be documented and the exception to policy approved by the unit supervisor and PA prior to granting such exception. County of commitment means the county where the crime for which the inmate was committed occurred. A copy of the Request for Exception to Placement or Parole Transfer to County of Commitment shall be completed by the Parole Agent and, if approved by the unit supervisor, included with the completed CDC Form 611, RPS or the CDC Form 1551, Transfer Investigation Request. Receiving unit supervisor and PA approval is required prior to actual transfer.

Transfers of parolees between units to an approved program within a P&CSD region and within the county of commitment shall be by direct transfer only if the parolee's last urinalysis test was negative and there are no known parole violations pending.

81020.31.1 Case Transfer Between Counties or Regions Procedures

Parole Agent (Transferring Unit)

Reviews request by a parolee to transfer for compliance with county of commitment policy.

Denies any transfer request which does not meet county of commitment criteria or prepares a CDC Form 1551, citing the specific exception to county of commitment policy under which a transfer is authorized in Reason for Request Section and attaches following documents:

- Completed CDC Form 1681, Request for Exception to Placement or Transfer to County of Commitment.
- POR.
- Cumulative Case Summary.
- Photo.

Submits transfer package to the unit supervisor.

Unit Supervisor (Transferring Unit)

Reviews the Transfer Investigation Request for complete information and validity of any exception to county of commitment policy.

Rejects transfer investigation if it is determined the exception is not valid.

Signs Transfer Investigation Request and sends it to the receiving unit.

Parole Agent (Receiving Unit)

Investigates proposed program to determine if residence and employment programs are acceptable and whether any proposed exceptions to transfer policy are valid.

Notes results of the investigation on CDC Form 1551.

Recommends rejection of transfer if not acceptable, or accepts the case for transfer.

(Within 10 Days of Receipt of CDC Form 1551)

Submits completed transfer investigation to unit supervisor for review and signature.

Unit Supervisor (Receiving Unit) (Within 15 Days of Receipt)

Reviews completed transfer investigation and signs and returns it to the sending unit.

Completes CDC Form 1681, if case meets exception criteria.

PA

Reviews Transfer Investigation Request to assure that the case meets the exception to the county of commitment policy criteria.

Signs CDC Form 1681 if case meets criteria.

Parole Agent (Receiving Unit) Upon Approval of Transfer)

Notifies Sheriff or Chief of Police of approved transfer by CDC Form 863 if the case is designated P.C. 667.5(c).

Parole Agent (Sending Unit) (Within 5 Days of Receipt)

Reviews Transfer Investigation Request.

Prepares case for transfer and if accepted:

- Updates recording by CDC Form 1502.
- Completes and forwards CDC Form 1506 to regional records.
- Informs parolee of the outcome of Transfer Investigation Request.
- Forwards case file to receiving unit.

81020.31.2 Transfer Within County of Commitment Procedures

Parole Agent (Sending Unit)

Evaluates appropriateness of new program.

Provides parolee with reporting instructions to receiving unit.

Instructs parolee to register, if required by law.

Notifies law enforcement, if required per PC 3058.6.

Updates recording.

Completes case review on CDC Form 1502, Parole Activity Report, and documents transfer information.

Unit Supervisor (Sending Unit)

Reviews file and signs Parole Activity Report.

Approves CDC Form 1506, Notice Of Transfer form, and forwards original to region records.

Forwards case file to receiving unit.

Unit Supervisor (Sending Unit)

Assigns case to Parole Agent.

Parole Agent (Receiving Unit) Within 10 Working Days of Receipt of Field File

Verifies residence.

Verifies compliance with registration requirements.

Completes investigation and documents results on CDC Form 1650-C, Parole Record of Supervision.

Documents reasons for rejection on Parole Activity Report, if transfer is to be rejected for cause.

81020.32 Emergency Transfer Investigation Policy

In an emergency situation, when a parolee presents proof of a need to move to county other than the county of commitment and the situation appears to meet transfer policy, authorization to move pending completion of investigation may be granted.

81020.32.1 Emergency Transfer Investigation Procedures

Parole Agent (Sending Unit)

Verifies parolee's statement of emergency need.

Prepares an Activity Report outlining the emergency and results of the investigation.

Presents case materials to the unit supervisor.

Unit Supervisor (Sending Unit)

Reviews Activity Report and case file to determine if an emergency transfer need exists.

Telephones receiving unit supervisor and verbally outlines proposed program, emergency situation, and means of verification.

Requests parolee be allowed to reside in receiving unit's area pending transfer investigation.

(Receiving Unit)

Decides if parolee is allowed to reside in receiving unit's area pending transfer investigation report.

81020.33 Parolee Violation of Transfer Policy

When a Parole Agent becomes aware that an assigned parolee is in a county in violation of transfer policy, the parolee may be placed in custody. The parolee may be either retained in custody or ordered released and instructed to return to the unit immediately with approval of the supervisor of the unit of record.

A decision not to place a parolee violating transfer policy in custody will be predicated on the apparent meeting of transfer policy criteria. The fact that the parolee was not placed in custody will not imply acceptance of the transfer. Parolee may be ordered to return to the unit of record or may be permitted to stay pending full investigation into parolee's activities while in that area.

81020.34 Transfer of Parolees In Custody

The fact that a parolee is held in custody outside the area serviced by the unit of record does not constitute a change of residence. However, a parolee in custody serving either a local sentence or a combination of local sentence and revocation time may be transferred providing the parolee will be released to a program in another unit's area. Parolees shall not be transferred under the following circumstances:

- Pending revocation.
- Pending criminal charges.
- Failure to meet requirement for transfer outside county of commitment.

81020.35 Parolee-At-Large Policy

A parolee is an absconder PAL when it is determined that the parolee's whereabouts are unknown. A CDC Form 1524, Violation Report Form recommending suspension of parole shall be submitted immediately when:

- A parolee is suspected of being involved, or is involved, in serious criminal behavior.
- A parolee, regardless of Risk Score, is known to have left the jurisdiction without an apparent intent to return.
- A High Risk parolee (Risk Assessment Score of 7.5 or above) is unavailable for supervision or if the parolee's whereabouts are unknown for a maximum of ten days.
- A Control/Services or Minimum Supervision parolee (Risk Assessment Score of 0.00 to 7.4) is unavailable for supervision or the parolee's whereabouts are unknown for a maximum of 30 days.

Suspended PAL cases shall be retained on a Parole Agent roster as inactive cases. P&CSD staff shall continue to make efforts to locate and place PAL cases into custody.

81020.35.1 Parolee-At-Large Procedures

Parole Agent

Prepares an Activity Report giving details.

Unit Supervisor

Reviews the Activity Report and case file.

Conducts a case review with the Parole Agent regarding proposed efforts to locate the parolee.

Documents instructions to agent on efforts to locate parolee.

Parole Agent (As Appropriate)

Visits parolee's residence to verify the parolee's absence.

Sends letters to the parolee's last address and to addresses listed for collateral contacts.

Contacts local law enforcement agencies regarding parolee's whereabouts.

Contacts the following organizations to secure any possible new addresses:

- Public utilities.
- Postal authorities.
- DMV.

Obtains the parolee's mailing and visiting cards for possible leads.

Contacts local jails and hospitals.

Refers case to High Control Agent and law enforcement liaison agents for intensive surveillance.

81020.35.2 Suspended PAL Case Procedures

Parole Agent

Maintains the CDC Form 1503, Face Sheet and current record of supervision in a separate section of field book.

(First 90 Days Following PAL)

Places "WANT status" in local law enforcement systems where appropriate.

Distributes Wanted Person notices with description and picture to appropriate law enforcement agencies.

Requests periodic CI&I and FBI SSCH reports.

Contacts known collateral resources.

Surveys locations where the missing parolee may be living.

Conducts periodic checks with other law enforcement agencies with emphasis on intelligence units, narcotic agents, and other specialized details.

Checks appropriate law enforcement agency field interrogation files.

Unit Supervisor (End of 90 Day Period)

Checks the CDC Form 1650-D to determine if required activities were completed.

(End of 360 Day Period)

Determines future activities to be conducted by the agent.

Reviews activities carried out in an effort to locate PAL.

81020.36 Enemy or Gang Information Policy

Enemy or gang information is highly sensitive and shall be transmitted as rapidly as possible to those who have a need-to-know. The CDC Form 812, Notice of Critical Case Information Form shall be used to document gang membership, associations, enemies, assault on others or victim of assaults. This information is confidential and will be handled in accordance with procedures for handling confidential information.

81020.36.1 Enemy or Gang Definitions

Member

A person whose gang affiliation is indicated by personal admission, a conviction involving gang activity, investigative reports or information from an informer.

Associate

A person who cannot be positively identified as a gang member but whose association with a gang is indicated by staff observation, information from informers or other sources.

Enemy or Victim

A person who is an enemy or a victim of a gang as indicated by personal admission, CDC records, other agencies' reports or information from informants.

81020.36.2 Collecting and Transmitting Enemy and Gang Information Procedures

Institution Staff

Informs Regional Reentry Coordinator of parolee involved in gang activities or one who has enemies.

Regional ReEntry Coordinator

Informs unit supervisor where the case will be assigned, the reentry agent (if appropriate) and LEIU staff of a parolee's enemies, enemy status or gang affiliation.

Places confidential information in confidential folder in case file.

Parole Agent

Presents case to unit supervisor for case review to determine appropriate supervision methods and any special conditions that should be recommended. Considers the following factors:

- Information supplied by institution staff, LEIU staff, other law enforcement agency staff or other credible sources.
- Danger and safety factors associated with parole supervision.

- Special conditions prohibiting association with known gang members by specific name.
- Type of supervision required (collateral in-office only, in the field and where, always with another agent, etc.).

Notifies local jail staff of gang status and notifies LEIU staff if parolee is placed in custody.

Documents above contacts in CDC Form 1650-D.

Coordinates transfer of enemy/gang information to institution C&PR or receiving unit supervisor if parolee is returned to prison or transferred to another unit.

(Immediately)

Requests emergency action suspending parole (by unit supervisor) if parolee absconds.

Notifies appropriate law enforcement agencies and LEIU staff if parolee absconds.

Notifies above staff if parolee is located or placed in custody.

Notifies receiving institution C&PR if parolee is ordered returned to a CDC institution.

Notifies appropriate law enforcement agency and LEIU staff if parolee is discharged.

81020.37 Gang Member Supervision Policy

A thorough investigation, including contact with local law enforcement agencies, LEIU staff, and interviews with a gang member's relatives, associates and friends shall be conducted as part of the RPS. Case reviews and the parole plan shall focus on safety related factors such as:

- Extent that parolee is still involved in gang-related activities.
- Parolee's need for supervision and types of case contacts that assure agent safety.
- Ongoing contact with allied law enforcement agencies and LEIU staff shall be maintained for the duration of a gang member's supervision. Any arrest of a gang member shall include law enforcement backup.

81020.37.1 Gang Member Supervision Procedures

Parole Agent (Monthly)

Contacts LEIU and other appropriate law enforcement agency staff.

Consults with unit supervisor prior to granting a travel permit or verbal permission to travel.

Contacts LEIU staff and unit supervisor in other area prior to granting travel permit or verbal permission to travel.

(Immediately)

Requests emergency action suspending parole (by unit supervisor) if parolee absconds.

Notifies appropriate law enforcement agency and LEIU staff if parolee absconds.

Notifies above staff if parolee is located or placed in custody.

Notifies receiving institution C&PR if parolee is ordered returned to a CDC institution.

Notifies appropriate law enforcement agency and LEIU staff if parolee is discharged.

81020.38 Supervision of Mentally Disordered Parolee Policy

PC 2962 requires that specific convicted felons who are severely mentally disordered be provided psychiatric treatment by the State DMH as a condition of parole. There are also provisions for continuing mental health treatment as a new civil commitment after discharge from parole. Male parolees in this category are initially placed in Atascadero State Hospital (ASH), and female parolees are initially placed in Metropolitan State Hospital (MSH).

Parolees being treated pursuant to PC 2962 by DMH shall not be required to participate in POC unless a court or the BPT subsequently finds that the parolee does not meet the criteria set forth in PC 2962. If a parolee being treated as an outpatient under PC 2962 can no longer be safely or effectively treated in the community, the parolee may be placed in a secure mental health facility by the PC 2962 provider. Following such placement, DMH is required to hold a due process (re-hospitalization) hearing. If a parolee supervised in the community under PC 2962 commits a serious parole violation, after mandatory consultation with the PC 2962 DMH treatment provider, the Parole Agent will initiate revocation proceedings for parole violation, in which case the BPT will conduct the due process hearing.

81020.38.1 Mentally Disordered Offender (MDO) Definitions

MDO is a prisoner who meets the criteria for mental health treatment as a condition of parole pursuant to PC 2962.

Certification Hearing. A hearing conducted by the BPT for the purpose of determining whether or not a prisoner meets the criteria to be treated as a mentally disordered offender pursuant to PC 2962.

Placement Hearing. A hearing conducted by the BPT to determine whether a prisoner shall be treated as an inpatient or an outpatient.

Inpatient Treatment. Mental health treatment provided in a secure facility of DMH.

Outpatient Treatment. Mental health treatment provided by a local outpatient program specified by DMH. These programs are called Conditional Release Programs (CONREP).

Annual Review Hearing. A hearing conducted by the BPT to determine whether:

- The parolee's mental condition is in remission or can be kept in remission without treatment.
- The parolee shall be treated as an outpatient, if he or she is still being treated as an inpatient.

Parole Date. The date the inmate is placed on parole status. It is not the date the MDO parolee is released from DMH to a community placement.

81020.38.2 Responsibilities for MDO Parolees In DMH Hospital Facilities

Coordinating prerelease planning between DMH staff and P&CSD staff, including the early determination of the probable county of parole.

Dealing with serious law violations by parolees in a DMH inpatient facility as reported by DMH staff.

Coordinating the release of parolees from a DMH facility to parole supervision or joint parole supervision and Conditional Release Program (CONREP) treatment.

Preparing annual parole discharge reviews.

The hearing agent is responsible for:

- Preparing for and scheduling Certification, Placement and Annual Review Hearings before the BPT.
- Assuring that copies of all hearing packets including DMH and CONREP Reports and independent evaluations on PC 2962 cases are forwarded for inclusion in the C-File.

81020.38.3 CONREP Staff Responsibilities for MDO Parolees

The CONREP staff is responsible for:

- Ongoing supervision of the parolee in accordance with DMH CONREP requirements.
- Ongoing coordination with the assigned P&CSD agent of record, including reporting any special incidents involving a mentally disordered parolee, providing copies of positive urinalysis reports, and advising the Parole Agent of the parolee's participation and progress in the CONREP.
- Meeting periodically with the assigned P&CSD agent of record and unit supervisor to participate in case reviews and supervision category reassignments.
- Providing clinical reports required for the Annual Review Hearings and for providing testimony at hearings.
- Initiating rehospitalization of MDO if required.

81020.38.4 Parole Agent Supervision Responsibilities for Outpatient MDO Parolees

The assigned agent of record is responsible for:

- Ongoing supervision of the parolee in accordance with DOM requirements for felon parolees including revocation procedures, routine discharge reviews and all other routine supervision requirements.
- Ongoing coordination with the assigned DMH CONREP staff, including coordination of community mental health program placements, rehospitalization of MDO parolees, and consultation with the CONREP staff prior to instituting revocation actions.
- Meeting periodically with the CONREP staff and the unit supervisor to conduct case reviews and supervision category reassignment.

81020.38.5 Supervision Requirements for Parolees Released From State Hospitals Under PC 2962

The PC requires that an MDO parolee initially be treated by DMH as an inpatient. By policy, DMH is treating males at ASH and females at MSH. A parolee who has been treated as an MDO at a state hospital may arrive in the community to be supervised by P&CSD under any one of the following circumstances. It is imperative that the C-File reflect the exact circumstances and that the Agent of Record be made aware of the parolee's legal status to determine supervision requirements. The four circumstances are:

- The BPT finds at a Certification Hearing or at an Annual Review Hearing that the parolee does not meet the criteria set forth in PC 2962, removes PC 2962 Special Condition, and orders the parolee immediately released from the hospital to parole.
    - The parolee shall be immediately referred to POC for evaluation and POC treatment recommendation. These cases shall be initially assigned to High Control or High Service Supervision and supervised in accordance with DOM requirements for felon parolees. DMH will not be involved in the supervision of these cases.
- A Superior Court, rather than the BPT, at its required jury trials makes the same decision and orders the parolee immediately released from the hospital to parole.

The same supervision requirements indicated in above paragraph apply (A report to the BPT, recommending removal of the special condition of parole to participate in treatment under PC 2962, is required.).

- The BPT finds at a Placement Hearing or at an Annual Review Hearing that the parolee can be safely and effectively treated on a outpatient basis and grants the parolee's request to be treated by DMH as an outpatient.
    - These parolees shall be supervised in accordance with the below MDO procedures.
- DMH places the parolee in an outpatient program pursuant to PC 2964(a).
    - These parolees shall be supervised in accordance with the below MDO procedures.
- DMH discontinues treating the parolee pursuant to PC 2968.
    - The same supervision requirements as indicated above apply.
    - A report to the BPT, recommending removal of the special condition of parole to participate in treatment under PC 2962, is required.

81020.38.6 Supervision of Mentally Disordered Parolee Procedures

Unit Supervisor and Parole Agent (Receiving Unit)

Expedite acceptance of case if placement in receiving unit area is dictated by circumstances per PC 3003(b)(6.).

Parole Agent (Receiving Unit)

Assures that local law enforcement are advised of placement, particularly out-of-county placement, prior to release on parole in accordance with PC requirements.

Parole Agent (Sending Unit)

Completes and distributes CDC Form 1685, Notice Re: MDO Parolee Status Change if parolee's status changes.

Notifies local law enforcement per PC 3058.6 when county of placement will be changed from county of commitment due to DMH programming availability.

Provides complete copy of the Certification Hearing package to the receiving parole unit.

Transfers the C-File to the appropriate Regional Records Office, and the field file to the receiving unit.

Parole Agent (Receiving Unit)

Supervises MDO parolee in (Receiving Unit) accordance with DOM requirements.

Consults with the CONREP staff regarding any revocation action or other significant case change.

If a parole Violation Report is necessary the Parole Agent will consult with CONREP staff, obtain their report, and append it to the Violation Report.

- Any report to the BPT shall be flagged with bold lettering "MDO parolee" on the top right corner.

Coordinates case activities with CONREP staff.

Unit Supervisor and Parole Agent

Meet periodically with the CONREP staff to conduct case reviews and supervision reassignments.

82020.38.7 MDO Annual Discharge Review Report Policy

Annual discharge reviews shall be conducted for both inpatient and outpatient status parolees certified for mental health treatment pursuant to PC 2962. The CDC Form 1632, Discharge Review Report, shall include recommendations to "retain on parole" and "reaffirm the Special Condition of Parole to participate in treatment by DMH pursuant to PC 2962.

The CDC Form 1632 will be forwarded to the BPT Headquarters Calendar separately from other actions and specifically identified on the log as "MDO Retain." The telex system is to be used only for emergency cases that require immediate attention.

81020.38.8 MDO Outpatient Annual Review Hearing Policy

The MDO parolee shall be served with notice of results of the parolee's Annual Discharge Review by a copy of the BPT Form 1130 Decision Form and a copy of the CDC Form 1632.

The MDO parolee shall also be served by a hearing agent with BPT 1460(a), Notice of Right to Annual Review Hearing - Acknowledgment and BPT Form 1460, Notice of Right to Annual Hearing within 15 days of BPT decision to retain on parole. The Hearing Agent is responsible for coordinating the preparations for an Annual Review Hearing. The hearing shall be held in a parole unit office or other appropriate, non-jail facility.

81020.38.9 MDO Outpatient Annual Review Hearing Procedures

Regional Records Staff (60 days prior to Discharge Date)

Distributes list of parolees due for Annual Discharge Review.

Parole Agent (Beginning at 11th Month of Parole)

Follows usual discharge procedures but includes recommendations in CDC Form 1632.

- "Retain on Parole" or,
- "Reaffirm Special Condition of Parole to participate in treatment by DMH pursuant to PC 2962."

Regional Records Staff

Forwards Discharge Review Report to BPT Headquarters Calendar separate from other actions, specifically identifying case on log as "MDO Retain".

(When BPT Calendar Sheet is Received)

Provides copy of CDC Form 1632, Discharge Review Report and BPT Form 1130, Headquarters Calendar Sheet with BPT action to Regional Hearing Coordinator.

Regional Hearing Coordinator (Upon Receipt of BPT Action)

Assigns case to Hearing Agent for coordination of BPT Annual Review Hearing for MDO parolee.

Hearing Agent

Serves parolee with BPT Form 1460, Notice of Right to Annual Review Hearing and completes BPT Form 1460(a).

Initiates scheduling of hearing by BPT by submission of BPT Form 1430 - Mentally Disordered Offender Scheduling Request.

Notifies CONREP staff and Agent of Record of scheduled hearing, if MDO parolee requests hearing.

- CONREP staff will testify and provide status report.

Coordinates access to the parolee records by the independent evaluators and the parolee's attorney.

Coordinates and staffs hearings.

Forwards copy of hearing file DMH CONREP report(s) and independent evaluation to C-File.

Mails decision, hearing packet, and tape to BPT.

81020.39 Revision

The Deputy Director, P&CSD, is responsible for maintaining the accuracy and currency of this section.

81020.40 References

PC §§ 290, 457.1, 667.5(c), 1105, 1105.3, 3000, 3003, 3053.5, 3058.5, 3058.6, 3059, 4571, 11150, 11775, 11776, 11777, 12020, 12021, and 13826.5.

VC § 4500.

H&SC § 11590.

CCR (15) (2) §§ 2512, 2513, and 2513(c)

CCR (15) (3) §§ 3001 and 3173(n).

ARTICLE 3 — ARREST AND PAROLE HOLD

Revised March 8, 1990

81030.1 Policy

A parolee shall be arrested and a PC 3056 parole hold placed when there is reasonable cause to believe a parolee has violated the conditions of parole and:

- Is a danger to self; or,
- Is a danger to person or property of another; or,
- May abscond.

A parolee will not be arrested either as punishment or as a means of instilling fear.

No Parole Agent will use physical force on another person unless it is in the defense of another person or in the defense of the Parole Agent. Physical restraint may only be used on an inmate or parolee to make an arrest, prevent an escape or prevent injury to persons or damage to property. Only the minimum amount of force required to accomplish these lawful objectives will be used.

A Parole Agent is not expected to attempt an arrest that cannot be successfully and safely executed.

The Parole Agent shall make a recommendation to the unit supervisor within one working day of placement of hold or learning that a hold has been placed to retain or release the parole hold.

A parole hold shall be maintained only when it is determined that the parolee's release from custody will pose a serious risk to the safety of other persons, the safety of the parolee, the security of property or when it is likely the parolee will abscond.

81030.2 Arrest Definitions

Peace Officer Status. Any Parole Agent employed by CDC is a peace officer pursuant to the provisions of PC 830.5.

Authority. A Parole Agent's authority to arrest extends to any place in the state as to any person committed to CDC or being supervised under the Interstate Parole Compact. A Parole Agent's peace officer status extends to enforcement of the conditions of parole, apprehension of an escapee from a CDC institution, the transportation of inmates or parolees, and to any violation of law which is discovered in the course of employment. A Parole Agent shall not preempt another law enforcement agency in enforcing the law.

Arrest of Non-Parolee. A Parole Agent may arrest a non-parolee observed committing a crime during the performance of a parole-related activity indicated in the section above. The Parole Agent shall consider alternatives and other resources, and be convinced that the immediate arrest of a non-parolee is in the public interest. The Parole Agent must also determine that the arrest can be made with a minimum of danger to others and the Parole Agent before making the arrest.

81030.3 Rights Of Arrestee

The Parole Agent shall inform the person being arrested of:

- Intention to arrest.
- Reason for arrest.

81030.4 Miranda Rights

A parolee has no right to silence during questioning by Parole Agent specifically regarding parole violations. The Parole Agent will not advise parolee of Miranda Rights in this situation as it may lead to a perceived right to silence which could be detrimental in securing all necessary information. However, if law violations are present and criminal prosecution is probable, Miranda Rights must be administered.

Parole Agent

Reads legal rights statement per Miranda v Arizona where criminal prosecution is likely or pending as follows:

- "You have the right to remain silent."
- "Anything you say can and will be used against you in a court of law."
- "You have the right to talk with a lawyer and have your lawyer present with you while you are being questioned."
- "If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning,if you wish one".
- "Do you understand each of these rights I have explained to you?"
- "Having these rights in mind, do you wish to talk to me now?"

81030.5 Planned Arrest Policy

Arrests are situations of high potential danger that require thoughtful planning. Every arrest, when possible, will be reviewed with the unit supervisor prior to the arrest. Arrests will not be made at all cost.

81030.5.1 Planned Arrest Procedures

Parole Agent (Prior to Arrest)

Reviews planned arrest with unit supervisor.

Presents facts about circumstances surrounding violation.

Recommends whether suspected violator requires custody.

Presents criminal history with emphasis on potential for weapons and violence.

Advises supervisor of location of arrest and potential interference by others.

Unit Supervisor

Determines which Parole Agents or other law enforcement agency personnel will assist in the arrest.

Arranges for call back upon completion of arrest to unit supervisor or, if after hours, to the Officer-of-the-Day (AOD).

Parole Agent

Briefs participating Parole Agents and other law enforcement agency personnel regarding the following:

- Names and descriptions of persons to be arrested, including photographs.
- Reason for arrest and current parole status.
- Arrest history, potential for violence and weapons.
- Information about others living in home or associates who may be present and pose a danger.

Describes or draws picture of arrest location showing escape routes and deploys assisting personnel.

Determines any special equipment needed.

Determines tactics to be used (as person in charge).

Plans route to and from arrest location.

81030.6 Unplanned Arrest Policy

The Parole Agent may unexpectedly find a parolee engaged in behavior that calls for arrest. The decision to arrest must be made quickly and without the opportunity to confer with the unit supervisor. Such an arrest is usually made without assistance and thus potential for injury may be increased.

81030.6.1 Unplanned Arrest Procedures

Parole Agent (Immediately)

Evaluates the following:

- Seriousness of violation.
- Necessity to make arrest at that time.
- Ability to make arrest successfully.
- Any alternatives to arrest.
- Danger parolee presents to self or others.
- Parolee's attitude.
- Location and presence of other persons.
- Ability to leave and return with appropriate assistance.

Takes appropriate action.

81030.7 Forced Entry Policy

Force will not be used routinely to enter buildings to arrest a parolee. Forced entry will be used when it is the only reasonable alternative to affect an arrest.

81030.7.1 Forced Entry Procedures

Parole Agent

Evaluates situation and determines if:

- Forced entry will enhance safety of agent, law enforcement, parolee, or other persons who might be present.
- Failure to act will result in harm to parolee or evidence being destroyed.

Knocks, announces and identifies self and demands entry before forcing entry except when:

- Danger to agent or others will be increased.
- Probability of evidence being destroyed is increased.
- Someone inside is in distress or in need of immediate assistance.
- Probability that person inside will flee.

May make forced entry if no one responds to knock and announcement.

Obtains sufficient personnel to accomplish forced entry with maximum safety.

Makes every effort to secure building where forced entry was made.

Notifies landlord or absent occupant that forced entry was made and damage occurred. Advises cost of repairs can be recovered from BOC.

(Next Working Day)

Confers with unit supervisor regarding the forced entry that was conducted without prior supervisory discussion.

Unit Supervisor

Provides property owner with appropriate BOC forms.

81030.8 Restraint Equipment Policy

A set of handcuffs, jacket and soft body armor will be issued to all agents. Each agent shall have handcuffs operational and available for use at all times. Two sets of waist chains and leg irons will be maintained in each office.

81030.8.1 Restraint Equipment Procedures

Parole Agent

Checks out restraint equipment as needed.

Handcuffs person behind the back whenever there is an arrest.

Removes handcuffs only when arrestee is safely in a detention facility.

Handcuffs arrestee to a stationary object as a temporary emergency measure only.

Searches person being arrested for weapons or contraband.

81030.9 Medical Transfer to Prison Policy

When a parolee presents a serious custodial risk and requires medical treatment necessitating hospitalization (which cannot be provided locally because of lack of adequate detention facilities), the parolee maybe returned to prison upon written order of the judge of the Superior Court as provided in PC 4007.

81030.10 Emergency Transfer to Prison Policy

If officials of a local jail cannot or will not retain a parolee in custody pending a hearing and a Violation Report is being submitted to the BPT, the parolee may be returned to a CDC institution without a hearing.

81030.10.1 Emergency Transfer to Prison Procedures

Parole Agent as Soon as Possible)

Reviews case with Unit Supervisor.

Arranges for parolee's transfer to a CDC institution.

Ensures that identifying photograph and Parole Violator Return (CDC Form 1018) accompany parolee to institution.

Completes and forwards a written Violation Report, noting parolee's location.

- Hearing will be held in the institution as soon as possible.

81030.11 Removal of Parole Hold Policy

The parole hold shall be removed immediately when final decision on a parole violation does not require further time in custody, or when the unit supervisor concurs with the Parole Agent's recommendation to continue on parole. Whoever makes final decision on violation may approve maintaining the hold until the end of the next working day if arrangements must be made for an adequate release program.

In no case shall a parole hold be maintained past the parole expiration date or the revocation release date, or in any case longer than 12 months.

81030.12 Retaining Parole Hold Policy

When decision is made at a revocation hearing, the hold may be maintained for one working day following the decision only if the hearing panel approved the retention of the hold. If the hearing panel refuses to approve continuing the hold, the unit supervisor may contact the Chief Hearing Representative, BPT, to appeal the panel's decision.

81030.13 LEIU Interest in Custody Case Procedures

Parole Agent

Contacts appropriate LEIU agent before removing hold.

Unit Supervisor and LEIU Supervisor

Resolve any difference of opinion regarding continuation of hold.

Parole Agent (Day Hold is Dropped)

Notifies appropriate LEIU agent of revocation term if hold must be removed.

81030.14 Transportation Policy

An arrested person shall never be secured to any part of a moving vehicle with any type of locking restraint.

81030.14.1 Transportation Procedures

Parole Agent

Assures vehicle is fueled, in safe operating condition and free of contraband.

Assures handcuffs are double locked and properly applied on arrestee.

Uses waist chains when transporting long distances or from one custody setting to another.

May use leg irons if arrestee is an escape risk or potentially violent.

Secures arrestee with seat belt.

81030.15 Cooperation With Other Law Enforcement Policy

Cooperation with other law enforcement agencies in the arrest or investigation of parolees suspected of new crimes or parole violations is expected of all employees of the P&CSD .

81030.15.1 P&CSD Initiated Arrest Procedures

Parole Agent

Reviews proposed arrest with unit supervisor.

Participates in arrest and investigation of parolees suspected of committing new crimes or parole violations.

Shares information with law enforcement.

Requests assistance of other law enforcement agency in situations where violence or weapons are anticipated (Assistance also may be requested in any other situation.).

Assumes tactical command of P&CSD initiated arrest.

Shifts tactical command to other if agent believes it is safest way to handle situation.

Releases other law enforcement agency to regular duties as soon as possible.

81030.15.2 Other Law Enforcement AgencyInitiated Arrest Procedures

Parole Agent

Evaluates information provided by other law enforcement agency personnel and makes an independent judgment whether a parole violation or criminal act has occurred.

Briefs unit supervisor.

Unit Supervisor

Determines whether safety of other law enforcement agency personnel or community will be enhanced by agent's involvement.

Determines whether Parole Agent's presence is required by such factors as:

- Ability to identify parolee or other suspects.
- Ability to provide information about parolees or others and about arrest location.
- Ability of Parole Agent, through contacts with parolee, to alleviate a situation.

Parole Agent

Acts under tactical command of other law enforcement agency when assistance is provided.

81030.16 Delegation of Search and Arrest Authority to Other Law Enforcement Policy

A Parole Agent, who, based on reasonable belief concludes that a parole violation has occurred, can delegate P&CSD's authority to search and arrest a parolee. The agent is not required to be personally present during the other law enforcement agency’s arrest or investigation of a parolee.

81030.16.1 Delegation of Search and Arrest Authority Procedures

Parole Agent

Evaluates information concerning alleged violations provided by other law enforcement agencies and makes independent judgment whether a parole violation or criminal act has occurred.

Delegates parole authority to other law enforcement agency to arrest or search a parolee if reasonable belief exists.

81030.17 Arrest Authorization Assistance Policy

The Parole Agent, in emergency situations, may orally summon as many persons as necessary to aid in making an arrest. The authority to summon aid is authorized by the Penal Code.

81030.18 Motor Vehicle (DMV) Inquiry Policy

Between 8:00 a.m. and 4:30 p.m., Monday through Friday, emergency computer inquiries will be made through regional records. After 4:30 p.m., and on weekends or holidays, computer inquiries will be made through the ID/Warrants Unit, in Headquarters (phone (916) 445-6713 or ATSS 485-6713). An emergency is defined as an immediate threat to the safety of persons or property.

The information available from DMV through CLETS is:

- Vehicle registration by license plate.
- Vehicle registration by name of owner.
- Driver's license by number.
- Driver's license by name.
- Stolen vehicle information.
- Vehicle identification number.
- Parts numbers.
- Automated firearms information.

This list is not inclusive. Region or ID/Warrants Unit staff secures most of the items provided by DMV.

81030.18.1 Motor Vehicle Emergency Inquiry Procedures

Parole Agent (During Normal Work Hours)

Telephones emergency inquiry to regional records.

(Outside Normal Work Hours)

Telephones inquiry to ID/Warrants Unit, Headquarters, and provides the following information:

- Name and badge number.
- Unit and last four digits of home telephone number.
- Kind of vehicle whose plates are being run (i.e., van, truck, motorcycle, automobile, etc.).
- Type of plates (standard plates, environmental plates or other special plates).

Advises person taking call that agent will remain on the phone while plates are being run (Failure to do this results in a much longer response time).

Radios request for vehicle information to local enforcement agency if permitted by agreement.

81030.19 Search Policy

A parolee's person, residence and property may be searched without a warrant by an agent of CDC to determine whether a parolee is complying with the conditions of parole; or a reasonable belief that the parolee has violated the conditions of parole and that the search may produce evidence to support the alleged violation. Any evidence of illegal activity or contraband will be seized. Whenever possible the decision to search a parolee's residence will be made after conferring with the unit supervisor. A search will normally be conducted by two or more agents.

Good judgment and respect for personal property will be shown at all times. Only those areas occupied solely by the parolee and those areas of common habitation may be searched. An effort to determine property ownership shall be made so that property belonging to others is not removed.

81030.19.1 Search Procedures

Parole Agent #1

Conducts search.

Parole Agent #2

Collects contraband as discovered.

Marks each piece of evidence as follows:

- Date item was seized.
- Name or initials of person who seized item.
- A description of item, including serial number or weight and quantity of suspected illegal drugs.
- Completes three copies of Inventory Receipt Form .
- Provides copy of Inventory Receipt to parolee, to a responsible adult, or leaves copy at scene before departing with any seized items.
    - Maintains original copy for file and one copy to unit supervisor.

Maintains physical custody of evidence until turned over to another law enforcement agency or unit supervisor for secure storage.

81030.20 Handling Evidence Policy

The test of the integrity of the chain of evidence requires that procedures used to seize, record and store evidence substantiate that evidence presented in any proceedings is actually evidence which was seized at time of search. If local police are assisting in a search, the Parole Agent shall request them to make the actual search, especially when criminal charges are likely to result from the search. The Parole Agent will then obtain a copy of the police agency's inventory for use in any subsequent revocation proceedings.

When conducting a search without police assistance, the Parole Agent shall temporarily halt the search, secure the scene to extent possible, and request assistance from local police if preliminary observation indicates presence of any of the following:

- Evidence of a major crime.
- Weapons.
- Large quantities of stolen merchandise.
- Large quantities of illegal drugs.
- Evidence that persons other than parolee may be involved in criminal activity.

81030.20.1 Handling Firearms Evidence Procedures

Parole Agent

Handles any firearm as if loaded.

Records serial number, make and model.

Collects all ammunition, both expended and non-expended.

Takes firearm to other law enforcement agency with jurisdiction.

Runs record check on firearm.

Encourages local authorities to prosecute parolee for possession of a firearm.

Unit Supervisor

Receives and stores firearms in evidence locker until turned into local law enforcement.

81030.20.2 Handling Narcotics Evidence Procedures

Parole Agent

Collects controlled substance in a safe manner.

Records quantity, appearance and packaging on inventory receipt.

Records name or initial of person who seized material and date and time of seizure on package.

Requests local law enforcement to conduct analysis and obtains results as soon as possible.

Subjects seized contraband to laboratory analysis if other law enforcement agency will not perform analysis.

Requests other assisting law enforcement agency to take control of illegal controlled substance in parolee's possession.

Records information on Record of Interview Form (CDC Form 1650D) and submits Activity Report Form (CDC Form 1502).

Unit Supervisor

Receives and stores narcotics in evidence locker.

81030.21 Surveillance Policy

Surveillance is intended to obtain or verify information about a parolee's behavior in the community. The proper use of surveillance can be effective in gathering information not obtainable through other sources. Spot surveillance may be conducted at an agent's discretion when information can best be obtained from observation; and when not more than 15 minutes will be spent; and when there are no apparent safety problems.

The Parole Agents shall confer with the unit supervisor and other agents prior to conducting fixed or moving surveillance (Moving surveillance is difficult and requires the use of several agents or other law enforcement agency staff with communications equipment.).

81030.21.1 Surveillance Definitions

Surveillance is the process of keeping a parolee, parolee's residence or vehicle under observation to gain information about parolee's activities, associates or contacts.

Spot surveillance is the observation of a specific location for a short period of time (e.g., driving or walking by to determine current activity, who is present and potential safety hazards).

Fixed surveillance is the observation of a specific location for a long period to determine parolee's associates, traffic to and from location, and whether the location is parolee's actual residence.

Moving surveillance is following a specific parolee from place to place to secure information about parolee's activities.

81030.21.2 Surveillance Procedures

Parole Agent

Obtains unit supervisor approval prior to conducting fixed or moving surveillance.

- Approval can be indicated either in the Parole Plan or through a case review.
- The AOD will be contacted before beginning fixed or moving surveillance after hours.

Presents sufficient information regarding surveillance to allow unit supervisor to allocate resources:

- Reason for parolee surveillance:
  - Supervision category.
  - Prison gang member or affiliate.
  - Suspected large scale drug sales or transportation.
  - Violent behavior or sexual offenses.
  - Suspected large scale property or fraud offenses.
  - Organized crime activities.
  - High Risk PAL cases.
- Expected outcome of surveillance.
- Location of surveillance.
- Duration of surveillance.
- Other participants.

Unit Supervisor or AOD

Reviews request to conduct surveillance.

Specifies duration and type of surveillance to be conducted.

Instructs Parole Agent to notify unit supervisor or AOD upon completion of surveillance.

Parole Agent

Contacts unit supervisor when the surveillance is completed.

81030.22 Pretext Interview Policy

A pretext interview is an interview where a false identity is used to obtain information that would not be given if Parole Agent's identity were known. Trademarks or equipment of a company or organization shall not be used in a pretext interview without consent. A pretext interview may not be conducted to gain entry, arrest, and search or secure a confession. Pretext interviews shall not be attempted with persons who cannot legally or morally disclose information.

81030.22.1 Pretext Interview Procedures

Parole Agent

Reviews case with unit supervisor to evaluate need for pretext interview.

Identifies specific people involved and information to be secured.

Determines false identity to be used.

Establishes specific time frame.

Documents results of conference on Record of Supervision Form.

81030.23 Referral to DA for Prosecution Policy

When a Parole Agent discovers a major crime, it shall be brought to the attention of the local law enforcement agency having jurisdiction so that the agency can pursue the investigation and subsequent criminal prosecution. However, if police are not available, it may be more appropriate for the agent to continue investigation and subsequent referral to the DA. The agent shall consider the following factors before deciding to make the referral:

- Which agency has the majority of the information relative to the crime.
- The reasons local law enforcement is unwilling to prosecute.
- Likelihood of successful prosecution.
- The nature of instant offense(s).
- Availability of Parole Agent's time and resources to continue investigation.

Local Requirements

Local requirements for criminal prosecution vary. Parole staff need to determine what is required for prosecution by the DA and the time limits for referring such cases.

Issues to be addressed to support criminal prosecution are:

- Elements of each crime to support charge(s) that a crime has occurred (List crimes committed by Penal Code sections and titles).
- Reasonable belief, probable cause or circumstantial indicators if a felony charge is to be filed.
- The Parole Agent must have personally observed the crime or a complaining victim or witness must have observed the crime if a misdemeanor charge is to be filed.
- Evidence to link parolee to crime and how it ties to parolee.
- Witnesses and facts to which they can testify (A short summary shall be prepared outlining facts of crime, names and addresses of witnesses, and their willingness to cooperate in investigation and to testify in subsequent court proceedings).

Legal Issues

The following legal issues are to be included in Parole Agent's report to DA:

- Basis for parolee's arrest.
- Relationship between Parole Agent and parolee e.g., parolee is a member of Parole Agent's caseload.
- Parole agent's peace officer powers as defined in PC 830.5.
- An explanation of whether arrest notice was given and whether Parole Agent complied with PC 844 (knock and identify requirement).
- The point during investigation that Miranda Rights were given. (If not given, the reason they were not must be explained).
- Circumstances under which parolee's statement or confession was taken (Was it voluntary? Made under duress or coercion? Were promises made? Was it signed and dated?)
- Conditions under which a search was conducted and authority for search. If police were involved,whether they assisted an agent of P&CSD or whether a search warrant was issued. If P&CSD initiated search, the information relied upon for reasonable belief to search.
- Circumstances under which any evidence was seized and which agency conducted analysis Type of analysis and results (drug analysis, fingerprint match, handwriting analysis.).

81030.23.1 Referral to DA for Prosecution Procedures

Parole Agent and Unit Supervisor

Conduct case review to determine if case should be referred for prosecution.

Parole Agent

Advises parolee of rights and obtains statement using parolee's own words. If parolee grants permission to tape the statement, the date statement was taken, the fact that permission to tape was granted and a summary of tape's contents shall be included.

Prepares and submits memorandum to DA for prosecution, including all required information .

- Any known inconsistencies in the case will not be included in the memorandum, but will be discussed in person with the deputy DA.

Forwards copy of the parolee's CI&I arrest record with referral for prosecution.

81030.24 Revision

The Deputy Director, P&CSD or designee, shall ensure that this section current and accurate.

81030.25 References

PC §§ 830.2, 830.5, 834, 839, 844, 1147.5, 1407, 3056, 3058.5, 4003, and 4007.

H&SC § 11474.

CCR (15) (2) §§ 2511, 2603, 2605(a), and2606.

ARTICLE 4 — REPORTING VIOLATIONS

Revised June 23, 1992

81040.1 Policy

The Parole Agent is responsible for reporting all arrests and violations of parole. Behavior reported as a violation of parole shall determine the level at which a final decision shall be made. The decision to report a violation to the BPT or to make disposition at the unit level shall be made by a unit supervisor and agent of record at a verbal conference.

81040.2 Limits Of Confinement

A parolee shall not be kept in custody longer than the time ordered revoked by BPT. A parolee with a commitment crime that occurred before December 31, 1978 shall not be held in continuous custody on a parole violation for more than six months. A parolee with a commitment crime that occurred on or after January 1, 1979 shall not be held in continuous custody on a parole violation for more than 12 months.

81040.3 Suspension of Parole

A parolee shall not receive credit toward the parole period while in suspended status. When parole is suspended, any time credited toward continuous parole is lost. Time on continuous parole begins again when parolee is reinstated on parole. The BPT shall specify the date a suspension starts based on date Parole Agent determines parolee is not available for supervision. The period of suspension shall end when:

- Parolee is located in California and is available for parole supervision.
- Parolee is arrested in California.
- Parolee located outside of California is available for extradition or the BPT has ordered the case continued on parole.

81040.4 Revocation of Parole

Revocation time extends the parole period automatically by the amount of revocation time ordered. When parole is revoked, any time credited toward continuous parole is lost. The time a parolee is in revocation status shall be added to the parole period with the following limits: commitment crime occurring on or before December 31, 1978, six months; after January 1, 1979, 12 months. The BPT may extend the revocation term for an additional 12 months for in-custody misconduct [Pursuant to PC 3057(c)]. Time on continuous parole begins again when parolee is released after serving a revocation period.

81040.5 Violations Requiring Report To The BPT

- Murder.
- Voluntary manslaughter.
- Mayhem.
- Forcible rape as defined in PC 281(2) and (3).
- Sodomy by force, violence, menace or threat of great bodily harm.
- Oral copulation by force, violence, menace or threat of great bodily harm.
- Lewd acts on a child under 14 years old, as defined in PC 288.
- Failure to register within time limits specified in PC 290(g).
- Behavior in violation of parole which results in serious injury to victim.
- Possession, control or use of any firearm, explosive, or weapon as defined in federal or state statutes, and any knife or blade longer than two inches, except as provided in other portions of this manual.
- Involvement in fraudulent schemes over $1,000.
- Sales, transportation or distribution of a narcotic drug or other controlled substance as defined in Division 10 of H&SC.
- Failure to advise Parole Agent of parolee's whereabouts and remaining unavailable for contact for 30 days.
- Behavior in violation of parole when a parole hold is placed and parolee has less than 30 days remaining on the parole period.
- Violations of special conditions of parole which were imposed by BPT.
- Escape from a local custody facility by a parolee serving revocation time.
- Major rule violations by a parolee serving revocation time in a local custody facility.
- Refusal of a parolee to provide a blood specimen or saliva sample per PC 290.2.
- Refusal of a parolee to sign the CDC Form 1515, Conditions of Parole.

81040.6 BPT Actions

- Continue on parole.
- Cancel want and remove warrant from file.
- Retain on parole.
- Remove parole hold as of _____.
- Schedule for revocation proceedings.
- Retain parole hold.
- Retain on parole pending revocation proceedings.
- Schedule for revocation screening calendar.

- Revoke parole and return to custody.
- Suspend parole.
- Reinstate on parole (this action only restarts a suspended parolee's period of parole and shall always be accompanied with another action).
- Dismiss charges and discharge.
- Discharge.
- Schedule for revocation - psychiatric attention.
- Schedule for revocation - psychiatric referral.
- Extend parole period to maximum pending parole revocation.

81040.7 Unit Supervisor Review of Violations

The unit supervisor shall review all violation reports and may decide to continue-on-parole for all violations not reserved for decision by the BPT. The unit supervisor may refer a parolee for revocation proceedings (even though referral is not required by BPT policy) if a parolee is a danger to person or property of others or a parolee is a danger to self.

Recommendation of revocation of parole is only one control method available to parole staff. Unit supervisors should consider application of progressive sanction to resolve parole violations. Referral to the BPT for revocation action shall be reserved for cases where there is a threat to public safety or the parolee cannot be managed safely in the community.

Technical violations shall be considered for referral to the BPT if:

- The current violation constitutes a potential threat to others considering the serious offense background of similar nature.
- The violation of a special condition of parole poses a threat to others.
- No plan for eliminating violation behavior can be developed.

Technical violations shall be dealt with at the unit level if:

- The parolee has made an otherwise good parole adjustment.
- The violations are minor.
- A control/treatment program is available.

Drug violations shall be considered for referral to the BPT if:

- The parolee is readdicted or unable to control drug use while in the community.
- The parolee has been at-large or is likely to abscond.
- The parolee refuses to test or refuses a drug treatment program.
- The parolee is a threat to others or property of others.
- Evidence suggests that criminal activities are the parolee's means of support.

Drug violations shall be dealt with at the unit level if:

- The parolee has previously made a good parole adjustment or has a favorable community program.
- The parolee is willing to enter available community drug treatment program or to continue in drug treatment program.
- The violation is an isolated incident of drug use or there is minimal drug use.
- Local custody or prosecution is sufficient to interrupt drug use.
- There is minimal risk to person or property.

81040.8 Unit Supervisor Actions

The unit supervisor's actions against the parolee include, but are not limited to:

- Continue-on-parole.
- Extend parole period to maximum pending parole revocation.
- Refer to revocation screening calendar.
- Remove the parole hold.
- Deferred pending (state the specific action to be completed; state the date the report is to be completed).
- Reinstate on parole a suspended parolee-at-large (PAL) located within California; cancel want and remove warrant from file. This action only restarts a suspended parolee's period of parole and shall always include other actions such as continue on parole--no time lost, continue on parole--time lost, or refer to revocation proceedings.
- Schedule for good cause hearing (cooperative parole).
- Schedule for revocation - psychiatric attention.
- Return to prison for further proceedings (for parolee arrested outside California).
- Maintain in community pending revocation proceedings.

81040.9 Activity Report Policy

The activity report is a multipurpose document that can be used:

- To document a unit supervisor's final action of "continue-on-parole."

- To give Parole Agent instructions.
- To document case reviews.
- To document unsubstantiated allegations of parole violations.
- To document a decision to add or remove a special condition of parole.
- To document a case transfer.
- To reinstate a suspended parolee.

81040.9.1 Activity Report Procedures

Secures information to determine if a parolee's behavior violated parole. Desirable information is:

Parole Agent (Within One Working Day of Hold or Discovery)

- Date, time, description and location of behavior.
- Injuries or property damage.
- If parolee was arrested: arresting agency, including names and ID numbers of arresting officers, and jail number and booking where parolee is held.

Conducts verbal conference with unit supervisor to determine if activity report is required.

Unit Supervisor

Enters appropriate information on unit jail list if parolee was arrested.

Parole Agent (Within Six Working Days of Hold or Discovery)

Completes activity report including recommendations such as:

- Complete investigation and submit supplemental activity report or violation report by (date).
- Continue-on-parole.

Submits activity report to unit supervisor.

Unit Supervisor (Within Six Days of Hold or Discovery)

Reviews activity report and determines if additional information is needed, investigative activities needed to secure information, and specifies date a report is to be submitted. Takes final action to continue on parole when appropriate.

81040.10 Emergency BPT Action Policy

The unit supervisor shall request emergency action from the BPT whenever a parole violation occurs and:

- Less than 30 days remain on a parole period.
- A parolee has been involved in serious criminal behavior and it is evident parolee has absconded from supervision. (A retain on parole report shall not be required after the emergency action if a violation report shall be submitted.) A discharge review report shall be submitted within ten days of emergency action if a violation report is not submitted.

81040.10.1 Emergency BPT Action Procedures

Unit Supervisor and Parole Agent: No Later Than the Next Working Day)

Conducts a verbal conference to determine if an emergency BPT action is required.

Unit Supervisor (Immediately)

Contacts regional records staff to have emergency action request to the BPT prepared and FAXed to the BPT, Central Office Calendar.

Regional Records Staff (Immediately)

FAXs information supplied by unit supervisor to BPT.

BPT Staff

Takes emergency action.

Regional Records Staff

Notifies unit supervisor of BPT action by telephone.

81040.11 Parolee-At-Large Report Policy

A CDC Form 1524, Parolee-at-Large Report, (PAL recommending suspension of parole) shall be submitted no later than the prescribed time limits. If it is evident that the parolee has absconded and may be involved in criminal activity, a PAL Report shall be submitted immediately.

81040.11.1 Parolee-At-Large Report Procedures

Parole Agent

Prepares and submits PAL Report on high risk case (assessment score of 7.5 or above) when parolee's whereabouts become unknown.

(Within 10 Days From Discovery)

Prepares and submits PAL Report on any case with a risk score between 0 - 7.5 when a parolee's whereabouts are unknown.

(Within 30 Days From Discovery)

Includes in PAL Report:

- Date it was discovered parolee absconded.
- How it was discovered parolee absconded.

- Dates and brief description of efforts made to locate parolee.

Parole Agent

Prepares and submits CDC Form 600, Wanted Persons System Notification - Addendum A, along with the violation report to region records.

81040.11.2 BPT Warrant Policy

The BPT may issue a warrant ordering a parolee placed in custody or retained in custody. BPT warrants are used following an order to suspend an absconder's parole. BPT warrants are entered either into State DOJ Wanted Persons System (WPS) or into both the WPS and the National Crime Information Center (NCIC) computer system.

WPS Warrant - (Code 1) is used to arrest a PAL case in California. This warrant is entered into the WPS by the Identification (ID)/Warrants Unit staff to notify all law enforcement agencies within California that the parolee is wanted.

NCIC Warrant - (Code 2) is used to arrest a PAL case likely to go out of state or considered dangerous. This warrant is entered in the NCIC computer by ID/Warrants Unit staff to notify all law enforcement agencies in the U.S. that the parolee is wanted.

The detainer has no arrest powers and is only used to detain. Detainers are used only when a PAL case is in custody in another state and the warrant for the parolee's arrest has not been placed in State DOJ WPS (Code 1) or NCIC (Code 2) computer system by ID/Warrants Unit staff.

Note: A detainer shall be made a warrant before it can be upgraded to a Code 2 want.

81040.11.3 Warrant Issuance Procedures

Regional Records Staff (Prior to Calendar Review)

Reviews WPS notification (CDC Form 600) for accuracy and returns it to the Parole Agent for correction, if necessary.

Prepares calendar control log (BPT Form 1132) listing all cases prepared for BPT review.

Attaches PAL Reports, necessary BPT forms and the CDC Form 600, to calendar control log.

BPT Panel

Reviews PAL Report (CDC Form 1524), orders parole suspended and warrant issued either Code 1 - WPS or Code 2 - WPS and NCIC.

Regional Records Staff (Daily)

Reviews BPT actions for signature and completeness prior to Deputy Commissioner's departure.

Forwards completed CDC Form 600, Wanted Persons System Notification - Addendum A, to ID/Warrants Unit by express mail.

Forwards calendar control log with BPT actions to BPT headquarters by courier (excluding Region I which may use interdepartmental mail).

Posts BPT actions to the CDC Form 112, Chronological Inmate History.

BPT Headquarters Staff (Daily)

Reviews packages for completeness.

(Within One Working Day of Receipt)

Enter all BPT actions into Central Office Calendar action file and print warrant.

Daily

Hand delivers warrant to ID/Warrants Unit.

81040.11.4 BPT Warrant Cancellation Procedures

Parole Agent (Within One Working Day of Locating PAL)

Forwards CDC Form 1676, Revocation Tracking Form, by FAX to ID/Warrants Unit to cancel warrant.

ID/Warrants Unit Staff

Cancels warrant in the CLETS thereby removing the want from NCIC and WPS, and cancels warrant in OBIS.

81040.11.5 Reissuing Cancelled Warrants Policy

A warrant is no longer active once it has been cancelled in State DOJ CLETS. Once a warrant has been cancelled, it shall be reissued for cause by the BPT in order to be used as the basis for entering a want into the state WPS or NCIC. Some warrants for suspended parolees are inadvertently cancelled due to the following:

- A warrant abstract has been sent to a law enforcement agency on the wrong subject.
- The parolee has been released by a local agency over a CDC hold or detainer.
- Data entry error.

81040.11.6 Reissuing Cancelled Warrants Procedures

Parole Agent

Submits a copy of the original CDC Form 1524, PAL Report; BPT Form 1135, Miscellaneous Decision Form; and the completed CDC Form 600, Wanted Persons System Notification Form - Addendum A to regional records upon determining that a warrant has been incorrectly cancelled.

Records Staff

Forwards PAL package to BPT central office.

BPT Staff

Reissues warrant, FAXs signed copies of the BPT Form 1135 and CDC Form 600 to ID/Warrants Unit and forwards a copy of the BPT Form 1135 to the parole unit.

Regional Records Staff

Posts BPT action to CDC Form 112, Chronological Inmate History.

ID/Warrants Unit Staff

Reenters want into CLETS and OBIS.

81040.11.7 BPT Warrant System Audit Policy

Warrants for the arrest of suspended parolees shall be maintained on an accurate and current basis. BPT staff, ID/Warrants Unit staff, regional records staff and parole unit staff are jointly responsible for maintaining current, accurate warrants. All staff shall assist in the warrant audit process as appropriate.

81040.11.8 BPT Warrant System Audit Procedures

BPT Warrants Staff (Daily)

Matches BPT actions against active warrants file to automatically cancel active warrant when parolee is revoked, discharged or continued on parole.

(Weekly)

Prepares and distributes listing of warrants issued during previous week to parole units.

Monitors BPT warrants by computer to automatically cancel old warrants upon receipt of BPT action (BPT Form 1130) to issue a new warrant.

(By 25th of Each Month)

Prepares and distributes computer printout of NCIC Code 2 warrants active for 12 months to parole units.

Cross-matches active BPT warrants file with the revocation tracking system and OBIS files to identify warrant errors.

(Quarterly)

Prepares and distributes listing of active WPS Code 1 warrants to parole units by regional records.

CDC OBIS Staff (Weekly)

Distributes (by electronic mail) report on newly cancelled wants to regions and field units.

Unit Staff (Within Seven Working Days of Receipt of Listing)

Reviews and corrects warrant listing and forwards to regional records for updating of OBIS and BPT warrants files.

81040.12 Violation Report Policy

All reports shall be completed at the earliest possible time, but no later than the specified time limits. Time limits for reporting violations are based on time constraints for a revocation hearing. See Revocation Process Chart. Unless a parolee waives a revocation hearing, it should be held within specified time limits. To ensure the parolee receives a timely hearing, violation reports shall be completed within the specified time limits. A report is not completed until typed, errors corrected, and information is accurately presented in appropriate format. All time limits are in working days from hold or discovery, whichever occurs first. When the date falls on a weekend or holiday, the violation report shall be completed in time to reach the hearing agent by the last working day within the stated time limit.

81040.12.1 Violation Report Procedures

Completes CDC Form 1676, Revocation Tracking, and forwards to Region Revocation Unit.

Parole Agent (Within One Working Day)

Investigates behavior that may be in violation of parole.

Secures supporting documents showing behavior in violation of parole such as law enforcement arrest, investigation and incident reports, and statements from victims and witnesses.

Interviews parolee. (Failure to complete this interview shall not delay completion of report within required time limit.)

Reviews information collected.

Determines what violation of parole has occurred. Use charge codes in DOM 86020.

Prepares CDC Form 1521-A through D, Violation Report.

Submits violation report for typing in sufficient time to allow for typing and review if not handwritten.

Reviews typed report for accuracy, typing and spelling errors and proper format.

(Within Six Working Days)

Signs and submits report to unit supervisor.

Unit Supervisor (Within Seven Working Days)

Reviews report for correct charges, format, and accuracy.

Takes action or recommends action to be taken.

(By Eighth Working Day)

Signs and sends original report to regional records, and forwards appropriate documents to hearing agent and unit file.

Parole Agent (Within Ten Working Days of Continue on Parole Decision)

Provides parolee with copy of violation report.

Regional Records Staff (Within Ten Working Days)

Files "continue-on-parole" reports in C-File; unit supervisor has taken final action.

Places "schedule for revocation screening calendar" case on next revocation screening calendar.

Forwards "continue on parole" reports requiring BPT action (and cases under hold more than 20 days if not eligible for revocation screening calendar) to BPT, Central Office Calendar for action. (Late violation reports assigned to the revocation screening calendar shall not be forwarded to the BPT.)

Hearing Agent (Within 15 Working Days)

Serves parolee with notice of rights and advises regional hearing coordinator of service results.

81040.13 Privacy Of Witness Information Policy

In order to encourage victims and witnesses to participate in the revocation process and to assist in providing for their safety, the addresses and phone numbers of victims and other potential witnesses shall be deleted from the violation report and any other documents which may be attached to the violation report and to which the parolee shall have access. Victim and witness names shall be withheld for confidential witnesses.

81040.13.1 Removal Of Witness Information Procedures

Deletes all references to addresses and phone numbers of victims and witnesses from the parolee's copy of the violation report and any attachments to the report.

Parole Agent & Unit Supervisor

Reviews all attachments to assure that the removal of all addresses and phone numbers have been completed.

81040.14 Violation Report Format

Violation reports shall be submitted on the appropriate form (CDC Form 1521-A through D). These forms shall also be used to submit complex cases for decisions to the unit supervisor.

Violation reports consist of two parts. Part I deals exclusively with the validity of the alleged parole violation charge. Part II provides information for the disposition portion of the hearing.

PART I - completing charge sheet(s):

- Location of parolee on date report is written: 1) either the facility in which he or she is incarcerated, or 2) home address and telephone number.
- Booking number: Include booking number if parolee is in custody in a city or county jail.
- Include date parolee was arrested by law enforcement or P&CSD (P&CSD) staff. Include two dates if arrested, bailed and rearrested.
- Also Known As (AKA): Include any name booked under other than CDC commitment name.
- Hold date: Date the parole hold was placed by CDC staff, agent of record (AOR), officer-of-the-day (AOD), ID Unit, LEIU, etc.
- Our hold only (OHO): Mark appropriate box.
- Discovery date: Date CDC staff (e.g., AOD, AOR) became aware of the parolee's arrest or violation where hold has not been placed or parolee is not in custody.
- Region: Use Roman numerals (I, II, III, IV).
- Unit: Include parole unit office title.
- Discharge Review Date (DRD): Enter DRD (if suspended, enter date with notation "Prior to Suspension").
- Controlling Discharge Date (CDD): Enter CDD (if suspended, enter date with notation "Prior to Suspension").
- Charges: List all serious charges with appropriate BPT codes, e.g.:
  - Condition 4 Burglary (500).
  - Condition 1 Consuming Alcoholic Beverages (011). (Any minor charges discovered after completion of the report should be handled at the unit level by a "noted" action on an Activity Report.)
- Supporting Evidence: Reports shall specifically detail the supporting evidence relating to the acts charged. (You may consolidate supporting evidence for two or more related charges.) The reports shall completely but briefly set out the facts and actions that show:
  - When the event or action took place.
  - Who was involved in the event or action.
  - What happened.
  - How the behavior or act charged caused harm. How the behavior violated the conditions of parole.
  - Any pending court actions.
  - Parolee's statement. (Provide parolee's explanation.)
  - Witnesses: Either list witnesses scheduled to testify or attach a witness list.
  - Attachments:
  - List any attachments, i.e., police reports (include agency name, and report number and date) written statements, photographs, POC evaluations, anti-narcotic testing (ANT) records, etc., to be relied upon in the hearing process. Remember to "Olsonize" (obliterate witnesses' addresses, etc.).
- Name: Include parolee's complete name and CDC number (I-Number if opened interstate case).

PART II - Completing the CDC Form 1521-B, Summary of Parole Adjustment Sheet:

- Commitment offense(s): Attach legal summary face sheet.
- Prior commitment offense(s): List any prior commitment offenses by offense title code section and dates of commitment.
- Initial parole date: Enter first release on parole for this commitment.
- Last revocation release date (RRD): Enter last revocation release date on current commitment.

- Special conditions: Enter any special conditions of parole, imposed BPT or CDC and date imposed.
- Prior parole violations: Enter all prior parole violations during current parole and unit level and BPT dispositions. Reports shall not include names of BPT members who have taken prior action(s) against parolee (e.g., "this condition was imposed by the BPT on 3/11/87," not "this condition was imposed by BPT panel Jones and James").
- Current residence: Enter last known address, with whom residing, and a brief description of residential pattern since last released.
- Means of support: Indicate how supported while on parole; e.g., employer, supplemental security income, welfare, family, etc. If employed, provide employer's name and work address, dates employed and position held.
- Evaluation: Cover the period from date of parole release to date of current report. Include positive and negative factors on this parole, community programs available if continued on parole or alternative programs in lieu of revocation; e.g., drug programs, psychiatric inpatient or outpatient, etc.

81040.15 Charging Multiple Violations Policy

If there are multiple violations arising out of one incident, charges shall be brought separately. For example, during the course of an armed robbery, a parolee steals a vehicle to flee and resists arrest when apprehended. These charges shall be made separately in relative order of seriousness; e.g., Charge 1 - Robbery with Use of Firearm; Charge 2 - Auto Theft; and Charge 3 - Resisting Arrest.

Illegal behavior included in one charge shall not be cited in another charge. For example, if charge is Robbery with Use of Firearm (210), the firearm shall not be separately charged (because gun is an included offense in primary charge).

If all evidence for all charges is presented in Charge 1, the agent need only refer to the evidence in subsequent charges; e.g., "see charge #1 for supporting information."

If there are multiple counts of the same crime (e.g., a series of burglaries or car thefts) charges shall be listed separately in chronological order beginning with the earliest offense and moving forward in time to most recent offense.

81040.16 Violation Report Recommendations

A Parole Agent may make the following recommendations on the CDC Form 1521, Recommendation, Review and Signature Sheet:

- Reinstate on parole (if suspended) as of (date arrested or located, if in the State of California).
- Cancel want (remove warrant from file).
- Extend parole period (to maximum pending parole revocation).
- Continue on parole (COP). This recommendation may be made when the violation charge is not serious enough to warrant reincarceration or there are substantial mitigating circumstances.
- Remove parole hold as of _____.
- Retain parole hold.
- Maintain in community pending revocation hearing.
- Refer to screening calendar. This recommendation is appropriate when the violation is serious, or parolee is a threat to the person or property of another, or when parolee is within 30 days of statutory maximum discharge and agent believes parolee should be maintained in custody until discharge.
- Schedule for revocation hearing - psychiatric treatment. This recommendation is appropriate when a parolee, who has not violated parole, exhibits a mental disorder which impairs his/her ability to function in the community and treatment is not available in the community or a state hospital.
- Suspend parole effective (date). This recommendation is made when a parolee fails to report, a parolee's whereabouts are unknown, or when a parolee is arrested outside of California and is not under terms of the interstate compact. The effective date shall be the date the Parole Agent determines the parolee is no longer available for supervision.
- Suspend parole and revocation period effective (date). This recommendation is appropriate when a parolee serving revocation time in local custody escapes or is released in error, and fails to report immediately to a Parole Agent. The effective date of this action is the date the parolee is no longer in custody.
- Schedule for good cause hearing (cooperative parolee).

81040.17 Supplemental Violation Report Policy

Supplemental violation reports shall be submitted in the same format as violation reports (a notation at the top of first page shall identify report as a supplemental report). A supplemental violation report may be used to report:

- Additional charges for a previously submitted violation report.
- Additional or new information on a previously submitted charge. This supplemental report shall be submitted before a revocation hearing on the original violation report is completed.
- A recommended modification of a previous BPT order if new information justifies such a recommendation.

81040.18 Witness Information Policy

In order to encourage victims and witnesses to participate in the revocation process and to assist in providing for their safety, the addresses and phone numbers of victims and other potential witnesses shall be deleted from the violation report and any other documents which may be attached to the violation report and to which the parolee shall have access. Victim and witness names shall be withheld for confidential witnesses.

81040.18.1 Witness Information Procedures

Deletes all references to addresses and phone numbers of victims and/or witnesses from the parolee's copy of the violation report and any attachments to the report.

Parole Agent & Unit Supervisor

Reviews all attachments to assure that the removal of all addresses and phone numbers has been completed.

81040.18.2 Parolee Crime Victim Policy

All staff shall be sensitive to the concerns and needs of crime victims, particularly safety concerns or needs of the victims of parolee violations. Parole staff shall attempt to ensure that victims do not suffer additional harm or injury as a result of their participation in the revocation process. Managers and unit supervisors shall ensure that staff are aware of local victims of crime programs and other appropriate community program resources and refer crime victims to these resources as appropriate.

81040.18.3 Parolee Crime Victim Procedures

Interviews victim of parole violation when appropriate to the circumstances of the case.

Parole Agent

Refers victim (or other eligible witnesses) to local victim's program or to other appropriate community program if needed.

Determines if victim is willing to participate in the revocation hearing.

Conducts and records "fearful witness" interview with victim if appropriate.

Interview shall be taped (preferred) or written.

Victim shall voice specific basis of fear (e.g., "parolee will assault me again if he learns that I am giving testimony") for the taped or written record.

Victim shall also be interviewed on tape (or with written record) regarding the alleged parole violation.

One original written or recorded version of victim's recorded statements only shall be completed.

Original written or recorded version of the fearful victim interview shall be presented to the BPT panel prior to the revocation hearing.

Advises hearing agent of victim being a fearful witness and of any victim concerns.

Hearing Agent

Reviews violation charges to identify potential victim issues.

(One Week Prior to Hearing)

Contacts victim to determine if victim shall attend revocation hearing.

Determines if victim requires transportation to the hearing and notifies AOR that transportation is required.

Ensures that victim program posters and brochures are available at revocation hearing location and advises victims and other eligible witnesses of local programs and community resources, if appropriate.

Separates victim from other witnesses at the hearing if indicated by circumstances.

81040.19 Return of Parolee in RTC Status to Facility Policy

Parolees in RTC status may be returned to a CDC facility to serve the revocation term. Severe overcrowding in some county jails shall require the expeditious return of parolees who have been assessed revocation time to designated CDC facilities. CSRs shall review each case to designate the CDC facility to which the parolee shall be returned.

If any significant change in case factors occurs pending the parolee's transfer to a CDC facility, or if a parolee is not transferred to a CDC facility within 30 days of a CSR review, another CSR review shall be conducted. The C-File shall arrive at the designated CDC facility either prior to, or no later than, the parolee being returned to the facility. If significant delays are experienced in the receipt of the files by the designated facility, special procedures such as contracting for courier service shall be implemented.

81040.19.1 Return of Parolee in RTC Status to Facility Procedures

Completes CDC Form 812, Notice of Critical Case Information - Safety of Persons and forwards it with summary of revocation hearing.

Hearing Agent (Day of Hearing)

Forwards BPT Form 1103 or CDC Form 1104, Waiver of Revocation Hearing, to regional case screener and regional records. (Regional case screener when parolee becomes OHO.)

Regional Case Screener (When Parolee Becomes OHO)

Reviews CDC Form 812 and parolee's C-File and completes the CDC Form 839, CDC Classification Score Sheet for CSR review.

Regional Classification Agent

Forwards copies of CDC Form l28-G, Classification Chrono; CDC Form 812; and CDC Form 839 with the parolee being transported to the CDC facility. (The originals of these forms shall be included in the C-File being forwarded to the designated facility.)

One copy of the CDC Form 839 shall be forwarded to Offender Information Services Branch, P.O. Box 942883, 1515 S Street, Sacramento, CA 94283-0001.

Reception Center Records Staff

Contacts regional records staff if parolee is returned to CDC reception center prior to a revocation hearing.

81040.19.2 Revoked Parolee Retained In Custody Procedures

Parole Agent (30 Days Prior to RRD)

Maintains revoked parolee on active roster pending adjudication of new crimes or serving of a local sentence.

(Each 30 Days)

Contacts appropriate justice agency staff to determine adjudication or custody status.

Contacts parolee to confirm parolee's program upon release.

Fills out CDC Form 102 requesting release funds based on $1.10 per day up to a maximum of $200.

Drops hold per PC 3056.

Monitors case status to assure hold is removed and parolee is no longer being held for parole violation.

Unit Supervisor

Maintains case on active jail list.

Monitors case status to assure Parole Agent carries out above actions.

81040.19.3 New Commitment To CDC Procedures

Parole Agent (Within Ten Days of Court Action)

Destroys field file after removing all activity reports and current face sheet.

Unit Supervisor

Sends all CDC Form 1502s to regional records for inclusion in the C-File.

Regional Records Staff (Immediately)

Forwards C-File to facility housing inmate when informed of parolee's movement.

81040.19.4 Commitment To Another State Or Federal Prison Procedures

Secures following information:

- Name, case number and location of sentencing court.
- Name of facility where parolee is presently incarcerated.

Parole Agent (Within 15 Days of Final Sentence)

- Crime of which parolee was convicted.
- Length of sentence.

Prepares and submits a supplemental violation report to BPT, including above information and recommending discharge, if appropriate.

81040.19.5 Civil Addict Or Commitment To Mental Health Procedures

Considers the following factors:

- Time remaining on parole term.
- Nature of commitment offense.

Parole Agent

- Adjustment to parole.

Prepares and submits a report to BPT if a discharge from CDC commitment is recommended.

81040.20 Reporting RTC Parolee's Escape From Local Custody Policy

If an RTC parolee escapes from local custody, P&CSD and CDC headquarters shall be informed through the chain of command.

81040.20.1 Reporting RTC Parolee's Escape From Local Custody Procedures

Prepares and submits to unit supervisor a CDC Form 1502 giving all known details of the escape.

Parole Agent (Within One Day of Discovery of Escape)

Unit Supervisor (Within One Day of Discovery of Escape)

Documents on the CDC Form 1502 the activities to be performed by the Parole Agent.

Contacts regional records staff to request emergency action to suspend revocation period effective (date of escape).

Regional Records Staff (Immediately)

Requests emergency BPT action.

Prepares CDC Form 600-A, All Points Bulletin (APB) FAX Worksheet.

Parole Agent (Next Working Day)

Verifies that an APB has been issued by the sheriff's department.

Requests sheriff's department to include the parole region as an agency to be notified when the escapee is apprehended.

Secures a copy of the warrant for the escapee's arrest.

Requests assistance of law enforcement. Then goes to the residence of record, other collateral residences and places where parolee could be located, and, if located, places parolee in custody.

Prepares BPT Form 1135-A, In-Custody Misconduct Report. Reports to the BPT with circumstances of escape and with the recommendation "suspend revocation time effective (date of escape)."

81040.20.2 Reporting RTC Parolee's Release Over Parole Hold Procedures

Parole Agent (Within One Day of Discovery of Release)

Prepares and submits to unit supervisor a CDC Form 1502 giving all known details of the escape.

Unit Supervisor (Within One Day of Discovery of Release)

Documents on the activity report the actions to be taken by the Parole Agent.

Contacts regional records staff to request emergency action to suspend revocation and parole periods effective (date of escape).

Regional Records Staff (Immediately)

Requests emergency BPT action.

Prepares CDC Form 600-A.

Parole Agent (Within Four Days After Release)

Requests assistance of law enforcement. Goes to residence of record and other collateral residences and places where the parolee could be located. Places parolee in custody if located.

Prepares BPT Form 1135-A with circumstances of the release over P&CSD hold with one of the following recommendations:

- "Suspend revocation time effective (date of release)" if parolee is not located and placed in custody.
- "Continue in revocation status" if parolee is located and returned to custody.

Submits In-Custody Misconduct Report to unit supervisor.

Unit Supervisor (Within 12 Days After Release)

Reviews report and takes appropriate action.

Sends report to regional records.

81040.20.3 RTC Parolee Apprehension Procedures

Parole Agent (Immediately Following Notification of Apprehension)

Places a hold per PC 3056.

Telephones regional records to cancel want.

Gives report to unit supervisor.

Regional Records Staff

Prepares an In-Custody Misconduct Report which states the circumstances of the parolee's apprehension and any crimes committed while the parolee was an escapee. The recommendation is "reinstate revocation time effective (date available)."

Sends notice to ID/Warrants Unit to cancel want.

Unit Supervisor

Reviews In-Custody Misconduct Report and takes action "reinstate on parole and revocation period effective (date available)."

81040.21 Psychiatric Treatment For Mentally Ill Parolees Policy

Parolees in need of psychiatric treatment who commit serious violations shall be referred to the BPT for a standard revocation action. These parolees shall not be referred to a screening calendar but shall be scheduled for a revocation hearing with an attorney. A POC evaluation is not required for the revocation hearing. The hearing agent shall be advised of the parolee's need for attorney assistance and the CSR shall be advised of the need for evaluation for category program assignment on the CDC Form 1521-D (10/88), Recommendation, Review and Signature Sheet.

Parolees in need of psychiatric treatment who are not involved in serious violations shall be provided such treatment in the community or in a State DMH facility under voluntary placement or civil commitment, if at all feasible. If neither of these two alternatives is available, a parolee may be scheduled for a revocation hearing - psychiatric treatment providing that:

- No other violations of parole are charged;
- A POC or other CDC psychiatric staff has completed a psychiatric evaluation; and,
- The psychiatric evaluation indicates that the parolee suffers from a mental disorder which seriously impairs the parolee's ability to maintain himself or herself in the community, or which makes the parolee a danger to himself or herself or others, and necessary treatment cannot be obtained in the community.

81040.21.1 Return for Psychiatric Treatment Procedures

Determine if parolee is a danger to self or others or unable to function in the community.

Decide to:

Parole Agent, Unit Supervisor and POC Staff

- Place the parolee in a mental health facility in accordance with applicable law.
- Allow the parolee to remain at liberty. (Parolee shall be allowed to remain at liberty only if there is sufficient support for the parolee to stay safely in the community.)

Parole Agent

Refers case for POC evaluation.

POC Staff

Conducts evaluation and submits completed evaluation for parole revocation for psychiatric treatment, CDC Form 873 (10/88), with recommendation to Parole Agent.

Parole Agent

Prepares and submits the parole revocation proceedings report - psychiatric treatment, consisting of CDC Form 872, CDC Form 872 A, CDC Form 873, CDC Form 1521-B, and CDC Form 1521-D recommending schedule for revocation hearing - psychiatric treatment.

BPT Staff

Conducts revocation hearing to determine if revocation for psychiatric treatment is proper.

81040.22 Emergency Psychiatric Transfer Policy

A parolee who cannot be retained locally pending a revocation hearing-psychiatric treatment, due to acute psychosis, may be transferred to prison upon authorization from the BPT Central Office Calendar for an emergency return. Transfer of the parolee to prison in no way changes the requirement for timely completion of the violation report and completion of the revocation hearing.

If it is determined that based upon psychiatric reasons (acute psychosis), a parolee cannot be retained locally or local custody is unavailable pending revocation hearing, authorization for emergency return to a CDC treatment facility for treatment may be requested from the BPT Central Office Calendar. Written psychiatric evaluation is required for Central Office Calendar action.

If immediate emergency return to a CDC facility for treatment is required and BPT staff are not available to authorize emergency return then:

- A male parolee may be transported to a facility after the chief psychiatrist or medical AOD approves the emergency placement.
- A female parolee may be transported to a women's facility after the medical AOD approves the emergency placement.

81040.22.1 Emergency Psychiatric Placement Procedures

Parole Agent

Briefs unit supervisor by case review, recommending a course of action.

(Immediately)

Obtains psychiatric evaluation if emergency psychiatric placement is indicated.

POC Staff (Immediately)

Conducts psychiatric evaluation.

Parole Agent

Requests facility staff for authorization for parolee's emergency return if BPT staff is not available and immediate return is required.

POC therapist shall contact facility staff to determine if psychiatric unit housing is available.

Arranges for parolee's transportation if emergency return is approved by facility staff.

Ensures that following materials are forwarded with parolee when transported to CDC facility:

- Copy of cumulative case summary.
- Identifying photograph.
- Written description of behavior which led to placement and listing of prescribed medications.
- Statement including date of emergency return approval and person who approved placement.
- Reference to any enemy or gang information.

Unit Supervisor (No Later Than Next Working Day)

Requests emergency BPT action by regional records, if not previously requested.

Regional Records Staff

FAXs completed BPT Form 1135, Miscellaneous Action Sheet, to appropriate facility case records manager.

BPT Form 1135 shall include statement that emergency psychiatric placement has been cleared with appropriate hospital staff (usually the chief psychiatrist) and hospital bed available for the parolee.

Advises unit staff to forward a copy of violation report (CDC Form 872, CDC Form 872-A, CDC Form 873, CDC Form 152l-B, and CDC Form 1521-D), and a copy of memorandum indicating emergency return circumstances to the facility case records manager.

Parole Agent (Within Six Working Days)

Forwards full violation report and copy of memorandum that accompanied parolee to facility case records manager.

Both violation report and memorandum shall prominently indicate: "Psychiatric Treatment Case: Revocation Hearing Required."

Reviews case and updates parole plan to specify activities required to monitor parolee's progress and prepare for parolee's eventual release.

(After Revocation Hearing)

Arranges for parolee's transportation to CMF or other facility.

Contacts C&PR at receiving facility for acceptance of revoked parolee for psychiatric treatment.

81040.22.2 Psychiatric Treatment Release Procedures

Assigned Facility Psychiatrist (Prior to Expiration of BPT Return Order)

Forwards report indicating termination of psychiatric treatment to C&PR if parolee no longer meets psychiatric treatment criteria or is not being actively treated in a psychiatric program or DMH hospital.

C&PR or Designee

Notifies unit supervisor or Parole Agent of pending release and jointly determine specific release date.

Prepares and submits BPT Form 1135, Miscellaneous Decision Report, by FAX to BPT, Central Office Calendar, recommending that revocation release date be modified and parolee be re-released.

Recommended release date shall be set based on placement availability.

BPT Central Office Panel (Within Four Days or Receipt of Report)

Takes an action to release parolee if appropriate.

BPT Staff

FAXs BPT action to C&PR.

C&PR or Designee (Within One Day of BPT Action)

FAXs BPT action and release date to parole unit.

Parole Agent

Updates parole plan.

(Three Days Prior to Release Date)

Develops and notifies facility of release program.

81040.23 State Hospital Transfer Policy

Parolees revoked and returned for psychiatric treatment may be processed for transfer to a state hospital under provision of PC 2684. Such processing, if appropriate, is initiated by staff at CMF or CIW. The revoked parolee may remain hospitalized under this provision only for duration of the revocation period. When the revocation period ends, the revoked parolee shall be released to the community or processed under PC 2974 (which incorporates W&I 5150 and 5152).

81040.23.1 State Hospital Transfer Procedures

Unit Staff (Unit of Assignment)

Transfers case file of parolee in state hospital to parole office in the state hospital area.

Parole Agent (Receiving Unit)

Conducts case monitoring, supervision and liaison with hospital staff.

Returns case file to original unit upon parolee's release from state hospital.

Parole Agent (Unit of Assignment)

Develops release program for parolee.

81040.24 Direct Commitment to State Hospital Policy

If a parolee appears to be psychotic (as indicated by evidence of hallucinations, delusions, inappropriate emotional state, bizarre behavior, inability to test reality, suicidal ideation, etc.) and possibly in need of hospitalization in a DMH facility, the POC chief psychiatrist or clinic administrator shall be contacted to determine if direct commitment to a state hospital is appropriate. If state hospital commitment is deemed appropriate, clinic staff shall make arrangements for the parolee's commitment to a state hospital (Camarillo State Hospital for cases serviced by Southern POC; Napa State Hospital for cases serviced by Northern POC). Ventura Parole Unit (Camarillo State Hospital) and the Santa Rosa Parole Unit (Napa State Hospital) are responsible for monitoring the status of cases while parolees are state hospital patients.

81040.24.1 Direct Commitment To State Hospital Procedures

Parole Agent

Contacts chief psychiatrist to determine whether parolee shall be admitted directly to a state hospital.

POC Staff

Evaluates case to determine if commitment to state hospital is appropriate.

Contacts state hospital staff to arrange commitment and advises Parole Agent of arrangements.

Parole Agent

Arranges parolee's transportation to state hospital.

Copy of PC 5150 commitment document and POC report shall accompany any parolee to state hospital.

(Immediately Upon Parolee's Movement to State Hospital)

Forwards field file to either Ventura or Santa Rosa Parole Unit, as appropriate.

Parole Agent (Santa Rosa or Ventura Unit)

Monitors case status and notifies sending unit of parolee's discharge date.

Parole Agent

Arranges transportation from state hospital upon parolee's discharge from hospital.

81040.25 Reinstatement of Suspended Parolees Arrested in California Policy

Unit supervisors shall take one of three actions in reinstating a suspended parolee who is arrested in California:

- Order "Reinstate and Continue On Parole - No Time Lost."
  - The result of this action shall be return of the parolee to active status with no break in the parole period and no change in the discharge review date.
- Order "Reinstate On Parole" and "Continue On Parole - Time Lost."
  - This action shall be referred to the regional screening calendar for BPT review. The recommendation to the BPT is to continue the case on parole with the parole period extended.
  - This action shall require the submission of the following documents to the regional screening calendar:
  - Copy of the CDC Form 1502, Activity Report, containing the single charge of absconding only.
  - Completed BPT Form 1130, Central Office Calendar Decision.

- BPT Form 1102-A, Absconders: Waiver of Personal Appearance at Revocation Hearing Parolee-at-Large: Time lost, signed by the parolee.
- The screening calendar shall take the action to continue on parole, add at-large time or order the case scheduled for revocation proceedings. (The Parole Agent shall submit a violation report by normal revocation procedures if the case is ordered for revocation proceedings.)

- Order "Reinstate On Parole" and "Schedule For Revocation Proceeding." This action is a referral to the BPT for revocation.

81040.25.1 Reinstatement of Suspended Parolees Arrested in California Procedures

Parole Agent and Unit Supervisor (Within First Working Day of Hold or Discovery

Conduct case review.

Parole Agent (Within Six Working Days of Hold or Discovery)

Completes CDC Form 1502 and BPT Form 1130, Central Office Calendar Decision Form if recommendation is to "Reinstate and Continue On Parole - No Time Lost."

Completes CDC Form 1502, Activity Report, BPT Form 1130, Central Office Calendar Decision; BPT Form 1104, Summary of Revocation Decision: Hearing Waived/Screening Offer and BPT Form 1102-A, Absconders: Waiver of Personal Appearance at Revocation Hearing Parolee-at-Large: Time Lost signed by the parolee, if recommendation is to "Reinstate On Parole" and "Continue On Parole - Time Lost."

Completes CDC Forms 1521-A through D if recommendation is to refer to BPT for revocation action.

Forwards completed report to unit supervisor for review and signature.

81040.26 Revisions

The Deputy Director, P&CSD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

81040.27 References

PC §§ 2684, 2962(d), 2964, 2968, and 3000(d).

W&I §§ 5150 and 5152.

CCR (15) (2) §§ 2513, 2604, 2616, 2619, 2620, 2635.1, 2636, 2637, 2640, 2642, 2646, 2647, and 2685.

ARTICLE 5 — SPECIAL REPORTS

Revised March 8, 1990

81050.1 Special Report Policy

Special Reports are prepared when behavior occurs affecting staff safety or when a situation involving staff or offenders may produce unusual community reaction. The purpose of the reports is to provide the P&CSD with information to facilitate effective responses to these situations.

There are four types of incidents requiring Special Reports:

- Special incidents.
- Threats against public officials.
- Shots fired by agent.
- Altercations.

81050.2 Special Incident Reporting Criteria

The Deputy Director, P&CSD, will be notified the same day of any behavior by an offender which receives major media attention or which is likely to stimulate significant interest because the behavior is notorious, bizarre or meritorious. The Deputy Director requires timely, factual information regarding such incidents in order to provide accurate responses to administrative, media and legislative inquiries.

81050.2.1 Special Incident Reporting Procedures

Parole Agent (Same Day)

Obtains all available information regarding incident.

Notifies unit supervisor or Administrative Officer-of-the-Day (AOD).

Unit Supervisor or AOD (Same Day)

Notifies deputy Regional Administrator of incident.

Deputy Regional Administrator (Same Day)

Determines if immediate telephone reporting of incident to P&CSD, Headquarters is necessary.

Unit Supervisor (Same Day)

Completes CDC Form 1662, Parolee Incident Report, and FAXs to deputy Regional Administrator.

Deputy Regional Administrator (Same Day)

Notifies Regional Administrator and P&CSD Headquarters.

FAXs Special Incident Report to Assistant Deputy Director, P&CSD Headquarters, if incident report is required.

Assistant Deputy Director (When Incident Report is Received)

Assesses incident information and determines if additional information is required.

Summarizes and forwards very serious incident reports to Director.

Parole Agent (As Soon as Possible)

Obtains additional information requested and forwards to P&CSD, Headquarters.

81050.3 Altercation Reports Policy

A report shall be prepared and submitted if a parole staff person is involved in an altercation.

81050.3.1 Altercation Reports Format

Synopsis (One sentence description of incident).

Parties Involved (List all persons involved in incident, noting their status as staff or parolees, inmates or other persons).

Injuries to Person or Property (A description of injuries to any person, medical aid given and prognosis). When reporting injuries, differentiate whether female or male by placing (F) or (M) in front of name of injured person. Damage to property of a staff person, parolee, inmate or any other person will be listed with a damage estimate in dollar value (A claim may be submitted for damages to personal property per SAM).

81050.3.2 Altercation Reporting Procedures

Parole Staff Person (Immediately)

Notifies Unit Supervisor.

Prepares and submits altercation report and submits to Unit Supervisor.

Unit Supervisor

Prepares written critique and evaluation of incident on a separate sheet, attaches it to the report and forwards report to PA and RPA.

- Notes concurrence on report, if in agreement.

PA and RPA (Within 20 Days of Incident)

Prepare separate written critiques and evaluations of incident; attach to report and forward to Deputy Director, P&CSD.

81050.4 Shots Fired- Policy

Whenever a peace officer's firearm is discharged in the course of employment (except as permitted for training purposes), whether on-duty or off-duty, the employee shall prepare a Shots Fired Report (Confidential). The immediate supervisor shall also prepare an analysis of shooting incident and attach the analysis to Parole Agent's report.

81050.4.1 Shots Fired Report Format (Confidential)

Synopsis. Brief description of what happened when the firearm was discharged, number of times fired and the consequences of being fired; e.g., injuries sustained.

Parties Involved. List all incident participants and witnesses, including full names, home addresses, telephone numbers and places of employment, noting status as employees, parolees, inmates or other persons. Include statements from all witnesses and participants. Physical positions of all persons at time of incident will be noted on a schematic and appended to report.

Death, Injury or Property Damage. Describe injuries and wounds sustained by any person, including names, addresses and telephone numbers of injured persons. List estimated dollar value of any property damage, and names and addresses of owners. A supplemental report shall be submitted if an injured person dies after original report is submitted.

Weapons Used.

- Describe employee firearms, including CDC and serial numbers, type of ammunition, number of rounds fired, type of holster and disposition of employee weapon. Indicate date employee last qualified on a approved range.
- Describe weapon used by other person, and type of ammunition, number of rounds fired, and statement as to whether weapon was stolen or how other person came into possession of weapon. If the above information is not available when the report is submitted, make a statement to that effect and submit the information when available in a supplemental report.

Assisting Departments

Other departments assisting or responding. List names and telephone numbers of other departments of law enforcement and other participating agencies; paramedics, ambulances, hospitals, doctors, etc. Append copies of reports of incident prepared by all other departments or agencies to the report. If other agency reports are not available when Shots Fired Report is submitted, the reports shall be submitted with a supplemental report when available.

Details of Incident. Include a detailed, chronological account of incident with a narrative description of scene and physical positions of all persons involved and present at shooting. Include presence and positions of all witnesses.

P&CSD Notification. Indicate date and time that the supervisor or Administrative AOD was notified of event, including name of person notified.

Analysis. The immediate supervisor shall indicate cause of incident and degree of each person's involvement. The analysis will be an addendum to main Shots Fired Report so it can be easily removed to facilitate wider distribution of remainder of the report. If subsequent information causes analysis to be modified or changed, revised analysis will be submitted in a supplemental report that includes basis for the revision. Although other sections of Shots Fired Report may subsequently receive wide distribution for training and informational purposes, analysis section distribution will be restricted to the Unit Supervisor, PA, Regional Administrator, Assistant Deputy Director and Deputy Director, P&CSD. Copies of reports intended for a wider audience will have analysis section removed prior to duplication and distribution.

81050.4.2 Shots Fired Reporting Procedures

Parole Staff Person (As Soon as Safety Permits)

Obtains any needed medical aid and requests law enforcement agency assistance if injury, death or property damage occurred.

Reports any discharge of a firearm to local law enforcement agency.

Telephones immediate supervisor or AOD to report incident.

Unit Supervisor (Immediately)

Notifies PA.

Proceeds to scene of incident and conducts complete investigation of incident in cooperation with local law enforcement staff.

- Investigation will include an examination of firearm of any involved P&CSD staff person.

Reports incident through channels to Regional Administrator and Deputy Director, P&CSD. If weapon is discharged outside normal working hours the AOD shall be contacted and Deputy Director or Assistant Deputy Director also contacted by Headquarters ID/Warrants Section at (916) 445-6713.

All P&CSD Staff at Scene (No Later than 24 Hours after Incident)

Individually prepare separate written statements that chronologically document all facts of incident.

Submit reports to immediate supervisor.

Staff Person Who Fired Weapon

Prepares and submits Shots Fired Report.

Supervisor of Employee (Within Four Days of Incident)

Prepares an analysis of the incident and attaches it to the Shots Fired Report and submits to the Director on P&CSD memorandum.

Supervisor of Employee (Within Five Days of Incident)

All staff reports of incident shall be appended to the supervisor's Shots Fired Report.

Regional Administrator (Within Three Days of Receipt of Report)

Reviews Shots Fired Report.

Provides direction to involved staff members regarding appropriate corrective actions.

Forwards report to Deputy Director, P&CSD.

Forwards new information to Deputy Director, P&CSD if subsequent information causes a change in original views, recommendations or actions.

Deputy Director P&CSD

Reviews Shots Fired Report.

Forwards report to the Director.

81050.5 Threats Against Public Officials or Their Families Policy

Any written or oral threat by an inmate or parolee against the President or Vice-President of the United States, the Governor of California, other state, county or city officials, or other elected state officials, appointees of the Governor, BPT' Commissioners, or judges shall be immediately reported. A written report, prepared by the Parole Agent and approved by the Unit Supervisor, shall be made on same day that threat was made or discovered.

81050.5.1 Threats Against Public Officials Notification Procedures

P&CSD Staff Person (Immediately)

Reports threat to Unit Supervisor and PA.

Unit Supervisor (Immediately)

Directs Parole Agent to place inmate or parolee in custody.

Notifies the Regional Administrator.

Regional Administrator (Immediately)

Notifies the Assistant Deputy Director, P&CSD by telephone.

Assistant Deputy Director (Immediately)

Notifies the following by telephone:

- The Director of Corrections.
- The Deputy Director, P&CSD.
- Executive Officer, BPT, if a BPT Commissioner is threatened.
- FBI, local office.
- U.S.Secret Service (local office).
- Assistant Director, Organized Crime and Criminal Intelligence, Department of Justice, 4949 Broadway, Sacramento, CA 95813. Attention: Homicide Threats. Telephone: (916) 739-5744. ATSS: 497-5744; [24-hour Command Center: (916) 739-2771, ATSS: 497-2771].
- Assistant Director, LEIU.
- CHP required per PC 76. Notification to the CHP can be made by any of the following offices:
  - CHP-Division Headquarters: (916) 445-1150.
  - CHP-Executive Protection Bureau-North (916) 445-9636.
  - CHP-Executive Protection Bureau-South (213) 620-3216.

Parole Agent (Immediately)

Places inmate or parolee in custody.

(Same Day Threat is Discovered)

Prepares Threats Against Public Official Report and forwards copies as directed by Unit Supervisor.

81050.6 Threats Against P&CSD or BPT Staff Policy

Any threat against a P&CSD staff person shall be immediately reported to a supervisor. The supervisor shall evaluate the seriousness of the threat and, if the threat is deemed a danger to employee's safety, shall initiate prompt measures to minimize or eliminate the danger. These measures may include, but are not limited to, placing the person who made the threat in custody, recommending 24-hour arming of the threatened staff, reassigning the employee to regional office or other work location; or requesting 24-hour protection from local law enforcement or the LEIU.

If reentry inmate covered under this section escapes, discharges or is released on parole, or parolee covered under this section absconds or discharges from parole, the Parole Agent shall immediately notify the employee against whom the threat was made, the unit supervisor and PA. The PA will notify the Regional Administrator, Deputy Director, P&CSD, and the Assistant Director, Law Enforcement Liaison.

81050.6.1 Threats Against P&CSD or BPT Staff and Public Official Report Format

Synopsis of threat.

Parties Involved.

- Name, classification and work assignment of staff member threatened.

If threat was from parolee, name and location of the person making threat including CDC number, termer status and risk score at the time of the incident.

Legal information:

- Date received by CDC.
- County of commitment.
- Commitment offense(s).
- Date paroled or received in reentry facility and from which institution.
- Parole date of inmate.
- Discharge date.

- Special condition(s).

Criminal Background

Criminal Background. Short summary of criminal background that relates to violence potential (This part should not be a general summary of the offender's prior record.).

Inmate or Parole Adjustment. Short summary of the inmate or parolee's behavior while on parole or in reentry that may relate to the threat (A detailed review of the inmate's or parolee's adjustment is not required).

Supervision category.

Circumstances

Circumstances of threat:

- Date, time and location of threat;
- Details and circumstances relating to the threat; report shall also include information in narrative section regarding what may have led to parolee or inmate's involvement in incident and whether special conditions were being met by parolee or inmate.
- Source of information regarding the threat (if in written form) or a verbatim statement of the threat (if made verbally) will be included in the report.

81050.6.2 Threats Against P&CSD or BPT Staff Procedures

P&CSD Staff (Immediately)

Reports threat to unit supervisor.

Unit Supervisor (Immediately)

Attempts to identify source and context of threat.

Determines if recipient of threat views threat as serious and recipient's recommended response.

Reviews background of person making the threat for history of violence, assaultive behavior or emotional instability if source of threat is known.

(Same Day)

Notifies local law enforcement of threat if threat is determined to constitute a danger.

Notifies Deputy Director, P&CSD, of threat by channels, providing following information:

- Name, classification and work assignment of staff member threatened.
- Name and location of person making the threat.
- Date, time and location of threat.
- Actions taken by supervisor.

PA (Same Day)

Telephones information to Deputy Director.

Deputy Director

Determines if additional information is required.

Notifies Executive Officer if a BPT employee is threatened.

Unit Supervisor (Within Ten Days of Request)

Prepares and submits Threats Against Staff Report by channels, to Deputy Director.

81050.6.3 Analysis of Threat by Administrator

On a separate (detachable) page, the PA will summarize: an analysis of the situation, the result of management's investigation of threat circumstances, including the involved staff's view of the situation; and what immediate steps, if any have been taken to reduce any risk to the involved staff person(s). The PA will also indicate any additional short range steps that will be taken to reduce staff risk and, if the threat is judged to constitute a potential long-term safety issue, the long range steps that will or should be taken (e.g., permanent transfer of the staff person to another geographical area or CDC unit; imposition of a special condition that the parolee participate in POC, etc.).

The Regional Administrator will conduct an independent analysis of the situation, noting both short and long range actions taken and assessing the adequacy of the actions and other recommended actions, to be forwarded to the Deputy Director, P&CSD.

81050.7 Revision

The Deputy Director, P&CSD or designee, shall ensure that this section is current and accurate.

81050.8 References

PC § 76

ARTICLE 6 — INTERSTATE PROCEDURES

Revised March 8, 1990

81060.1 Interstate Policy

California is a member of the Interstate Compact. This compact is the legal authority that permits a parolee convicted of a crime in one state (sending state) to be supervised on parole in another state (receiving state). Acceptance of compact cases is predicated on the availability of resources within the receiving state, including family, employment or other assurance of financial independence. Cooperative parolees shall receive the same supervision and service as California parolees.

CDC does not have the authority to place cooperative parolees in a California prison.

81060.2 Interstate Definitions

California Adult Compact Administrator

The Regional Administrator, Region I.

California Parolee

A person convicted and sentenced to prison in California and under parole supervision in California.

California Interstate Parolee

A person convicted and sentenced to prison in California but under parole supervision in another state according to the provisions of the Interstate Compact.

Concurrent Parolee

A person convicted and sentenced to prison both in California and another state and under parole supervision on both commitments in either California or the other state.

Cooperative Parolee

A person convicted and sentenced to prison in a state other than California but under parole supervision in California according to the provisions of the Interstate Compact.

Interstate Compact

The agreement by which all 50 states, the District of Columbia, the Virgin Islands and Puerto Rico function cooperatively in the supervision of probationers and parolees. California's participation is authorized by the Penal Code.

Interstate Unit (ISU)

The Unit at Region I Headquarters that coordinates functions of the Interstate Compact.

Resident

A parolee who was an actual inhabitant of the receiving state continuously for a year or more before going to the sending state, and who was not a resident of the sending state for six continuous months immediately preceding the current commitment offense.

Sending State

The state where the parolee was convicted and which sends the parolee to another jurisdiction.

Receiving State

The state which supervises a parolee for another state.

81060.3 Interstate Areas of Responsibility

The Compact Administrator is responsible for implementing the following functions through the ISU under provisions of the Interstate Compact:

- Administrative control of California interstate parolees under the supervision of other states or in custody (state or federal) outside California [excluding Parolee-at-Large (PAL) cases].
- Informal assistance to California Parole Agents supervising the parolees of other states.
- Referral of requests for supervision of other states' parolees in California.
- Referral of other states' requests for information on one of their cases to the appropriate field unit.
- Assistance to California Parole Agents in processing reports on California parolees confined in other states.
- Processing of extradition requests.
- Transfer of California inmates to other state or federal institutions.
- Administrative control of California inmates serving sentences in other state or federal institutions.

81060.4 Distribution of Interstate Forms

All forms referred to in this chapter will be distributed according to the Distribution Chart.

81060.5 Cooperative Parolee Transfer Acceptance Policy

It is not intended that California accept all cases referred. Acceptance is based on the parolee's ability to function without becoming a burden on the local jurisdiction. Legal residents of California, or parolees with family residing in California who can locate employment may be accepted for cooperative supervision.

Parolees who are not residents and do not have family residing in California must have a compelling circumstance to be accepted for cooperative supervision.

81060.5.1 Cooperative Parolee Transfer Procedures

ISU Staff (Within Three Days of Receipt)

Refers investigation request from other state to appropriate parole region.

Regional Screening Staff (Within Three Days of Receipt)

Refers investigation request to appropriate unit office.

Parole Agent

Reviews investigation request to determine whether it meets acceptance criteria.

Determines whether parolee is resident of California.

Investigates proposed residence and determines:

- If parolee is expected and residence is confirmed.
- If there is anything in parolee's background which precludes placement (e.g., a child molester in a residence with several children).

Investigates proposed employment program and determines:

- Any possibility of criminal activity on proposed job.
- If prospective employer is aware of parolee's criminal background.

Determines if special circumstances exist that allow acceptance of a case that does not meet criteria.

(Within 30 Days of Receipt of Case)

Completes CDC Form 1529, Reply to Investigation Request. States reporting instructions if case is accepted; states the reason for rejection if case is rejected.

Provides Investigation Request material and completed CDC Form 1529 to the unit supervisor for review and signature.

Unit Supervisor

Reviews CDC Form 1529 and investigation material and takes following actions:

- Reviews case with Parole Agent to resolve any differences of opinion.
- Signs and distributes CDC Form 1529 if case accepted.
- Signs and returns Form A to ISU if case is rejected (original plus two copies).

ISU Supervisor

Reviews CDC Form 1529 and investigation package and:

- Orders "rejected" case accepted if case meets criteria for transfer per Interstate Compact and returns accepted case materials to original unit for supervision.
- Forwards Form A (rejection) plus copies to sending state.

Parole Agent

May cancel acceptance of cooperative case if the parolee does not report within the time frame, by completing CDC Form 1534, Progress and Conduct Report. Forwards the report to the sending state with the reason for canceling acceptance.

81060.6 Cooperative Parolee Case Supervision Policy

Parolees in California under cooperative or concurrent supervision shall receive the same supervision and services accorded a California parolee.

81060.6.1 Cooperative Parolee Case Supervision Procedures

Parole Agent (When a Cooperative or Concurrent Case Reports)

Completes CDC Form 1650, Record of Initial or Transfer Interview Form.

Completes CDC Form 1515, Notice and Conditions of Parole, including any special conditions to be imposed by sending state or unit supervisor.

Requires parolee to sign CDC Form 1515.

Completes CDC Form 1538, Opening Notice Form, specifying effective date as date cooperative or concurrent parolee reports to parole unit, or date case is accepted if parolee is already in California.

Sends CDC Form 1538 directly to the Interstate Unit.

Completes and forwards CDC Form 1534 to sending state.

Interstate Unit Staff

Secures an "I" number upon receipt of CDC Form 1538.

Returns CDC Form 1538 with assigned "I" number to unit opening the case and forwards two copies of fingerprint card for completion.

Enters cooperative case openings, closing, and transfers into OBIS.

Completes CDC Form 1538 specifying effective date as that date which the cooperative or concurrent parolee reports to parole unit or that date on which the case is accepted if parolee is already in California.

Parole Agent

Fingerprints parolee and returns one completed fingerprint card to Interstate Unit (ISU).

ISU Staff

Reviews fingerprint card to make certain all needed information is included.

Mails card to California DOJ.

Parole Agent (Each Six Months)

Supervises case in accordance with P&CSD Case Supervision and Violation Procedures.

Forwards Progress Report to sending state.

Closes case by completing CDC Form 1538A, Closing Notice whenever any of the following occurs:

- Parolee discharged by sending state.
- Parolee placed on summary parole by other state.
- Death of parolee.
- Transfer of parolee to another state.
- Parolee is at-large.
- Parolee committed to CDC.
- Parolee extradited to another state.

Advises sending state on CDC Form 1534 of cases being closed and that case material will be maintained for 120 days, then destroyed (except for cases where parolee has absconded).

81060.7 Cooperative Parolee Conditions of Parole

Cooperative parolees are subject to parole conditions of both California and sending state. When parolee signs the "Application for Compact Services" and case is accepted, it is understood under the Interstate Compact that parolee must obey parole rules of receiving state as well as rules of sending state. Cooperative parolees who violate the conditions of parole of either state, or who are a danger to others, themselves, or to property of others, shall be placed in custody under California parole hold (PC 3056/11177.1).

81060.8 Cooperative Parolee Transfer Between Units Policy

Procedures for transferring cooperative parolee cases between units are not subject to county of commitment policies. Transfer will only be made on the basis of an approved residential, employment or education program.

81060.8.1 Cooperative Parolee Transfer Between Units

Parole Agent

Prepares transfer summary on CDC Form 1534.

Prepares a CDC Form 1506, Notice of Transfer Correction Residence Change, (only if case has been opened and has an "I" number). Mails CDC Form 1506 to ISU.

81060.8.2 Cooperative Parolee Transfer and Travel to Third State Procedures

Parole Agent

Contacts ISU and obtains reporting instructions when a Cooperative parolee requests a transfer to another state.

Issues CDC Form 1535, Travel Permit to parolee if the sending state approves transfer.

Informs sending state of transfer on a CDC Form 1534.

Closes case on a CDC Form 1538A if case is transferred.

Issues CDC Form 1535 when Cooperative case requests travel to a third state, if approved. Reporting instructions are not required.

81060.8.3 Cooperative Parolee Move to Third State Without Permission Procedures

Parole Agent

Informs sending state of parolee's location and requests instructions by submission of CDC Form 1534.

Advises that California will close interest.

Completes CDC Form 1538A sending if no instructions received from sending state.

Retains file for 120 days and then destroys it.

81060.8.4 Cooperative Parolee Arrest Prior to Reporting Procedures

Parole Agent

Opens case officially on CDC Form 1538.

Places hold per PC 3056/11177.1.

Follows revocation procedures.

81060.8.5 Cooperative Parolee-At-Large Procedures

Parole Agent (Within 10 Days After Parolee is Missing)

Prepares and submits an Activity Report to unit supervisor.

(No Later Than 30 Days After Parolee is Missing)

Prepares a CDC Form 1534, Closing Case Summary and forwards to sending state with a copy to ISU.

Notes effective date of closing as date of Closing Case Summary (Cases are re-opened and will get a different "I" number for compact purposes if parolee reappears..

Maintains unit file for 12 months.

(At 12 Months After Parolee Absconds)

Prepares and forwards a CDC Form 1534 to sending state advising that file will be destroyed within 30 days unless advised otherwise.

81060.8.6 Apprehension of Cooperative Parolees-At-Large Procedure

Parole Agent

Contacts ISU by telephone and requests parolee's current status before placing parole hold or placing parolee in custody.

ISU Staff

Contacts sending state and requests current status of parolee and action to be taken.

Advises assigned Parole Agent of parolee's status and sending state's requested action.

Parole Agent

Carries out requested action of sending state (Reopens by submitting a new CDC Form 1538 if further action is required).

81060.9 Cooperative Parolee Revocation Hearing Policy

Revocation hearing procedures for a cooperative parolee will, with minor exceptions, be initiated and processed in the same manner as for a California parole violator except that the original of the Violation Report must be sent to the other state. Cooperative parolees shall not be transferred to a CDC prison pending revocation action. Final disposition is deferred to sending state. The procedures for California parolees (as contained in DOM 84000) apply to cooperative parolees regarding advice of rights, attorney determination, scheduling a hearing and rules for witnesses.

81060.10 Cooperative Parolee Identification Hearing Policy

PC 11177.1 requires that a cooperative parolee, prior to being returned to sending state under the Interstate Compact, shall have right to counsel and to a hearing before a magistrate. At the hearing the magistrate shall accept certified copies of parole documents showing that parolee has been ordered returned to sending state, and these documents shall constitute conclusive proof of their contents. The hearing will determine:

- Whether person is, in fact, a parolee who was allowed to reside in this or any other state pursuant to Interstate Compact (signed compact forms).
- Whether parolee's return to sending state has been ordered (warrant ordering return).
- Whether there is probable cause to believe parolee is same person whose return is sought (positive identification).

81060.10.1 Cooperative Parolee Violation and Hearing Procedures

Parole Agent

Books cooperative parolee, files a PC 3056 Parole Hold, and notes on booking slip that parolee is subject to PC 11177.1 if a decision is made to recommend return to sending state.

Completes and submits Violation Report for a revocation hearing. (All reports and forms will include parolee identification number from both states).

Hearing Agent (Following BPT Hearing)

Distributes BPT Form 1103, Summary of Revocation Hearing Decision.

Attaches CDC Form 1534 and original of BPT Form 1103, Hearing Results, to form letter re: Return of Parole Violator and sends directly to sending state's Interstate Compact Office.

Informs sending state that taped recording of revocation hearing is available upon request from the BPT.

Parole Agent

Monitors case and determines when subject is picked up by sending state.

Completes CDC Form 1534 advising other state that subject was picked up by their agents and that California is closing the interest.

Completes CDC Form 1538A and places file materials in inactive file to be disposed of in same manner as a California case file.

81060.11 Cooperative Parolee Unconditional Waiver Policy

When a cooperative parolee under California supervision signs an unconditional waiver of revocation hearing, the hearing agent will proceed as if the person was a California parolee facing a revocation hearing and had signed an unconditional waiver.

81060.11.1 Cooperative Parolee Unconditional Waiver Procedures

Hearing Agent

Forwards unconditional waiver and revocation package to Parole Agent.

Parole Agent

Forwards original BPT Form 1103, Waiver, Violation Report and attachments, and Identity Hearing Form letter to sending state. CDC Form 1534 will be used as a cover letter.

81060.12 California Interstate Parolee Transfer Investigation Policy

A request by a California parolee to move to another state will be evaluated to determine compliance with Interstate Compact requirements before submission of a transfer investigation request. The parolee shall not be allowed to proceed to the receiving state pending investigation unless prior approval is obtained from the ISU. Receiving state shall not be contacted directly by Parole Agent. Any necessary telephone contact with receiving state shall be made by ISU. Parolees with special condition of parole shall not be allowed to transfer to another state unless receiving state indicates ability to enforce special condition or special condition is removed.

81060.12.1 California Interstate Parolee Transfer Investigation Procedures

Parole Agent

Completes CDC Form 1531, Parole and Probation Form 1, Parole Investigation Request Form.

Completes and has parolee sign CDC Form 1533, Parole and Probation Form 3, Agreement to Return Form and Parole and Probation Form 5, Application for Compact Services located on opposite side of CDC Form 1533.

Sends original copy (if available) and attachments to Regional Records (one copy will be retained in field file):

- CDC Form 1521, Parole and Probation Form 1.
- CDC Form 1533, Parole and Probation Form 3.
- CDC Form 1553, Parole and Probation Form 5.
- Signed CDC Form 1515, Notice and Conditions of Parole.
- POC reports if available.
- Contacts ISU to request approval for travel if it is necessary for parolee to proceed to receiving state prior to investigation of program.

Regional Records Staff

Prepares four packages of following Staff documents:

- CDC Form 1531, Parole and Probation Form 1.
- CDC Form 1533, Parole and Probation Form 3.
- CDC Form 1553, Parole and Probation Form 5.
- CDC Form 1515, Parole and Probation Form 1.
- Fingerprint Card.
- Photo.
- Cumulative Case Summary.
- Other information or reports specified by Parole Agent.

Forwards three packages to Interstate Unit.

Files one copy in C-File.

ISU Staff

Forwards completed investigation packages to receiving state.

Forwards Investigation Request response to field unit.

Determines if receiving state can comply with special conditions of parole.

Parole Agent

Advises parolee if request is rejected.

Proceeds as follows if case is accepted:

- Special conditions will be removed or transfer will be denied if receiving state cannot provide compliance with special conditions of parole.
- Notifies parolee of transfer decision and gives specific reporting instructions.
- Completes and distributes CDC Form 1532, Parole and Probation Form 2, Report of Sending State.
- Completes Summary of Activities.
- Completes CDC Form 1506, Notice of Transfer/ Correction/Residence Change Form and transfers case to ISU.

Regional Records Staff (When CDC Form 1506 is Received)

Forwards C-File to Region I Records Office.

81060.12.2 California Interstate Parolee Return to California Procedures

ISU Parole Agent

Requests supervising state: to advise Agent parolee returning to county of commitment of reporting instruction; to close interest; and to send case materials to ISU.

Transfers case to county of commitment upon verification of subject's return.

Sends Transfer Investigation Request to appropriate parole unit if parolee is requesting return to county other than county of commitment.

Parole Agent

Investigates Transfer Investigation Request following transfer procedures found in case supervision chapter.

81060.13 California Interstate Parolee-At-Large Policy

A California Interstate parolee (a California parolee supervised in another state) absconds when the parolee becomes unavailable for supervision. A suspension action and warrant are necessary to arrest and detain any California Interstate Parolee who is not in California or the authorized receiving state. California Interstate absconders will be reported to the BPT.

81060.13.1 California Interstate Parolee-At-Large Procedures

ISU Parole Agent

Determines date of suspension (day parolee was discovered to be missing).

Prepares and submits PAL report to BPT.

BPT Staff

Takes appropriate action and issues a warrant.

81060.13.2 Apprehension of California Interstate Parolee-At-Large Procedures

ISU Parole Agent (Immediately)

Contacts regional records staff and requests cancellation of want after verifying parolee's identity.

Prepares and submits Activity Report to ISU supervisor with recommendation to submit BPT report upon request from other state if California parolee is located or arrested in compact state.

- Reinstate on parole effective _____(date)____ (reinstatement period starts date of arrest or date parolee reports to a Parole Agent).
- Continue on parole.
- Return to prison for further proceedings.

Prepares report to BPT if California parolee located outside California or compact state.

81060.14 California Interstate Parolee Violation Policy

California interstate parolees arrested in the supervising state are entitled to a prerevocation hearing with further proceedings when returned to California.

81060.14.1 California Interstate Parolee Violation Procedures

ISU Parole Agent

Requests cooperation of other state in providing prerevocation hearing to determine probable cause.

Presents prerevocation documents of other state to the BPT.

BPT

Makes determination and disposition after reviewing records and recommendations of hearing official of other state.

81060.15 California Parolee Arrested Outside California Policy

A parolee is an absconder anytime the parolee leaves California without permission or does not return to California on date specified on a travel permit or is arrested outside California. All arrests and parole violations committed by California parolees outside California shall be reported to the BPT. A California hold cannot be issued to arrest or detain a California parolee who is outside California until the BPT issues a warrant, suspends parole, and orders return to prison. A California parolee who is suspended (PAL) and is in custody outside California (with no criminal prosecution pending in the other jurisdiction) must be returned to California if the recommendation is to refer to the BPT for revocation proceedings. A parolee is not entitled to a revocation hearing in another jurisdiction. Parolees arrested outside California who have charges pending in the arresting state shall be provided with an opportunity to waive a personal appearance at a revocation hearing.

81060.15.1 California Parolee Arrested Outside California Procedures

Parole Agent (Within One Day Following Arrest)

Secures an emergency BPT action ordering parole suspended, parolee's return to prison for further proceedings and issue warrant as detainer on non-suspended parolees.

Secures an emergency action ordering parolee's return to prison for further proceedings and upgrade warrant to NCIC (Code 2) on suspended parolees in WPS only (Code 1).

Notifies ISU of California parolee's arrest in another state and faxes copy of emergency action ordering return of parolee to ISU for extradition process.

Notifies ISU of California parolee's arrest in another state on those parolees in suspended status with an active NCIC warrant.

(Within 72 Hours of Notification)

Secures all available information regarding arrest and parolee activities from arresting agency and request mailing address for parolee.

Cancel want, after verifying parolee's identity.

(Within Six Working Days of Receipt of Notice of Parolee's Arrest)

Prepares CDC Form 1521 A-D Violation Report.

Forwards to the parolee a copy of CDC Form 1521 A-D, Violation Report and original and two copies of BPT Form 1102, Absconders Arrested Out of State: Waiver of Extradition and Waiver of Revocation Hearing by certified mail.

- A stamped, self-addressed envelope to be returned to appropriate regional hearing coordinator is enclosed.
- Retains certified mail receipt on unit copy of BPT Form 1102.

Sends original Violation Report, any Supplemental Reports and all other relevant documents to regional records for inclusion in parolee's C-File.

Monitors California parolee serving sentence or undergoing criminal prosecution in other states.

Regional Hearing Coordinator (Upon Receipt of Signed BPT 1102)

Enters case into REVTRAC.

Forwards signed original of BPT 1102 to regional records for BPT review.

BPT Hearing Panel

Reviews and takes appropriate action.

Conduct in Absentia Hearing

Parolee is reinstated on parole as of the date of the in absentia hearing.

Region Records Staff (Within One Working Day of Receipt of BPT 1104

Prepares and distributes copies of the summary of revocation decision: Hearing waived/screening offer (BPT 1104), including one copy FAXed to Interstate Unit: Attention parole absconder agent.

Parole Agent

Forwards copy of BPT 1104 to parolee with reporting instructions.

Interstate Unit Staff

Removes detainer on parolee revocation release date.

ISU Parole Agent

Arranges extradition proceedings for California parolee ordered returned by the BPT.

Makes appropriate transportation arrangements upon being advised of a parolee's availability for return from outside of California.

Notifies Parole Agent when parolee has been scheduled for return from outside California to a CDC institution.

Submits BPT Form 1135, Miscellaneous Decision Form to BPT on those parolees who have waived their revocation hearing and subsequently refuse to waive extradition in court.

- Recommendation will be to rescind BPT action revoking parole, and return to prison for further proceedings.
- Forwards original BPT 1135 to Regional Records and copy of BPT 1135 to Parole Agent.

Note: Existing procedures for parolees arrested out-of-state will be followed on those parolees who do not have charges pending in the arresting state or who refuse to waive their revocation hearing.

Regional Records Staff

Forwards C-File to receiving institution upon notice from institution that parolee has been returned to California.

Institution

Schedules revocation hearing when necessary.

81060.15.2 Reinstating Suspended California Parolee Arrested Outside California Procedures

Revised November 28, 1990

Parole Agent

Contacts ISU to request permission for subject to remain in receiving state pending investigation for supervision.

Unit Supervisor (When Transfer Investigation is Authorized)

Requests emergency action by BPT to recall warrant or detainer pending Supplemental Violation Report.

Parole Agent (Upon Receipt of Acceptance by Other State)

Submits Supplemental Violation Report recommending reinstatement on parole effective (date of acceptance) and continue parole.

Transfers case to ISU if accepted by receiving state and approved by BPT.

Orders parolee returned to California if rejected by receiving state.

Requests warrant be reissued if parolee fails to return.

81060.16 California Parolee Revocation Period Policy

If a parolee is extradited to California for revocation proceedings, the revocation period begins when the parolee detained by BPT warrant is available for return to California. A parolee is available for return to California when any local prosecution or sentence is completed, and one of the following occurs:

- Extradition is waived.
- Extradition is ordered by court.
- If the parolee waives extradition to California but is not available for return due to pending local prosecution or sentence, the parolee is eligible for a waiver of personal appearance. Contact ISU for specific instructions.

81060.17 Concurrent Parolee Supervised in California Violation Policy

The BPT may revoke the California parole of any concurrent parolee supervised in California.

81060.17.1 Return of Concurrent Parolee Supervised in California to CDC Institution Procedures

Parole Agent (When Parolee is Returned)

Completes CDC Form 1538A effective date parolee was received at CDC institution.

Completes CDC Form 1538 effective date parolee is released from CDC institution.

Sends CDC Form 1538 to ISU.

ISU Staff

Assigns new "I" number to parolee.

Returns copy of CDC Form 1538 with new "I" number to Parole Agent.

81060.18 Appeal Policy

A California parolee, whether supervised in California or in a receiving state, may appeal decisions, actions or policies of the CDC or BPT that the parolee can demonstrate adversely affect the parolee. A cooperative parolee may also appeal decisions, actions or policies of CDC staff that the parolee can demonstrate adversely affect the parolee's welfare.

81060.18.1 Appeal Procedures

Parole Agent (During Initial Interview)

Provides copy of CDC Form 1570, Guidelines for Parole, to interstate parolee.

81060.19 Special Investigation Policy

Special Investigation Requests are from another state seeking information about a parolee who has been arrested in California and may be in a local custody facility. Other types of information may also be requested by other states.

81060.20 Special Investigation Procedures

ISU Staff

Forwards Special Investigation Request to appropriate region.

Regional Screener

Forwards Special Investigation Request to appropriate unit.

Unit Supervisor

Assigns Special Investigation to Parole Agent.

Parole Agent (Within 30 Days of Receipt of Investigation)

Secures information requested by other state.

Prepares report for requesting state on CDC Form 1529.

Forwards original of Investigation Report and any supporting documents to requesting state and copy to ISU.

81060.21 Interstate Revocation Policy

In reviewing any CDC Form 1521 regarding a California parolee or California interstate parolee located outside California, the BPT may suspend parole, issue a warrant for parolee's arrest and order revocation proceedings. Procedures for revocation hearings for these parolees are contained in BPT Rules. California interstate parolees not in state of compact agreement are not entitled to revocation proceedings until returned to California.

81060.22 Revisions

The Deputy Director, Parole and Community Services shall ensure the contents of this section are accurate and current.

81060.23 References

PC §§ 3059, 11175, 11176, 11177, 11177.1, 11184, 11192, 11193, 11194 and 11195.

CCR (15) (2) §§ 2731, 2732 and 2733.

ARTICLE 7 — CASEWORK SERVICES

Effective August 28, 1989

81070.1 Policy

Cash assistance funds are loans to parolees or dischargees intended to be used when other funds or resources are not available. Cash assistance loans are not part of the bank draft system. A determination of how much money is needed is a matter of judgment, and circumstances will generally differ from case to case. Care shall be taken in deciding whether to make a loan. Repayment of loans is expected when the person's employment and personal circumstances permit. It is the agent's responsibility to periodically review cash assistance records and request parolee to make repayment where possible. A clerical staff (not the fund custodian) shall be designated as the cash assistance clerk.

81070.1.1 Cash Assistance Procedures

Cash Assistance Clerk

Issues Cash Assistance Loan Receipt Book and Cash Assistance Repayment Receipt Book to Parole Agent.

Parole Agent

Reviews request for cash assistance loan to determine the need for a loan.

Obtains unit supervisor's approval for any loan in excess of $50.

Obtains unit supervisor's prior approval if loans to an individual parolee within any 30-day period will exceed $150.

Completes CDC Form 1509.

Releases loan funds to parolee and obtains receipt.

Distributes completed copies of CDC Form 1509, Loan Receipt to:

- Original attached to Parole Agent travel expense claim;
- Yellow and pink copies are provided to the cash assistance clerk.
- Green copy remains in the receipt book.

Delivers all monies collected from parolees or dischargees to cash assistance clerk.

Unit Supervisor

Verifies that the Cash by Agent portion of the Loan Receipt agrees with the Parole Agent's request for reimbursement on travel expense claim for that month.

81070.2 Bank Draft Usage Policy

Bank drafts are to be used for casework services. Bank drafts shall state the specific purpose for which the loan is intended; e.g., housing, food, clothing, etc. The intent of the Bank Draft System is to improve vendor-user-state agency relations by allowing parolees and dischargees to pay immediately for over-the-counter purchases. The bank draft can be made payable to:

- Vendor.
- Parolee with (CDC number).
- Parolee and vendor (jointly).

Approval for use of the Bank Draft System shall be obtained from Financial Management and Support Services staff prior to establishing such a system in a parole unit. Bank drafts are only to be used in situations where cash purchases would normally be made. Under no circumstances will bank drafts be mailed to vendors or used for employee expenses or for purchase of supplies for state offices. Bank drafts shall not exceed $500. In accordance with SAM 8124, multiple bank drafts to the same vendor, to avoid the $500.00 limit or use of bank drafts to void using contracts are not proper uses of the bank drafts. Bank drafts shall not be used for release (gate) money under PC 2713.1. It is the responsibility of the unit supervisors to assure that agents make proper use of the bank drafts.

All loans and repayments must be posted to appropriate parolee account sheets, including loans made to reentry inmates that were not repaid.

Instructions contained herein meet state fiscal requirements and conform to generally accepted accounting principles. Each step is intended to safeguard state funds and to protect employees should any transaction concerning issuance of a bank draft for cash assistance be questioned. However, employees involved are still responsible for performing their respective duties and will be held responsible for all monies, bank drafts, receipts, and bank draft stock entrusted to their possession.

81070.2.1 Bank Draft Usage Procedures

Unit Supervisor

Submits memorandum (by channels) specifying need for use of bank drafts to Financial Management and Support Services Branch to obtain approval to implement Bank Draft System.

Contacts local bank using CDC Form 910, Form Letter, if approval to implement Bank Draft System is obtained.

Designates a clerical staff person, fund custodian and two additional employees who have authorization to sign bank drafts.

Ensures each employee designated above signs CDC Form 910A, Individual Issuance and Cancellation of Authorization to Sign Bank Drafts, on line "Restricted Signature Specimen".

Cancels authorization when a designated person's status changes.

Forwards CDC Form 910A, Authorization to Sign Bank Drafts, in duplicate to Headquarters, Accounting when authorizing or canceling Authorization to Sign Bank Draft.

Designates clerical staff person (other than fund custodian) as collection clerk (A Parole Agent may be assigned collection responsibilities).

Ensures that in absence of fund custodian bank drafts are signed by two employees who can authorize cash assistance expenditures (The number of employees authorized to issue or countersign bank drafts will not exceed three in any field parole office).

Ensures that a person other than fund custodian is thoroughly familiar with forms, records and procedures so that a fully trained replacement is always available.

Completes listing of CDC Form 1197, Authorized Bank Draft Personnel, and maintains in unit.

81070.3 Bank Draft Stock Supply Policy

Cash receipts, including checks, warrants and currency should be kept in a safe. The field unit supervisor will ensure that the unit fund custodian has access to a safe in which the supply of CDC Form 898s, Bank Draft Purchase Vouchers, are stored. Supply of bank drafts on hand will not exceed three months. Bank Draft Purchase Vouchers stock shall not be transferred between field offices without prior approval from Headquarters, Accounting staff.

The Fund Custodian shall maintain a Bank Draft Stock Memorandum Register that identifies the person receiving the draft, the date of receipt, the Fund Custodian's name, and the press-number(s) of bank draft(s) issued. A new register will be established each month and the verified receipts will be kept until an audit is performed.

A back-up fund custodian shall be identified and trained in Fund Custodian duties. The back-up Fund Custodian shall be provided with authorization for bank draft signature and access to the unit safe.

Safe combinations shall be changed when an employee knowing the combination leaves.

Records shall be maintained documenting dates when safe combinations have been changed and the names of persons knowing the present combination.

81070.3.1 Bank Draft Stock Supply Procedures

Fund Custodian

Requests estimated three month supply of (initial start) CDC Form 898s from Headquarters, Accounting.

(As Needed)

Orders additional CDC Form 898s.

Headquarters Accounting Staff

Issues transfer receipts showing bank draft numbers of CDC Form 910Bs, Stock Transferred Forms and forwards to field office by certified mail.

Mails CDC Forms 910Bs to field office separately from CDC Form 898s.

Person Receiving Certified Package (Upon Receipt)

Opens sealed package and signs CDC Form 910B, Accountability after verifying and Fund Custodian accuracy of contents.

Fund Custodian

Notifies Headquarters, Accounting staff if information on CDC Form 910B does not agree with contents of package containing CDC Form 898s.

Retains CDC Form 910B until audit is conducted by Headquarters, Internal Audit staff.

81070.4 Bank Draft Purchase Voucher Safekeeping Policy

All CDC Form 898 stock shall be kept in a safe when not being used or processed. The combination of the safe will be known by at least two but not more than three field office employees. The safe combination shall be changed within five days after an employee having knowledge of the combination transfers or combination becomes known to more than three employees.

81070.4.1 Bank Draft Purchase Voucher Safekeeping Procedures

Unit Supervisor

Prepares memo providing names of persons knowing present safe combination and date of last combination change and forwards to Headquarters, Accounting.

Updates memo as changes occur and forwards to Headquarters, Accounting.

81070.5 Bank Draft Purchase Voucher Issuing and Recording Policy

CDC Form 898s shall be completed by filling in all required information. Bank draft vouchers shall identify the purpose, the unit office, payee's name, and department number. It is essential that bank drafts be issued in ascending numerical order. Bank draft purchase vouchers shall be typed only on non-correctable typewriter ribbon (SAM 8041) if a typewriter is used. Corrections shall not be made. Bank drafts with errors shall be voided, the signature blocks removed and then returned to CDC accounting. No alterations are allowed on the actual bank draft. If an error is made, "VOID" will be marked across the face of bank draft and signature section will be cut off.

The parolee's CDC identification number should be written on the face of the bank draft in addition to the Bank Draft Purchase Voucher. Bank drafts shall be signed by an employee authorized to sign bank drafts and countersigned by the Fund Custodian.

All receipts shall have press numbers. An inventory control must be kept for all press-numbered receipts.

The loan receipts will contain an authorizing signature, the parolee's signature, and CDC number.

The person authorizing a loan to a parolee will sign the authorization. Each unit office will establish a method for parolees to sign for checks and verify that a check has been delivered to the parolee.

81070.5.1 Bank Draft Purchase Voucher Issuing and Recording Procedures

Revised March 8, 1990

Parole Agent

Prepares CDC Form 1509, Loan Receipt.

Unit Supervisor or Designee

Signs CDC Form 1509 if approving loan.

Parolee or Dischargee

Signs CDC Form 1509 before receiving loan.

Parole Agent

Gives completed CDC Form 1509 to fund custodian if a CDC Form 898 is to be issued.

Fund Custodian

Obtains CDC Form 898, Bank Draft Purchase Voucher and prepares it from written CDC Form 1509.

Establishes CDC Form 1618, Parolee Account Sheet at the time first loan is made to parolee or dischargee. Appropriate entries will be made as repayments or additional loans occur.

Enters CDC Form 898 number on CDC Form 1509.

The Fund Custodian shall compare and reconcile the previous month's bank draft activities. Reconciliation shall include comparison of the most recent invoice for Bank Draft Stock, the previous month's loan receipts, and the CDC Form 910G (revised), Bank Draft Stock Daily and Monthly Reconciliation Form by the fifth of each month.

Checks records and makes necessary adjustments to bring forms into agreement if the two amounts do not agree.

Enters monthly grand total for all loan receipts, cash, and bank drafts in CDC Form 1619, Cash Assistance Expenditures Record.

Detaches yellow copy of CDC Form 898 and files for forwarding to Headquarters, Accounting.

Gives remainder of completed CDC Form 898s and CDC Form 1509s to employee authorized to sign bank drafts.

Employee Authorized to Sign Bank Draft

Compares name, amount and bank draft number with CDC Form 1509.

Signs and returns CDC Form 898 and returns it with Loan Receipt to fund custodian.

Fund Custodian

Countersigns bank drafts and makes distribution to payees or Parole Agents after they sign in space provided on CDC Form 1509s.

Weekly

Forwards white and yellow copies of Loan Receipts (85-92665) and CDC Form 898s with corresponding receipts to Headquarters, Accounting, using CDC Form 910E.

Parole Agent

Gives blue copy of CDC Form 898 to recipient of assistance.

Fund Custodian

Files green copy of CDC Form 898 and CDC Form 1509 together and retains copies at field office until audited.

81070.6 Bank Draft Purchase Voucher Verification Policy

Bank draft stock shall be verified on a monthly basis to assure that no unauthorized CDC Form 898s have been used. A reconciliation shall also be made when there is a change in employees responsible for bank draft stock. The employee verifying CDC Form 898 stock cannot be the same person preparing, issuing and responsible for safekeeping of the bank draft stock. Whenever a CDC Form 898 is stolen or missing, Headquarters, Accounting shall be notified.

81070.6.1 Bank Draft Purchase Voucher Verification Procedures

Fund Custodian

Signs CDC Form 910C, Bank Draft Stock Memorandum Register.

Person Receiving Bank Draft

Signs CDC Form 910C.

Fund Custodian (Monthly)

Establishes new register and retains verified receipts until an audit is performed by Internal Audit Unit.

Unit Supervisor

Ensures reconciliation is made when there is a change in employee(s) responsible for bank draft stock using CDC Form 910D, Change of Responsibility for Bank Draft Stock Receipt.

Unit Supervisor (Immediately)

Telephones Headquarters, Accounting staff whenever a CDC Form 898 is stolen or missing, giving description of bank draft and circumstances of disappearance.

(Within One Day)

Confirms missing or stolen voucher in a memorandum to Headquarters, Accounting.

81070.7 Repayment of Cash Assistance by Parolee or Dischargee Policy

A Loan Repayment Receipt shall be made for every repayment made by a parolee or dischargee. The designated collections clerk shall receive repayment from parolees or dischargees and Parole Agents and deposit such collections in accordance with established procedures. If a repayment receipt is spoiled, all copies will be marked "VOID". An inventory shall be maintained of the supply of Loan Repayment Receipt Books. Headquarters, Accounting staff shall be notified if a partially used or unused book is lost or stolen.

81070.7.1 Repayment of Cash Assistance by Parolee or Dischargee Procedures

Employee Receiving Money

Completes CDC Form 1510, Loan Repayment Receipt and distributes copies:

- Green to parolee.
- Blue to collection clerk. (Clerk initials agent's bank copy to indicate repayment received.)

- Pink remains in agent's receipt book.

Collection Clerk

Posts individual's repayment to CDC Form 1618, Parolee Account Sheets, and places receipt in "batch" envelope for the week.

(End of Week)

Writes total amount received on outside of "batch" envelope and files until end of month.

(End of Month)

Enters total amount collected during month as one posting to CDC Form 1619, Cash Assistance Expenditure Record.

Files repayment batches for subsequent audit by Internal Audit Unit.

Maintains inventory of Loan Repayment Receipt Books on hand in field parole office.

Posts inventory as Loan Receipt Books are issued to and returned from Parole Agents.

Parole Agent

Returns Loan Receipt Book to collection clerk when last receipt is used.

Unit Supervisor (Immediately)

Telephones Headquarters, Accounting staff if a partially used or unused book is stolen or lost, giving description of book and circumstances relating to disappearance.

(Within One Day)

Confirms above information in memorandum to Headquarters, Accounting staff.

81070.8 Deposit of Repayment Policy

Revised March 8, 1990

All loan repayments and other deposits shall be deposited when the individual or cumulative amount equals $500.00 or within seven days whichever comes first. A report of deposit shall be prepared for each deposit made.

81070.8.1 Deposit of Repayment Procedures

Revised March 8, 1990

Designated Employee

Prepares typewritten STD Form 441, or STD Form 442, and CDC Form 910F, Report of Deposit providing following information:

- Starting each July 1, number each deposit in sequence beginning with #1.
- Indicate name, branch and location of bank.
- "Agency" is always "Department of Corrections/P&CSD."
- "Location" is name of unit office.
- "Account No." is always "057" when depositing cash assistance repayments.
- Enter amount for "currency," "coins" and "checks," and enter quantity of "checks" being deposited in asterisked box on the Report of Deposit.
- Employee making deposit shall sign Report of Deposit. Employee's name and date of deposit shall be typed.
- Space in center of form is for use of bank teller in acknowledging receipt of deposit.

Unit Supervisor

Dates and initials green copy of Report of Deposit and verifies deposit was made.

Distributes STD Form 441, CDC Form 910F and STD Form 442 after making deposit at bank, as follows:

- Bank teller will keep original (white).
- Second and third copies (pink and canary) are to be immediately for warded to that state agency or office whose name is printed on right hand margin of form.
- Fourth copy (goldenrod) is for Headquarters, Accounting, Attention: Accounting Officer.
- Fifth copy (green) is stapled to blue file copy of "Repayment Receipt" covered in specific deposit.

81070.9 Record Retention and Disposition of Parolee Account Sheet Policy

The cash assistance receipt book, and vouchers shall be retained by field units for audit by Internal Audit Unit for at least two years. After two years, destroy after audit or four years whichever comes first. When a parolee is transferred to another parole unit, the Parolee Account Sheet shall be forwarded to receiving unit.

The following records shall be retained by the field units for audit by the Internal Audit Unit:

- 85-92665, Combined Loan Receipt/Request for Bank Draft.
- CDC Form 898 (10/81), Bank Draft Purchase Vouchers.
- CDC Form 910-A, Issuance/Cancellation of Authorization.
- CDC Form 910-B, Mailing of Bank Draft Purchase Voucher Stock Report.
- CDC Form 910-C, Bank Draft Stock Memorandum Register.
- CDC Form 910-D, Change of Responsibility for Bank Draft Stock Receipt.

- CDC Form 910-E, Bank Draft Voucher/Receipts Report.
- CDC Form 1510, Loan Repayment Receipt.
- CDC Form 1618, Parolee Account Sheet.
- CDC Form 1619, Cash Assistance Expenditure Record.
- CDC Form 1620, Unit Inventory of Repayment Receipts.
- STD Form 441/442, Record of Deposit.

81070.10 Contracts for Correctional Services for Parolees Policy

Each region is allocated funds to contract with private and public groups or agencies for services for parolees.

Contracts may be developed for:

- Private halfway house services.
- Training and educational services to pay for tuition and materials at various schools.
- Employment placement services to purchase services from private employment agencies for placement of cases which are not amenable to efforts of public placement agencies.
- Specialized medical or psychiatric treatment services.
- Contracts for medical or psychiatric services shall be cleared with the Assistant Deputy Director, P&CSD.

Parolees placed in privately operated reentry facilities will have assistance received posted to their parolee account sheets as cash assistance loans; however, it is not necessary to prepare "Loan Receipts" for such assistance. Arrangements with privately operated reentry facilities, whether by formal contract or an "informal direct billing", will provide that the monthly invoice from the reentry facility will be accompanied by a "Register of Participation" indicating those persons referred to the reentry facility by the P&CSD during the month.

Occasionally a special type contract will be arranged between P&CSD and a privately operated facility. Such arrangements may require departure from the foregoing policies. In these cases, the field office shall contact Headquarters, Accounting for guidance.

81070.11 POC Policy

The major purposes of the POC are to provide:

- Outpatient treatment and supervision to mentally ill parolees and members of their families.
- Consultation and evaluation of special cases for Parole Agents, BPT and NAEA

POC staff shall provide psychiatric diagnosis, evaluation and treatment for all parolees referred by parole staff. Some treatment services may be provided through contractual or other agreements with county mental health programs or other agencies.

Parolees with the following mental problems should be referred to POC:

- Delusions, hallucinations, bizarre behavior, persecutory feelings, or disjointed or incoherent speech.
- An apparent lessening of control over behavior.
- Suicidal tendencies or attempts.
- Extreme anxiety, tension or depression arising out of a situation similar to one which led to past problems.
- Excessive anxiety, tension, alcoholism, paranoia or belligerence on part of a parolee.

If psychiatric treatment is mandated by a special condition of parole and treatment will be provided by another agency, written approval from a POC psychiatrist is required. The Parole Agent maintains responsibility for the case management for cases provided treatment by an outside agency.

The Parole Agent shall maintain regular contact with parolee's therapist. The therapist will contact the Parole Agent to advise of any serious deterioration.

81070.11.1 POC Procedures

Parole Agent and Unit Supervisor

Conduct case review to determine course of action if parolee exhibits evidence of mental problems.

Submit CDC Form 1548, Parole Outpatient Referral, Cumulative Case Summary and photo if decision is to refer for POC services.

POC Staff (Within Ten Days of Evaluation)

Forwards completed Initial Psychiatric Evaluation report, including patient evaluation, diagnosis and recommendation to Parole Agent.

(When Evaluation Completed)

Telephones Parole Agent to provide information from emergency psychiatric evaluation, addressing concerns that prompted referral.

Submits written evaluation report.

81070.12 Warning Potential Victim of Threat by Parolee Policy

The POC psychotherapist shall immediately contact and warn a potential victim if a parolee indicates an intent to commit bodily harm to an identifiable individual.

81070.12.1 Warning Potential Victims Procedures

POC Therapist (Immediately Upon Termination of Interview)

Telephone unit supervisor regarding threat and potential victim.

Attempts to contact potential victim by telephone to advise of the threat.

Documents warning or efforts to warn.

Forwards copy to unit supervisor, and copy for inclusion in parolee's psychiatric file by the chief psychiatrist.

Unit Supervisor (Immediately)

Ensures that appropriate steps are taken to warn potential victim. Takes other appropriate actions (e.g., arrest of parolee, notification of local law enforcement of threat and potential victim, submission of an Activity Report and Violation Report, etc.).

Notifies PA, and the Deputy Director, P&CSD, of the incident.

POC Therapist

Consults with the chief psychiatrist if therapist becomes aware of violent propensities of a parolee towards an identifiable potential victim without an actual threat of violence having been made against that individual.

Resolves any doubts about need to notify potential victims and parole staff in favor of notification.

Documents both consultation and decision to notify potential victims and parole staff of parolee's violent propensities towards an individual and includes documentation in parolee's file.

81070.13 Post Discharge Service Policy

When continued treatment and services are indicated after discharge, the Parole Agent and therapist shall assist the parolee in obtaining these from an appropriate community mental health agency. If needed services are unobtainable through community agencies, the parolee may continue with POC services.

81070.13.1 Post Discharge Service Procedures

POC Staff

Refers parolee's case to local mental health agencies.

Parole Agent (At Discharge)

Advises parolee of eligibility for continued POC services.

Continuation in POC treatment is dependent on sufficient availability of POC staff and at discretion of POC therapist.

Requires an ex-parolee electing to continue POC participation to sign a statement indicating that continued POC participation is voluntary.

POC staff will retain signed statement for three years after treatment is terminated.

81070.14 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

81070.15 References

Not Applicable.

ARTICLE 8 — DISCHARGE AND PARDON

Revised July 23, 2002

81080.1 Policy

A parolee may be recommended for discharge at any time when case factors or other considerations support early discharge. The factors to be considered are:

- First termer with no prior convictions.
- Legally self-supporting or self-sufficient.
- Currently drug free.
- Stable residence.
- Effort to satisfy restitution obligations.

A parolee should be recommended for early discharge if:

- Parolee is under other supervision [e.g., probation, Federal probation, other prison system, Department of Mental Health (DMH) facility or long-term drug treatment program]; or
- Verifiable changes in physical abilities or health which are rendered no longer a danger to society; or
- Special circumstances (e.g., parolee's life in danger, job offer in another country).

81080.1.1 Annual Discharge Review Policy

Discharge review periods are specified in the Penal Code (PC). Discharge review periods and maximum parole jurisdiction, depending on date and type of commitment offense, are:

PAROLE AND REVOVCATION PERIODS

Date of Commitment Offense	Type of Offense	Discharge Review	MaxiPeriod of Parole	Max Revocation Period *	Max Period of Parole Jurisdiction
Commitment Offense on or before 12-31-78	Life	None	3 years	6 months	4 years
Commitment Offense on or before 12-31-78	Non-Life	None	1 year	6 months	18 months
Commitment Offense on or after 1-1-79 but prior to 12-31-82	Life	During 37th month of cont. parole	5 years	1 yaer	7 years
Commitment Offense on or after 1-1-79	Non-Life	During 13th month of cont. parole	3 years	1 year	4years
Commitment Offense on or after 1-1-83	Life (Murder 1st Degree	Within 30 days of completion of 7 years cont. parole	Life	1 year	Life
Commitment Offense on or after 1-1-83	Life (Murder 2nd Degree	Within 30 days of completion of 5 years cont. parole	Life	1 year	Life
Commitment Offense on or after 9-26-88	Violent Felony PC 667.5	Within 30 days of completion of 2 years cont. parole	3 yrs. or 5 yrs.	1 year	4 years or Life based on commitment offense

* Multiple revocation terms may be imposed

Continuous Parole

"Continuous parole" means the Board of Prison Terms (BPT) has not interrupted the parole period by suspending or revoking a parolee who has been found guilty of an offense. Suspended Parolee-at-Large (PAL) time does not count toward maximum time limits unless the BPT makes a good cause finding to exclude at-large time from the parole period.

The assigned parole agent shall review each case within the specified review period, and recommend either to retain the case on parole or allow the case to discharge by operation of law.

The following factors shall be considered in conducting discharge review:

- Commitment offense.
- Parole adjustment.

- Recent drug use.
- Restitution obligations.
- Stable residence and employment.
- Prior criminal history.

Report

A Discharge Review Report shall be prepared and submitted to the unit supervisor at least 20 days prior to completion of one, two, three, five, or seven years of continuous parole, based on commitment category, and at least 20 days prior to completion of each year of continuous parole thereafter.

Parolees committed to prison for a "violent felony," under PC 667.5(c), shall be referred to the BPT for discharge review.

"Violent felony" means any of the following:

- Murder or voluntary manslaughter.
- Mayhem.
- Rape as defined in PC 261, Subdivision 2.
- Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- Lewd acts on a child under 14 as defined in PC 288.
- Any felony punishable by death or imprisonment in state prison for life.
- Any other felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as Provided for in PC 12022.7 or after July 1, 1977, or as specified prior to July 1, 1977, in PC 213, 264, and 261, or any felony in which the defendant uses a firearm in which use has been charged and proved as provided in PC 12022.5.
- Any robbery perpetrated in an inhabited dwelling house or trailer coach, as defined in the Vehicle Code, or in the inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of PC 12022, in the commission of that robbery.
- Arson in violation of PC 451(a).

Parolees committed to prison for the following felonies, unless specifically included under PC 667.5(c), shall be referred to the Parole Administrator for final discharge decision:

- Robbery.
- Child Molestation.
- Assault with a deadly weapon.
- Rape.
- Large scale narcotics sales.
- Kidnapping.
- Attempts to commit a violent felony listed in PC 667.5(c).

Parolees committed to prison for all felonies not included under the last two bullets above shall be referred to the unit supervisor for final discharge decision.

By law a parolee, unless committed to prison for a "violent felony" under PC 667.5(c), is discharged if the BPT does not order the parolee retained on parole by the 30th day after completion of one, two, three, five, or seven years of continuous parole as appropriate to the commitment category. For example: A parolee sentenced for a non-life offense committed on January 1, 1984, and paroled on June 30, 1986, has a discharge review date of June 30, 1987, and would discharge 30 days later during the 13th month of continuous parole (on July 30, 1987) if a "retain on parole" action were not taken during that 30-day period.

A parolee committed to prison for a "violent felony" under PC 667.5(c) that occurred prior to September 26, 1988, discharges by law upon reaching the maximum Controlling Discharge Date.

81080.5 Discharge to Other Jurisdiction Policy

If a parolee receives a commitment to federal prison, another state's prison, or to a local jurisdiction that exceeds the parole term, the parole agent may submit a report recommending discharge to the other jurisdiction. The following information shall be included in the Discharge Review Report:

- Anticipated minimum and maximum term of incarceration of new term.
- Anticipated length of parole or whether parolee discharges upon release.
- If sentenced to county jail, length of county jail sentence and anticipated release date.
- If parolee was granted probation, whether parolee was placed on formal or informal probation.
- If placed on formal probation, length of formal probation.
- Outstanding restitution obligations.

81080.7.1 Certificate of Rehabilitation Eligibility

Any person convicted of a felony and released from confinement in a California prison who has not been re-imprisoned since release from confinement, and who has waited the specified time period, may file for a Certificate of Rehabilitation.

The period of rehabilitation starts to run upon release to parole or direct discharge from custody.

The period of rehabilitation shall constitute three years residence in this state; plus, four years in case of any person convicted of violating PC Sections 187, 209, 219, 4500 or 12310, or 1672(a) of the Military and Veterans Code, or committing any other offense which carries a life sentence.

Two years in case of any person convicted of committing any offense not listed above.

The petitioner shall not be eligible to file for a Certificate of Rehabilitation until the period of rehabilitation stipulated has passed.

During the rehabilitation period petitioner shall live an honest and upright life, conduct a life of sobriety and industry, make reasonable effort to satisfy restitution obligations, exhibit a good moral character, and obey all laws.

81080.10 References

Penal Code Sections 187, 209, 213, 219, 261, 264, 288, 667.5, 12022, 12022.5, 12022.7,12310, 3001, 4500, 4800, 4801, 4802, 4852 thru 4852.19, 4853, and 4854.

California Code of Regulations, Title 15, Division 2, Chapter 2, Sections 2050, 2052, 2515, 2535, 2536, 2537 and 2546 and Division 3, Section 3501.

Military and Veterans Code 1672(a).

ARTICLE 9 - CASELOAD MANAGEMENT

Revised September 15, 2000

81090.1 Policy

The CDC shall ensure caseload records are updated in a timely manner, accurate, readily available, and maintained in a manner that permits retrieval of information and statistical data by authorized personnel.

81090.2 Purpose

This procedure establishes guidelines for uniform interpretation, application, and administration of caseload management plans.

81090.3 Transfer and Correction Notice Policy

Cases Under California Supervision Including Co-ops

A CDC Form 1233, Transfer Investigation Request/Travel Permit/OBIS Notification, shall be prepared for Inter-unit transfers, and for changes in county of residence, with or without a change in Parole Agent.

Upon receipt of a CDC Form 161, Warden's Checkout Order, the information shall be compared with information in the parole unit database. A revised CDC Form 1233 shall be forwarded to regional records if corrections are required.

Custody Cases

A CDC Form 1233 shall not be used to transfer cases in local custody. Transfer of these cases, if necessary, shall occur after the parolee's release from custody. A CDC Form 1233 shall be used at that time.

Transfer to Interstate Unit

Upon parolee's transfer to the Interstate Unit, the CDC Form 1233-A, Interstate Compact Form 1, Transfer Investigation, Request/Travel Permit, shall show the new state of residence. If the parolee later transfers to another state (e.g., Utah to Colorado), a new CDC Form 1233-A shall be prepared, noting the new state of residence. If the case returns to California, the CDC Form 1233-A shall show the parole unit and new county of residence.

Deportation Cases

If a parolee is deported but not discharged by the BPT, the case shall be transferred to the appropriate Regional United States Immigration and Naturalization Service Unit utilizing a CDC Form 1233.

81090.4 Caseload Count Policy

A case shall be included on the active count as of:

- The date the CDC Form 611-C, Civil Addict Release Program Study, reaches the unit office.
- The date that a felon parolee, civil addict parolee, or releasee is released from a CDC institution/facility following a period of revocation, new commitment, commitment to CRC, or a 90-day diagnostic study.
- A releasee or civil addict parolee ordered returned for limited placement remains on the active count.
- A parolee (on nonsuspended status) ordered returned to custody by the BPT for placement in a Substance Abuse Treatment Control or Substance Abuse Treatment Unit shall remain on active count.
- The date the suspended PAL, civil addict parolee, or suspended Releasee-at-Large releasee is located in California.
- PALs that are deemed High Control shall remain on the active count for the entire time they are at large.
- The date the suspended felon, civil addict parolee, or releasee was located outside of California is ordered reinstated or continued on parole.
- The date the case file is received on transfer. (If a transfer occurs after the 25th of any month, it shall be dated effective the first of following month.)
- The date noted on CDC Form 1538, Interstate Cooperative Case Opening/Closing Notice, as the opening date.
- The date a PAL who is arrested out-of-state waives extradition and is available to California.

Cases shall be taken off the count as of:

- The date the felon, civil addict parolee, or releasee is returned to a CDC institution/facility to serve a revocation term, 90-day diagnostic study, commitment to CRC, or a new commitment.
- The effective date of discharge.
- The date of BPT's or NAEA's action to suspend a felon parolee, releasee, or civil addict parolee on outpatient status.
- The date on a death certificate indicating a parolee, releasee, or civil addict parolee's date of death.
- The date of transfer as listed on the CDC Form 1233. (If a transfer occurs after the 25th of any month, the effective date is the first of the following month.)
- The date noted on a CDC Form 1538 as the closing date.
- The date the Minute Order was issued by the court of commitment on discharge and field exclusion cases.

81090.5 Caseload Roster Policy

Each field Parole Agent shall maintain a current roster of all assigned cases on a Caseload Roster. The roster shall be submitted to the unit supervisor for review by the last working day of each month. All rosters shall include:

- Preparole inmates' or parolees' names and CDC identification numbers.
- Supervision category and point value assigned to each case.
- Compliance with case contact and supervision and other case requirements.

- Additional information as required by unit supervisor (e.g., case contact dates, testing dates, employment status, custody status etc.).

81090.5.1 Caseload Roster Procedures

Parole Agent

Maintains current caseload roster of all assigned cases.

(Last Working Day of Month)

Reviews caseload roster for accuracy and submits roster to unit supervisor for review.

81090.6 Field File Policy

All case material shall be filed chronologically in the Field File with the current material on top. Filing shall be two sided with materials distributed as follows:

Left Side of Folder (Bottom to Top)

- Photo packet (taped to back cover).
- CDC Form 1515, Notice and Conditions of Parole.
- Any special instructions.
- Initial Interview/Transfer Form.
- Memoranda.
- Other letters regarding parolee.
- Monthly Report Forms.
- Referral and transfer material.
- Registration Form.
- Record of Supervision materials.
- Testing Records.
- Referral Forms.
- Other current miscellaneous.

Right Side of Folder (Bottom to Top)

- Confidential Folder shall be attached to the inside back cover of file. For additional information refer to DOM §§ 86050.2 and 86080.9.
- CDC Forms 174, Probation Officer Report.
- CDC Forms 188, Legal Status Summary.
- Reentry materials. (Chronos, summaries, case conferences, CDC Forms 115, Report of Rules Violation.)
- CDC Forms 611, Release Program Study.
- Board Reports.
- Activity Reports.
- POC Evaluations.
- P&CSD actions.
- Official Board Minutes.
- CDC Form 1244, Parole Violation Dispositions (including BPT).
- Any other legal forms.

81090.7 Discharged Parolee Face Sheet Retention Policy/Procedures

Policy

The Face Sheet of a discharged parolee shall be retained in a unit office file for a minimum period of one year.

Parole Agent Procedures

Attaches most current picture of parolee to the Face Sheet.

Reviews the Face Sheet to ensure the following information is included:

- Last known address.
- Last place of employment.
- All collateral sources with addresses and phone numbers.
- CI&I.
- FBI, Social Security, and driver license number.
- Registration requirement(s) and date(s) of compliance.
- Special condition(s) of parole (if applicable).
- Description and license plate number of parolee's current automobile.

81090.8 Field File Disposition Policy

When a case is closed by reason of discharge or death, the Field File shall be retained for 120 days and then destroyed by burning or shredding. Field Files for parolees returned with a new commitment shall be destroyed after the face sheet and activity report (Closing Summary) have been removed. The Closing Summary shall be forwarded to regional records.

81090.9 Parole Agent Field Book Policy

The Parole Agent shall maintain a Face Sheet and CDC Form 1650-D, Record of Supervision (P&CSD), for each assigned felon and civil addict case. Information contained in these records shall be current and legible.

Parole Agents shall record the following information on the CDC Form 1650-D:

- Name of the person contacted.
- Location of contact.
- Date (including year).
- Beginning and ending time of contact.
- Signature or initials at the end of the entry.

Recording this information as well as other essential case information is important as Parole Agents are called upon to testify in court as well as to appear routinely at revocation hearings. This information is also vital as an operational and safety tool in planning field contacts.

81090.9.1 Parole Agent Field Book Procedures (upon receipt of preparole referral)

Clerical Staff

Obtains accurate and current information from the preparole packet and enters it into the database. Prints out Face Sheet from parole unit database.

Parole Agent (At Time of Initial Interview)

Attaches current photographs to the Face Sheet.

Updates the Face Sheet information as needed.

Completes CDC Form 1650-D.

81090.10 Revisions

The Deputy Director, P&CSD, or his/her designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

81090.11 References

BPT Rules.

DOM §§ 84100, 84110, 86050, and 86080.

History:

1. Article revised 9-15-00, NCDOM 00-04

ARTICLE 10 — CIVIL ADDICT RELEASE POLICY

Effective August 30, 1989

82010 Introduction

The Civil Addict Outpatient/Parole Program provides supervision, control and support in a community setting to individuals who are either addicted or in imminent danger of becoming addicted to controlled substances. It includes job and school placement, limited financial assistance and family and individual counseling referrals. Behavior controls provided are anti-narcotic testing, field supervision or return to the institution. Anti-narcotic testing also has a positive effect as proof that the person has avoided relapse to substance abuse. Obeying laws and otherwise meeting the conditions of release or parole makes the outpatient/parolee aware of a responsibility to do more than avoid drug use to complete the program. The civil addict program is designed to develop a sense of personal responsibility and the necessary internal controls to avoid substance abuse.

82010.1 Categories of Civil Addict Commitments

Civil addicts committed pursuant to W&I 3051, whose commitment offense occurred prior to July 29, l980, and whose cases were reviewed under the In Re Morales decision and sentenced to their underlying criminal offense and retained in the Civil Addict Program: the term of these civil addict commitments is in accordance with the determinate sentence law.

Civil addicts committed pursuant to W&I 3051 whose commitment offense occurred on or after July 29, l980 and before September 17, 1981 (SB 1878 cases): the term of these civil addict commitments is in accordance with the determinate sentence law.

- When the custody or program expiration date has been reached for a civil addict in either category above, the individual shall be referred to the criminal court for further proceedings. The court may either discharge or order execution of the criminal sentence, including placement on felon parole under the jurisdiction of the BPT.
- If the criminal court places the defendant on felon parole for further supervision, parole supervision will be in compliance with felon procedures included in DOM.

Civil addicts committed pursuant to W&I 3051 whose commitment offense occurred on or after September 17, 1981:

- When the custody or program expiration date has been reached for one of these cases, the civil addict shall be released or placed on civil addict parole under the jurisdiction of the NAEA and subject to its conditions. These persons are civil addict parolees and are subject to NAEA procedures.

Civil addicts committed pursuant to W&I 3050 (misdemeanor commitments) whose commitment offense occurred on or after July 29, 1980:

- The maximum term for these cases is 16 months. They must be returned to the committing court upon expiration of the commitment.

Civil addicts committed pursuant to W&I 3100 or 3100.6: An outpatient committed to the Civil Addict Program before July 29, 1980, who has not discharged prior to the maximum discharge date (2-1/2 years for those committed under Section 3100 or 7 years for those committed under Section 3100.6) shall be discharged by the Director of Corrections in accordance with W&I **3201**(b). A civil addict committed to the Civil Addict Program after July 29, 1980, who has not been discharged prior to the maximum 12-month discharge date, whether committed under W&I 3100 or 3100.6, shall be discharged by the Director in accordance with W&I 3201(b).

82010.2 Initial Field Study Policy

CDC Form 152l, Initial Field Study shall be requested when there are questions concerning the newly committed inpatient's suitability for the Civil Addict Program. The request for an Initial Field Study shall specify the data needed, the law enforcement agency investigating the questioned behavior and the area of behavior needing investigation such as:

- Excessive criminality, listing the charge, date of arrest and conviction.
- Narcotic sales.
- Violence.
- Sexual aberration.

The contents of Initial Field Studies are subject to subpoena and review by a court.

82010.2.1 Initial Field Study Procedures

CRC Staff

Initiates request for Initial Field Study.

Sends Initial Field Study request to unit supervising area where behavior under investigation occurred.

Unit Supervisor

Reviews Initial Field Study request for appropriate area of concern.

Assigns Initial Field Study to Parole Agent for investigation and report.

Parole Agent

Determines information needed and source of information.

Interviews appropriate persons and secures available documents.

Prepares report on CDC Form 1521.

Submits Initial Field Study to unit supervisor for review.

Unit Supervisor

Reviews and signs approved Initial Field Study.

Parole Agent (Within 15 Days) from Receipt of Study Request)

Forwards Initial Field Study to originator.

82010.3 Civil Addict Temporary Community Leave (TCL) Policy

A TCL is the release of a resident from CRC to the community for a specific period of time. The W&I provides for temporary leaves for eligible CRC residents to the community for a period not to exceed three days. Any TCL granted to a resident requires concurrence of the unit supervisor of the resident's assigned parole unit. A TCL may be initiated by the Parole Agent or institution staff. The resident is responsible for all costs of the TCL and may use release funds for this purpose. All destinations and travel routes shall be within the state.

A TCL may be authorized for any of the following reasons:

- Employment interview.
- Registration in school or vocational program.
- Finalizing residential arrangements.
- Taking scheduled employment examinations.
- Obtaining necessary licenses.
- Handling other matters related to release.
- Emergency family visits.
- Other appropriate reasons approved by departmental staff.

82010.3.1 Civil Addict Temporary Community Leave Procedures

Institution Staff

Determines appropriate length of TCL.

Determines all destinations and travel routes within California.

Determines resident has sufficient funds for TCL.

Completes CDC Form 60l, Temporary Community Leave Request.

82010.4 Civil Addict Parole/Release Policy

Outpatients committed to the Civil Addict Program (W&I 3051) for an offense committed on or after September 17, 1981, shall be placed on civil addict parole under NAEA jurisdiction if not discharged prior to their maximum discharge date. The statutory maximum discharge date is the end of the maximum term imposed by the committing court, which may be the expiration of custody period or expiration of program period. These individuals will not be referred back to the committing court until such time as they have been discharged by NAEA or reach maximum parole period, which is three years plus any time spent in custody up to one year.

82010.5 Civil Addict Parole/Release Procedures

Regional Records Staff (60 Days Prior to Expiration of Maximum Term of Commitment)

Informs parole unit of pending maximum term of commitment.

Parole Agent (At Least 30 Days Prior to Expiration of Civil Addict Commitment)

Prepares and forwards case summary to regional records.

Regional Records Staff (Upon Receipt of Case Summary)

Stamps outside of C-File and face of cumulative case summary with "Civil Addict Parolee".

Parole Agent (30 Days Prior to Change in Status)

Notifies civil addict of change from outpatient to parole status.

Provides civil addict with copy of NAEA Conditions of Parole, CDC Form 919.

- Any special conditions of release in effect shall be added to conditions of parole.

Civil Addict Parolee

Reviews conditions of parole and signs form.

Parole Agent

Forwards original signed copy of CDC Form 919 to regional records.

Unit Clerical Staff

Stamps unit case file and face of cumulative case summary with "Civil Addict Parolee".

82010.6 Civil Addict Rerelease Policy

A releasee or civil addict parolee who has been returned to CRC by the NAEA may be rereferred to outpatient or civil addict parole status by institution staff when confinement and program objectives have been accomplished.

The Release Study Program (RPS) procedure will be utilized for release program investigation and verification by field staff. The rerelease date will be determined by the NAEA at a release hearing.

82010.7 Civil Addict Release Program Study Procedures

Institution Staff

Prepares RPS package consisting of:

- Two copies of CDC Form 611-C, Release Program Study (RPS), with Section A filled out.
- One copy of Cumulative Case Summary and POR.
- Three photos.

(30 Days Before Scheduled NAEA Release Hearing or Expiration of Custody or Program Period)

Sends CDC Form 611-C to appropriate region.

Regional Screening Agent

Reviews case for compliance with county of commitment requirements.

Forwards CDC Form 611-C to appropriate unit office.

Reviews and assigns case to Parole Agent.

Parole Agent

Reviews case.

Investigates proposed program.

Checks residence for:

- Size of home and type of neighborhood.
- Ages, occupations and relationship of others in home to releasee or civil addict parolee.
- Possible financial support for releasee or civil addict parolee.

Informs significant person at the residence of the limits to be placed on the releasee or civil addict parolee.

Checks employment, training or education program.

Checks appropriate box on Release Program Study regarding whether:

- Release plan approved.
- Release plan is not approved.
- Release plan is altered and if so explains how altered.

Determines disposition of release funds.

- Determines mode of transportation and reporting instructions.
- Determines if delay in reporting for initial interview is appropriate.

(Within 21 Days of Receipt of CDC Form 611-C)

Submits completed CDC Form 611-C through the unit supervisor.

Unit Supervisor

Reviews CDC Form 611-C.

Signs approved CDC Form 611-C and forwards to institution.

82010.8 Limited Placement Release Procedures

Correctional Counselor (Within 30 Days of Case's Arrival at CRC)

Contacts Parole Agent regarding limited placement program.

If Classification Committee concurs with program recommendation of Parole Agent and counselor, sends one copy of CDC Form 1139, Limited Placement Classification/Referral Summary to Parole Agent.

Prepares certification folder and schedules case to appear before the NAEA.

Classification Committee

Prepares a CDC Form 128-G if recommending denial for limited placement, stating reasons for denial (Civil addict may appeal classification..

82010.9 Transfer of Civil Addict Release Program Study Policy

Under some circumstances, a resident will need to change the proposed release program. In evaluating such changes, the criteria required for release to county of commitment shall prevail.

82010.9.1 Transfer of Civil Addict Release Program Study Procedures

CRC Staff

Reviews requested change for compliance with county of commitment policy.

Follows procedure if request complies with county of commitment policy, or informs resident that request will not be honored and resident will be required to go to original program.

Telephones regional reentry coordinator and advises of proposed new program.

Regional Reentry Coordinator (Sending Region)

Reviews proposed program change for compliance with county of commitment requirements.

Telephones regional reentry coordinator of region receiving case and forwards CDC Form 611-C.

Regional Reentry Coordinator (Within 3 Days of Receipt of CDC Form 611-C)

Requests unit that supervises area to investigate proposed program.

Unit Supervisor (Receiving Unit)

Reviews case and new program for compliance with county of commitment requirements.

Assigns case to Parole Agent to complete preparole investigation.

Parole Agent (Receiving Unit)

Conducts prerelease or parole investigation.

Unit Supervisor (Receiving Unit Within 21 Days of Receipt of CDC Form 611-C)

Reviews and signs CDC Form 611-C and forwards to institution.

82010.10 Revisions

The Deputy Director, P&CSD shall ensure the accuracy and completeness of this manual section.

82010.11 References

W&I §§ 3051, 3100, 3100.6, 3201(b), 3311.

CCR (15) (3) § 3082.

PC § 6254.

ARTICLE 11 — CONDITIONS OF RELEASE, PAROLE AND NAEA APPEALS

Effective August 23, 1989

82020.1 Policy

All general and special conditions of release and parole are imposed by the NAEA . CDC Form 1515-L, Notice and Conditions of Release will be given to individuals released to outpatient status. CDC Form 919, Notice and Conditions of Parole will be given to individuals released on parole under NAEA jurisdiction. The notices and conditions are not contracts but a means of informing releasees or parolees of specific rules governing their behavior.

82020.2 Imposing Special Conditions of Release or Civil Addict Parole Prior to Outpatient or Civil Addict Parole Policy

The NAEA may impose any special conditions of release or parole at release or parole hearing. Special conditions will be typed in the appropriate sections of CDC Form 1515-L or CDC Form 919 by institution staff, be given to the resident prior to release or parole, and signed by inmate.

82020.2.1 Additions or Removal of Special Conditions of Release or Parole Procedures

Parole Agent

Prepares and submits report to NAEA to add or remove special conditions of release or civil addict parole. Reasons for adding or removing special conditions will be documented in report to NAEA.

Unit Supervisor

Reviews recommendation and concurs or submits difference of opinion.

Forwards to NAEA.

82020.3 Appeals of Special Conditions of Release or Parole Policy

A resident, inpatient, releasee, outpatient, civil addict parolee, or parole violator may appeal any special condition of release or parole. The filing of an appeal will not delay implementation of any condition of release or parole. General conditions of release or parole cannot be appealed.

82020.4 Special Civil Addict Instructions Policy

The Parole Agent may impose special instructions or outline behavioral expectations designed to improve a releasee's or civil addict parolee's adjustment to outpatient or parole status. Any special instruction to remain in effect for more than seven days must be given to the releasee or civil addict parolee in writing. Any special instruction that is to remain in effect for more than 30 days must be submitted to NAEA as a special condition.

82020.5 NAEA Appeals Policy

Any person under jurisdiction of NAEA may appeal any NAEA action. NAEA appeal forms, CDC Form 817, will be available to releasees or civil addict parolees at each parole office. Individuals may obtain assistance in filing an appeal.

82020.6 Revisions

The Deputy Director, Parole and Community Services shall ensure the accuracy of this section.

82020.7 References

CCR (15) (5) §§ 5302, 5303, 5312, 5313, and 5400.

W&I § 3102 (c).

ARTICLE 12 — VIOLATIONS*

Effective September 22, 1992

Not Cleared For Statewide Use

82030.1 Policy

The P&CSD shall cooperate with other law enforcement agencies regarding the use of releasees or civil addict parolees as informers whenever feasible.

82030.2 Use of Releasees and Civil Addict Parolees as Informers Procedures

Advises the requesting law enforcement agency to submit a written request signed by a person in authority within the agency.

Ensures the request contains the following specific information:

Parole Agent

- Activity in which releasee or civil addict parolee shall be involved.
- Duration of activity.
- Scope of the activity.
- Travel from area involved in activity.

Contacts releasee or civil addict parolee and determines the following:

- If releasee or civil addict parolee wishes to act as an informer.
- If releasee or civil addict parolee knows the potential danger involved.

Informs releasee or civil addict parolee that supervision shall continue and all violations reported to the NAEA for action.

Reviews case with unit supervisor.

Unit Supervisor and Parole Agent

Evaluates request to determine if potential benefit of releasee or civil addict parolee acting as an informer will clearly exceed the threat the releasee or civil addict parolee represents to the community while acting as an informer.

Prepares specific plan of supervision including anti-narcotic testing to be followed while releasee or civil addict parolee is in informer status.

Parole Agent

Prepares written report to NAEA.

Places law enforcement agency letter of request, written case review, and report to NAEA in envelope marked "confidential."

All documents dealing with releasee/civil addict parolee informer status shall be marked "confidential" and processed per instructions on handling confidential documents.

Submits entire package through the unit supervisor to the NAEA for review and decision.

Advises the releasee/civil addict parolee and the law enforcement agency of the action taken by the NAEA.

Releases the hold if appropriate.

82030.3 Civil Addict Out-of-State Supervision Policy

Revised April 29, 1993

The Civil Addict Program does not come under the provisions of the Interstate Compact Agreement. Therefore, supervision of a releasee/civil addict parolee outside California shall be arranged on a case-by-case basis and requires NAEA approval of the arrangements for supervision.

The NAEA requires the following information for consideration of supervision outside of California:

- There must be a compelling reason or advantage connected with the releasee's/civil addict parolee's program outside of California.
- The releasee/civil addict parolee must have a verifiable residential address and the names of the other persons residing there must be verified to the NAEA and Agent of Record (AOR).
- The releasee/civil addict parolee must have a verifiable offer of employment or a verifiable training or educational program.
- Arrangements must be made with a law enforcement official (preferably a Parole Agent; local health officials shall not be utilized) in the other state who shall:
    - Obtain urine samples from releasee/civil addict parolee as required by the NAEA.
    - Maintain regular personal contact with the releasee/civil addict parolee.
    - Submit regular reports to the AOR outlining the releasee's/civil addict parolee's behavior and status.

The releasee/civil addict parolee who wishes to be supervised out of state shall be required to make all of the above necessary arrangements.

If the individual is in inpatient status, the arrangements for out-of-state supervision shall be merged into a CDC Form 611, Request for Parole Supervision, by the Correctional Counselor and sent to the supervising parole unit AOR. Upon receipt of the arrangements, the AOR shall verify all of the above out-of-state NAEA supervision proposals. The AOR shall be required to obtain written verification of the above details to be reviewed and approved by the NAEA through the C&PR at the California Rehabilitation Center. If the individual is on outpatient/civil addict parole, the agent, after verifying the arrangements, will prepare a report to the Board requesting approval for out-of-state supervision.

If the out-of-state plan is approved by the NAEA, the AOR shall maintain direct (independent of the Interstate Parole Unit) NAEA prescribed contact with the supervising out-of-state law enforcement agency/person. Special contact shall be defined on a case-by-case basis.

82030.4 Mentally Disturbed Releasees or Civil Addict Parolees Policy

Revised April 29, 1993

Parole agents may have releasees/civil addict parolees under supervision who have psychiatric problems that shall require assessment, monitoring, and treatment. Effective psychiatric case supervision must include the cooperation of the Parole Agent, POC staff, and the other related mental health treatment staff who provide services and facilities.

82030.5 Supervising Mentally Disturbed Releasee or Civil Addict Parolee Procedures

Revised April 29, 1993

Parole Agent

Reviews the case information for:

- History of psychiatric problems.
- Antipsychotic medications prescribed for releasee/civil addict parolee.

Observes releasee/civil addict parolee for any current symptoms of mental illness.

Reviews with unit supervisor any case with a history of psychiatric problems, anti-psychotic medications, or current behavior that indicates psychiatric problems.

Refers to POC for evaluation and treatment if appropriate.

Confers with POC clinician to coordinate treatment.

82030.6 Civil Addict Participation in Methadone Maintenance Program Policy

Revised April 29, 1993

A releasee/civil addict parolee may participate in a methadone maintenance program with approval of P&CSD staff and the NAEA. The decision to approve a releasee's/civil addict parolee's participation in a methadone maintenance program shall be on a case-by-case basis. The following criteria shall be met:

- Releasee/civil addict parolee shall be at least 21 years of age.
- Releasee/civil addict parolee shall have documented history of opiate use of at least five years.
- Releasee/civil addict parolee shall have at least one prior medically supervised detoxification and at least one prior return to inpatient status.
- Releasee/civil addict parolee has not applied for admission or is not registered in another methadone program.
- Releasee/civil addict parolee shall not be pregnant nor shall treatment be continued on any participant who becomes pregnant unless it is determined and recorded in her outpatient's record that:
    - She is medically able to participate in the program.
    - She is under care of a physician for pregnancy.
    - The physician is informed of her participation in the program.
- Releasee/civil addict parolee signs a release of information that directs program staff to provide P&CSD with program test results.
- The releasee/civil addict parolee is capable of paying for the program through legitimate means.
- P&CSD staff shall cooperate with methadone maintenance programs and maintain regular contact with program staff. The Parole Agent shall obtain a copy of all test results from methadone maintenance program staff. Test results showing positive or illegal drug use shall be reported to the NAEA by the unit supervisor.
- A releasee/civil addict parolee accepted into a methadone maintenance program shall not drive a motor vehicle during the program stabilization phase (approximately the first two weeks). The local office of the DMV shall be notified of the name of each releasee/civil addict parolee accepted into a methadone maintenance program.

82030.7 Civil Addict Methadone Maintenance Program Procedures

Revised April 29, 1993

Parole Agent

Informs the releasee/civil addict parolee of the following:

- Nature and purpose of methadone.
- Addicting quality of drug.
- Hazards and risks involved in methadone treatment.
- Participant's responsibility to program and program's responsibility to the participant.
- Voluntary nature of participation in program.
- Program's possible use of urinalysis test for evidence of participant's use of heroin or other drugs.
- Program's right to terminate a person's participation at any time without penalty.
- Participant's right to a humane procedure of withdrawal from methadone.

Notifies the DMV of releasee/civil addict parolee's acceptance into methadone maintenance program and notifies individual if DMV revokes driver's license.

82030.8 Revisions

Revised April 29, 1993

The Deputy Director, P&CSD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

82030.9 References

Revised April 29, 1993

CCR (15) (5) §§ 5320 - 5323, 5325, and 5370.

W&I § 3154.

ARTICLE 13 — ARREST, SEARCH AND SEIZURE*

Effective August 28, 1989

Not Cleared For Statewide Use

82040.1 Civil Addict Release/Parolee Hold Policy

Initial decision to place a hold may be made by the Parole Agent, but whenever possible the decision to place a hold shall be made after conferring with the unit supervisor. The hold shall be reviewed with the unit supervisor within four (4) days of placing the hold.

Hold Decision

The hold decision is independent of any court decision to release a releasee or civil addict parolee on bail or on their own recognizance (OR). However, a W&I 3151 hold shall not be placed without prior supervisory approval if releasee or civil addict parolee has been released on bail or on OR. If a releasee or civil addict parolee is rearrested by parole staff following release on bail or, the agent or unit supervisor shall give written notification to the court which granted bail or release on OR and explain reasons for placing a W&I 3151 hold.

When a releasee or civil addict parolee in suspended status is located as a result of an arrest on criminal charges, the Parole Agent will immediately evaluate the criminal conduct in relation to criteria for placement of a hold. If individual circumstances cause the Parole Agent to believe a W&I 3151 hold is not required, the agent will immediately review the situation with the unit supervisor and call a NAEA member for oral authorization to remove the hold pending submission of a written report to the NAEA.

Absconder

An absconder [parolee or releasee-at-large (PAL or RAL)] not involved in behavior or criminality which must be reported to the NAEA, and who reports to a parole unit voluntarily, need not necessarily be placed in custody, nor must a W&I 3151 hold be filed. The Parole Agent will review the case with the unit supervisor to determine whether to place a hold. Reasons for the decision will be documented on a full Violation Report to be submitted to the NAEA within fifteen (15) days.

Suspected of Violating Conditions

A releasee or civil addict parolee suspected of violating conditions of release or parole may be arrested and detained under W&I 3151 if the person:

- Is a danger to self.
- Is a danger to a person or the property of another.
- May abscond.

Factors to Consider

The following factors shall be considered in placing a hold:

- Emotional or mental health of releasee or civil addict parolee.
- Presence and extent of drug or alcohol abuse.
- Seriousness of alleged violation.
- Prior instances of assaultive behavior.
- Involvement in transportation, sale, distribution or use of narcotics or dangerous drugs.
- Present threats of violence.
- Record of escapes from custody or absconding from supervision.
- Employment history and stability.
- Residential pattern.

Hold Removal

Releasees or civil addict parolees in custody pending adjudication of local charges or serving a jail sentence may have the hold removed when NAEA:

- Approves the removal.
- Has reviewed case and has ordered reinstatement to outpatient or parole status.

When a decision has been made to continue on outpatient or parole status (or reinstate on outpatient or parole status), or outpatient or parolee is found not guilty of a violation, the hold shall be removed the same day as the NAEA's action.

Lengthy Jail Sentence

When a releasee or civil addict parolee is serving a lengthy jail sentence, immediate return to a treatment setting is important. The Parole Agent will make every effort to return the releasee of civil addict parolee to CRC under provision of PC 3081. If a court denies a request to return to CRC under PC 3081 after the NAEA has taken an action to return the individual, a Supplemental Report shall be submitted to the NAEA so members can consider the feasibility of rescinding the return order of reinstating releasee or civil addict parolee upon expiration of the jail sentence.

Our Hold Only

A W&I 3151 hold (our hold only) shall not exceed five (5) days without NAEA approval. An NAEA member may grant an oral order of return, oral order of release or instruct P&CSD staff to maintain the hold pending a full report on the next available calendar.

82040.1.1 Civil Addict Releasee/Parolee Hold Procedures (Criminal Charges Pending)

Parole Agent (As Soon as Possible)

Contacts Regional Records to verify legal status of individual.

Parole Agent and Unit Supervisor

Review W&I 3151 hold to determine recommendation for disposition.

Parole Agent (Prior to Preliminary Hearing)

Notifies outpatient/parole by Activity Report of reasons for retaining hold. Informs outpatient or civil addict parolee of right to appeal by copy of CDC Form 602.

Serves outpatient/parolee with CDC Form 1085, Notice to Outpatient/Civil Addict Parolee Pending Prosecution.

Sends one copy of CDC Form 1085 to CALPU, one copy to outpatient/parolee and retains one copy in the field file.

Conducts investigation and prepares and submits Violation Report to unit supervisor.

If CDC Form 1085 has not been served prior to preliminary, serves individual with CDC Form 1086-P, Notice of Rights and Pre-return Hearing and CDC Form 1087-P, Pre-Return Hearing Request Waiver.

Unit Supervisor

Reviews and signs violation report and forwards to NAEA by Regional Records.

Parole Agent (Within 120 Days of Hold)

If charges have not been adjudicated, serves individual with CDC Form 1086-P, Notice of Rights at Pre-Return Hearing and CDC Form 1087-P, Pre-return Hearing Request/Waiver.

- If a prereturn hearing is waived, Parole Agent distributes these forms as required on each form.
- If a prereturn hearing is requested, CDC Form 1088, Request for Attorney and Consent for CDC Form 1089-4, Attorney of Record to Examine Records will be completed.
- Completes CDC Form 1090, Witness Determination Summary.
- If subject requests an attorney, CDC Forms 1089-1, Review of Request for Attorney, 1089-2, 1089-3, and 1089-4 must be completed by CALPU.
- Sends original copies of CDC Forms 1086-P, 1087-P, 1088, 1089-4, and 1090 together with a copy of CDC Form 1521, Violation Report to CALPU.

If subject has not been served CDC Form 1085, Notice To Outpatient/Parolee Pending Prosecution, prior to the preliminary hearing, the CDC Form 1086-P, Notice of Rights to Pre-return Hearing, must be served within 30 days of their arrest by the Parole Agent.

(Within 30 Days Following Hold)

If individual requests additional time to make a decision, completes the CDC Form 1092, Acknowledgement of Receipt of Notice of Rights.

- Contacts the individual again in seven days to determine whether the person wants a prereturn hearing.

If individual waives pre-return hearing, distributes copies of CDC Forms 1086-P and 1087-P as indicated in the upper right-hand corner of the forms.

If a pre-return hearing is requested, completes CDC Form 1088, Request for Attorney and if witnesses are requested completes CDC Form 1090, Witness Determination summary. If attorney is requested completes Consent for CDC Form 1089-4, Attorney of Record to Examine Records.

- Distributes copies of prereturn package as indicated in the upper right-hand corner of the forms, and includes copy of CDC Form 1521, with the original copies being sent to the Civil Addict LPU.
- Notifies the Civil Addict LPU at CRC of individual's desire to have a prereturn hearing.

82040.1.2 Civil Addict Releasee/Parolee Hold Procedures (Misdemeanor Charges Pending or Felony by Indictment)

Parole Agent (Prior to Placement of Hold)

Contacts Regional Records to verify legal status of individual.

Parole Agent and Unit Supervisor (Without Delay)

Review of W&I 3151 hold to determine recommendation for disposition.

Parole Agent (Prior to Court Disposition)

Notifies outpatient/parolee of reasons for retaining hold by Activity Report.

- Serves outpatient/parolee with CDC Form 1085.
- Informs outpatient/civil addict parolee of right to appeal by copy of CDC Form 602.
- Provides assistance in filing appeal, if necessary.
- Distributes CDC Form 1085 as indicated on the upper right-hand corner of the form.

[Within Six (6) Days of Hold]

Conducts investigation and prepares and submits Violation Report by Regional Records to NAEA for "Defer Pending Adjudication Action".

[Within Thirty (30) Days Following Hold]

If charges have not been adjudicated serves individual with CDC Form 1086-P and CDC Form 1087-P. Sends one copy to CALPU.

If individual requests additional time to make a decision, Parole Agent completes the CDC Form 1092, Acknowledgement of Receipt of Notice of Rights.

- Contacts the individual again in seven (7) days to determine whether the person wants a prereturn hearing.

If the individual waives pre-return hearing, distributes copies of CDC Forms 1086-P and 1087-P as indicated in the upper right-hand corner of the forms.

If a pre-return hearing is requested completes CDC Form 1088, and if witnesses are requested, completes CDC Form 1090. If attorney is requested completes Consent for CDC Form 1089-4.

PA then distributes copies of pre-return package as indicated in the upper right-hand corner of the forms, and includes a copy of the CDC Form 1521, with the original copies being sent to the Civil Addict LPU.

Notifies the Civil Addict LPU at CRC of individual's desire to have a pre-return hearing.

Civil Addict LPU (Upon Receipt of Prereturn Forms)

Obtains copy of the Cumulative Case Summary for Region Records.

Evaluates individual's request and completes the CDC Form 1089-1, 1089-2, and 1089-3, if an attorney is requested.

Completes Notice of Date, Time and Place of Hearing, CDC Form 1091.

Sends copy of CDC form 1091 to individual(s) by the Parole Agent and notifies the agent as to whether their attendance at the hearing is required.

Notifies adverse witnesses who have been approved to attend the hearing of the date, time, and place of hearing in writing.

Notifies the attorney in writing of date, time and place of hearing and sends a copy of the Violation Report and a copy of the billing instructions, if an attorney has been approved.

Parole Agent (Without Delay)

Notifies individual of date, time and place of hearing by CDC Form 1091.

Attends hearing if requested to attend by the Civil Addict LPU.

Conducts the hearing.

82040.1.3 Civil Addict Releasee/Parolee Hold Procedures (No Criminal Charges Pending)

Parole Agent (Prior to Placement of Hold)

Contacts Region Records to verify legal status of individual.

(Within Five Days of Hold)

Prepares Violation Report.

Unit Supervisor and Parole Agent (Without Delay)

Review violation to determine recommendation for disposition.

Unit Supervisor (Without Delay)

Obtains Oral Order of Return from NAEA Board Member if return to California Rehabilitation Center is appropriate.

Parole Agent (Prior to Transportation to CRC)

Conducts investigation and prepares and submits Violation Report by Regional Records to NAEA. Sends one copy to CALPU.

Serves releasee or civil addict parolee with a copy of Violation Report and "Olsenized" arrest and crime reports.

Civil Addict LPU (CALPU) (Following Subject's Arrival at CRC)

Interviews individual.

Serves individual with Notice of Rights to Return Hearing, CDC Form 1086-R, and Return Hearing Request/Waiver, CDC Form 1087-R.

Completes the CDC Form 1092, and distributes as indicated, if individual requests additional time to make a decision.

Distributes copies of CDC Form 1086-R and 1087-R as indicated, if individual waives return hearing.

Completes CDC Form 1088, and if witnesses are requested, completes CDC Form 1090, if a return hearing is requested. Completes CDC Form 1089-4, if attorney is requested.

- Distributes copies of return package as indicated, and includes copy of CDC Form 1521. Sends original forms to the Civil Addict LPU.

Evaluates individual's request and completes the CDC Forms 1089-1, 1089-2 and 1089-3, if attorney is requested.

Schedules date for hearing.

Notifies parole unit if additional documents or witnesses are requested.

Completes CDC Form 1091.

Sends copy of CDC Form 1091 to individual and notifies the agent if attendance at hearing is required.

Notifies adverse and friendly witnesses who have been approved to attend hearing of the date, time and place of hearing in writing.

Notifies the attorney in writing of the date, time and place of hearing and sends a copy of the Violation Report and copy of the billing instructions, if an attorney has been approved.

Parole Agent (Following Subject's Arrival at CRC)

Attends hearing if requested to attend by the Civil Addict LPU.

Assists in transportation of adverse witnesses if necessary.

CALPU

Conducts hearing.

82040.2 Civil Addict Tracking Custody Time Policy

The unit supervisor shall assure the custody time for civil addicts under W&I 3151 parole hold is tracked and reported to regional records for:

- Persons committed to the Civil Addict Program for a crime that occurred on or after July 29, 1980;
- Persons committed for a crime that occurred before July 29, 1980, whose cases were reviewed In re Morales.

82040.2.1 Civil Addict Tracking Custody Time Procedures

Regional Records Staff (Within Ten Days of Receipt of C-File)

Completes top half of CDC Form 1140, Civil Addict Custody Notice and forwards copy to parole unit for civil addicts released from CDC.

Parole Agent

Contacts regional case records manager if Civil Addict Custody Form is not received within 30 days of civil addict's release.

Maintains current Civil Addict Custody Form in unit file.

Unit Supervisor (Within one Day of Date of Arrest)

Completes bottom half of Civil Addict Custody Form and attaches form to report being forwarded to regional records.

Regional Records Staff

Enters correct custody expiration date on the CDC Form 112, Chronological History Form.

Unit Supervisor (Within one Day of Civil Addict's Release from Local Custody)

Completes bottom half of Civil Addict Custody Form and forwards form to regional records.

(Prior to Requesting Oral Order of Return)

Determines number of custody days remaining and maximum program expiration date.

- Correct dates will be verified by telephone contact with regional records if civil addict is within 60 days of custody or program expiration date or if current date is not available in field file.

(When Oral Order of Return is Requested)

Informs NAEA member of custody days remaining and maximum program expiration date.

(Within One Day of a W&I 3151 Hold Placement)

Indicates maximum custody days remaining for civil addict commitments as of date of hold on CDC Form 1653, Arrest/Parole Hold Statistics Form.

(Within 60 Days of Civil Addict Reaching Custody Expiration Date or Program Expiration Date)

Serves individual with CDC Form 919, Conditions of Parole, including special condition of parole, if outpatient is transferred to Civil Addict Parole.

(Upon Civil Addict Reaching Custody Expiration Date or Program Expiration)

Assures hold for civil addict in local custody is removed on custody expiration date.

82040.3 Revisions

The Deputy Director, P&CSD, is responsible for insuring that this section is kept current and accurate.

82040.4 References

CCR (15) (5) §§ 5332-5338.

ARTICLE 14 — CIVIL ADDICT VIOLATIONS

Effective September 8, 1989

82050.1 Policy

A Parole Agent shall submit a written report to the NAEA whenever a releasee or civil addict parolee violates conditions of release or parole.

When an outpatient or civil addict parolee possesses a current prescription for narcotics or drugs, and it has been verified by the Parole Agent, positive urinalysis test for that drug will not be reported to the NAEA.

When an outpatient or civil addict parolee uses someone else's prescription, the circumstances of the use must be reported to the NAEA with appropriate recommendations.

82050.2 NAEA Violation Report Time Limits

All time shall be computed in calendar days unless otherwise specified. If the due date falls on a weekend or holiday, the report must reach appropriate level of review on the next working day. A Violation Report shall be prepared within:

- Six working days following placement of a W&I 3151 hold, if an oral order of return is requested or following discovery of any reportable violation.
- Six working days from placement of a hold in local prosecution cases or discovery of the violation.
- Six working days after locating Releasee-At-Large (RAL) or Parolee-At-Large (PAL) and placing a hold.
- A supplemental report shall be prepared within 15 days following adjudication of charges regardless of outcome.
- Thirty days following the discovery of use of narcotics.
    - Time frame may be extended to 45 days by unit supervisor who shall indicate reasons for the extension in report.
- Fifteen days following discovery that a releasee or civil addict parolee has absconded supervision.
- Time frame may be extended to 30 days by unit supervisor who shall indicate reasons for the extension in report.
- Report may be submitted earlier when it is believed individual is engaged in criminal activities.

82050.3 Civil Addict Activity Report Policy

The Activity Report shall be used to report any arrest, violation of release or civil addict parole or other unusual behavior to the unit supervisor. At the top of the form it shall be clearly shown that the individual is a civil addict parolee or civil addict releasee. Activity Reports shall not be used to report violations to NAEA. Activity Reports may be handwritten, but must be legible.

The only appropriate recommendation on an Activity Report regarding violations is:

- "Defer action for ____(days)_____ pending further investigation." (Specific reference to areas needing further investigation will be made.)

All Supplemental Activity Reports shall refer to the date of the original report and shall be submitted on or before date specified by unit supervisor.

82050.3.1 Civil Addict Activity Report Time Limits

An Activity Report shall be submitted to unit supervisor within four days from placing a W&I 3151 hold, or from discovery of violation when hold is not placed.

82050.4 Civil Addict Short Form Violation Report Policy

CDC Form 1628-A, Short Form Violation Report shall be used only to report an isolated instance of drug use, missed anti-narcotic test or manipulation of tests. The Short Form Violation Report shall be typed. Only the following recommendation shall be made on this form.

- Suspended-reinstate.
    - Recommendation should reflect date of first clean test following positive or missed test.
- Continue on outpatient or civil addict parole status.

82050.5 Civil Addict Violation Report Format

The format for reporting releasee or civil addict parolee violations on CDC Form 1521, Violation Report shall be:

- Violation Reports on outpatient or civil addict parolees under jurisdiction of the NAEA shall include notation at the top of the first page “Civil Addict Parole” or “Outpatient,” whichever applies, and the title of the report (e.g., confirm oral order, supplemental, suspend, reinstate, etc.).
- If applicable, date of arrest, date hold placed and date hold removed.
- Conditions of release or civil addict parole that were violated and general nature of violations.
- Supporting information specifically documenting violations and circumstances surrounding violations.
- Releasee's or civil addict parolee's response to various violations being charged.
- A concise history of releasee's or civil addict parolee's behavior during current outpatient or parole status.
- Reasons Parole Agent is making a recommendation for disposition by the NAEA.
- Parole agent's recommendation.
- All documents, including arrest reports, court dispositions, statements of witnesses and other information which is relevant to the violation.

82050.6 Recommendations to NAEA (Outpatients)

Continue on outpatient status. This recommendation may be made when there are mitigating circumstances or violation was of a minor nature. This action does not affect time credited toward either period of commitment or amount of time required for early discharge consideration.

Suspend-Reinstate. This recommendation may be made when conditions of release have been violated, and releasee's best interests would better be served by retention in the community. This action has the following effects:

- Stops any time accrued toward early discharge consideration.
- Specifies an effective date of reinstatement which starts a new outpatient period toward early discharge consideration.

Suspend-Return. This recommendation may be made when releasee should be returned for the protection of self or community. This action authorizes an outpatient's return to inpatient status pending either good cause finding at a return hearing or outpatient's waiver of right to hearing. This is effective on date of official NAEA action and nullifies all time accrued toward early discharge consideration.

Suspend Releasee-At-Large. This recommendation is appropriate when a releasee is unavailable for supervision. This action nullifies all time accrued toward early discharge consideration and stops time being credited toward expiration of commitment. Date of suspension shall be the date individual was scheduled to report for testing and failed to do so, or date Parole Agent discovers individual absconded, whichever occurs first.

Remove Releasee-At-Large. The action is appropriate when RAL is returned to outpatient supervision, taken into custody, or voluntarily surrenders to CRC staff. This recommendation will always be followed by a request for an additional action; e.g., return to CRC, reinstate in outpatient status. Time elapsed between date suspend/RAL action was taken and removal of RAL status shall be considered "dead time" and shall be added to period of commitment.

Continue or confirm or vacate oral order of __(date)___. This recommendation will be made when an oral order, which has been granted telephonically by an NAEA member, authorizes outpatient to be retaken. Effective date of action is date oral order was granted. NAEA must take an official action on any oral order that has been granted by an individual NAEA member. NAEA will take one of the following actions:

- Continue the oral order for a subsequent final action under any of following circumstances:
  - A written Violation Report has not been submitted. Region Records will place an NAEA Vote Sheet for continuation of Oral Order pending receipt of Violation Report.
  - Case will be presented at a release hearing within 60 days of releasee's return to CRC (limited placement) by CRC Records.
- NAEA will confirm oral order when it concludes that return to inpatient status is warranted. Date of oral order is the effective date of action.
- NAEA will vacate oral order if, upon review of the Violation Report, return to CRC is not warranted.

Remove or add special condition of release. This recommendation is appropriate to add or remove a special condition of release, or to modify conditions of release. Additional or modified conditions of release become effective when releasee is notified of NAEA action.

Discharge per W&I 3200. This recommendation is made when person, while in outpatient status, has abstained from use of narcotics and otherwise complied with conditions of release for period of time prescribed under W&I 3200.

Rescind or amend previous action taken by NAEA. Only the NAEA may rescind or amend an action previously taken by the NAEA.

Miscellaneous (Specific Action Requested). This recommendation will always be followed by specific reason that action is requested. The reason cited for the action will be determined on a case-by-case basis and when none of the preceding recommendations appear to fit the needs of the case.

82050.7 Recommendations to NAEA (Civil Addict Parolees)

Continue on parole. This recommendation may be made when civil addict parolee has violated conditions of parole or when violation is minor. This action does not affect amount of time required for early discharge consideration.

Suspend-Reinstate on parole. This recommendation may be made when a violation has occurred, but civil addict parolee's best interests would be better served by retention in community. This NAEA action:

- Interrupts consecutiveness of parole status, resulting in forfeiture of any time accrued toward early discharge consideration.
- Specifies effective date of reinstatement which starts a new parole period toward early discharge consideration.

Suspend-Return. This recommendation may be made when a violation has occurred and civil addict parolee should be returned for protection of self and community. This NAEA action authorizes a parolee's return to CRC. This action is effective on the date of official NAEA action; however, it is not final until good cause is found at a return hearing or parolee waives right to a hearing.

Suspend Civil Addict Parolee-At-Large. This recommendation is made when civil addict parolee absconds from supervision. It nullifies all time accrued toward early discharge consideration and stops time being credited toward expiration of commitment. Date of suspension shall be the date individual should have reported for testing and failed to do so, or date Parole Agent discovers individual absconded, whichever occurs first.

Remove Civil Addict Parolee-At-Large status. This recommendation is made when a civil addict parolee who has been declared a civil addict PAL is returned to parole supervision, is taken into custody, or voluntarily surrenders to CRC. The time elapsed between the date that the suspend civil addict PAL action was taken and removal of civil addict PAL status shall be considered “dead time” and shall be added to period of commitment.

Continue or confirm or vacate oral order. This recommendation will be made when any oral order has been granted by an individual NAEA member.

NAEA will continue the oral order for a subsequent final action under any of the following circumstances:

Written Violation Report has not been submitted.

Civil addict parolee has neither waived nor received a return hearing.

Case will be presented at a release hearing within 60 days of civil addict parolee's return to CRC.

NAEA will confirm the oral order when the civil addict parolee has either waived or received a return hearing and when, upon review of Violation Report, a return to CRC is determined to be warranted. Date of oral order is the effective date of the action.

NAEA will vacate the oral order if, upon review of the Violation Report, it decides return to CRC is not warranted.

Special conditions of parole. This recommendation is made to add, delete or modify any special condition of civil addict parole. Additional or modified conditions of parole become effective when the civil addict parolee is notified of action taken by NAEA.

Return order sustained. This action shall be taken following a suspend and return action, and after a return hearing has been conducted in which good cause was found that the parolee violated the conditions of civil addict parole and return to CRC is warranted.

Vacate return order and any loss of time reinstated. This action shall be taken following a return hearing that does not result in a good cause finding.

Vacate return order; suspend-reinstate on civil addict parole. This action shall be taken following a return hearing in which good cause was found that the person has violated conditions of parole but in view of mitigating circumstances, return to CRC does not appear to be warranted.

Discharge pursuant to PC 3000(a) or 3001(a). This recommendation is made when the civil addict parolee has abstained from use of narcotics and has otherwise complied with conditions of parole for one year or 16 continuous months, including outpatient status, whichever occurs first.

Rescind or amend previous action taken by NAEA. Only the NAEA may rescind or amend an action that it had previously taken.

82050.8 NAEA Oral Order of Return Policy

The W&I authorizes a single member of the NAEA to suspend outpatient or parole status of a releasee or civil addict parolee and cause the person to be retaken pending the next NAEA meeting. Actions that may be taken are:

- Oral Order of Return. Once an NAEA member issues an oral order of return, the releasee or civil addict parolee will returned to CRC immediately, no later than 15 days following OHO.
- Oral Order of RAL or PAL. If circumstances warrant, an oral order of RAL or PAL may be issued by an NAEA member. Granting this order will be grounds for issuing a warrant and authorization to arrest the individual.
- Oral Order to Remove Hold. If local charges are pending or have been dismissed, approval to remove hold must be obtained from a Board member.

82050.8.1 NAEA Oral Order of Return Procedures

Unit Supervisor

Reviews case with Parole Agent and determines that an oral order is appropriate.

(Without Delay but no Later Than 5 Days After OHO)

Contacts NAEA member by telephone and gives information necessary to complete Oral Order Questionnaire. (Under no circumstances will an NAEA member be contacted before 8:00 a.m. or after 10:00 p.m.)

Instructs Parole Agent to place releasee or civil addict parolee in custody and arranges transportation to CRC if oral order of return is granted.

Parole Agent (Within 6 Working Days of OHO)

Prepares and submits Violation Report to NAEA.

Parole Agent (Within 15 Days of OHO)

Assures that outpatient or civil addict parolee is transported to CRC.

Submits supplemental report if individual cannot be returned to CRC within 15 days.

82050.9 Civil Addict Supplemental Violation Report Policy

A Supplemental Violation Report will be submitted to NAEA on a standard Violation Report Form, referencing date of original report. A Supplemental Report will be submitted under following circumstances:

- Significant new information or evidence which tends to prove or disprove previously charged violations.
- Criminal charges which have been adjudicated or dismissed.
- Expanded, clarified or corrected information from an earlier report.
- Added or amended charges.
- Information which is not related to violations, but which may affect NAEA's decision regarding appropriate disposition.
- Additional information requested by NAEA.
- Changes to a previous recommendation.
- If return cannot be completed within 15 days of date individual becomes Our Hold Only (OHO) and an oral order to return has been obtained.

82050.10 Civil Addict Progress Report Policy

Progress reports are the result of actions taken by the NAEA; e.g. "Submit progress report on testing results in 60 days."

82050.11 Civil Addict Return for Medical or Psychiatric Care Policy

Return for medical or psychiatric care when there is no violation of release conditions will be permitted only as a last resort after efforts to obtain community care have been exhausted. Normally releasees or civil addict parolees will secure medical or psychiatric care from a private physician. Cost for care should be provided by the individuals or through community welfare funds.

82050.11.1 Civil Addict Return for Emergency Medical or Psychiatric Care Procedures

Parole Agent

Secures a signed document stating releasee or civil addict parolee wishes to voluntarily return to institution for medical, psychiatric or dental treatment.

Confirms that there are no resources in community to provide care.

Reviews case with unit supervisor.

Unit Supervisor

Contacts CMO or Chief Psychiatrist at CRC and outlines problem if there is no reasonable alternative treatment available in the community, and determines whether CRC has facilities available to treat problem.

Requests permission to return releasee or civil addict parolee to CRC for treatment.

Contacts Regional Administrator if an agreement cannot be reached to a return to CRC.

Regional Administrator

Contacts Warden, CRC, to seek resolution.

Contacts Deputy Director, P&CSD , if agreement cannot be reached.

Deputy Director, P&CSD

Contacts Deputy Director, Institutions, to seek resolution. (This is the final decision level.)

Unit Supervisor

Requests an oral order from an NAEA member when agreement is reached to return for medical purposes.

Parole Agent (Within 5 Days)

Prepares a report to NAEA outlining essential elements of case, including prognosis of CRC treatment.

(When Ready for Release)

Prepares report to NAEA recommending "Vacate Oral Order of ___(date)____," with no loss of good time.

(Less Than 10 Days for Treatment)

One report can be used for above.

Supplies following accompanying material to the receiving and releasing sergeant to be distributed to appropriate institutional staff.

- Cumulative Case Summary.
- Identification photo.
- Summary of medical or psychiatric problems.

82050.12 Limited Placement "Turn-In" Policy

A limited placement may be requested if a releasee or civil addict parolee voluntarily turns himself or herself in at CRC or the unit office and there is no evidence of extensive narcotics use or any criminality. The Parole Agent will prepare a report and recommend return - 60 day limited placement.

82050.12.1 Civil Addict "Gate Turn-In" (During Normal Workday) Procedures

Institution Staff

Obtains all relevant information concerning releasee's or civil addict parolee's violations including:

- Drugs used and amount and frequency of use.
- Criminal involvement.
- Reasons for turning self in.
- Communicates information to unit supervisor or designee by telephone.

Unit Supervisor

Ascertains the status of individual's custody days remaining, or maximum parole expiration date.

Obtains an oral order.

Notifies Regional Records and CRC Records of date and time oral order was obtained.

82050.12.2 Civil Addict "Gate Turn-In" (Weekends and Holidays When Next Day is Not Normal Workday) Procedures

Institution Staff

Obtains all relevant information concerning releasee's or civil addict parolee's violations including:

- Drugs used and amount and frequency of use.
- Criminal involvement.
- Reasons for turning self in.

(By Next Working Day)

Obtains oral order from an NAEA member.

Communicates information including date, time and name of NAEA member who gave oral order, to unit supervisor or designee and Regional Records by telephone.

82050.13 Limited Placement Return Policy

Outpatients and civil addict parolees may be voluntarily or involuntarily returned to the California Rehabilitation Center for 60 days for detoxification, meeting special program needs, or dealing with cooperative cases whose behavior is deteriorating.

While a civil addict is at CRC, the assigned Parole Agent and the counselor share responsibility for the development and use of a limited placement program plan. In the event the Parole Agent and the Correctional Counselor disagree regarding recommendation for limited placement, the difference of opinion will be resolved by their respective supervisors up through the Deputy Warden and appropriate Regional Administrator level.

82050.13.1 Limited Placement Return Eligibility Criteria

Outpatients or civil addict parolees will be denied limited placement if they fail to meet eligibility criteria or if they accumulate disciplinaries at CRC.

To be accepted for limited placement, outpatients or civil addict parolees, including RAL's or PAL's, must:

- Have no felony criminal involvement other than illegal drug use.
- Turn themselves in at CRC gate or surrender to the Parole Agent.
- Be recommended for limited placement by CRC Classification Committee and be granted a release date by the NAEA.

If the outpatients or civil addict parolees did not surrender or volunteer to return to CRC for limited placement, they must have cooperated with the Parole Agent and the Parole Agent must recommend in the report that the outpatients or civil addict parolees should be returned to CRC as a limited placement.

82050.13.2 Limited Placement Return Procedures

Unit Supervisor and Parole Agent

Review case to determine if case should be returned to CRC for limited placement.

(Within 4 Days of Arrest or Gate Turn-In)

Obtain legal status of case from Regional Records (e.g., custody days remaining, program expiration date, or maximum parole expiration date, etc.)

Unit Supervisor (Without Delay) (After 8:00 a.m. and Before 10:00 p.m)

Using Oral Order questionnaire format obtains Oral Order of Return from NAEA member.

Same Working Day

Notifies both Regional and CRC Records staff of oral order of return.

Parole Agent (Within 6 Working Days of Arrest or Gate Turn-In)

Completes Board Report.

- Board Report shall include recommendation for limited placement.

Unit Supervisor (Within 7 Days of Arrest)

Forwards original report to CRC Records and copies to Regional Records and the CALPU.

Regional Records Staff

Sends C-File to CRC Records.

(Within 5 Days of Notification of Issue of Oral Order)

Places case on blanket vote sheet for continuation of Oral Order action by NAEA.

Correctional Counselor (Within 30 Days of Case's Arrival at CRC)

Contacts Parole Agent regarding limited placement program.

Prepares copies of Limited Placement Classification/Referral Summary.

Sends one copy of Limited Placement Classification/ Referral Summary to Parole Agent, if Classification Committee concurs with program recommendation of Parole Agent and counselor.

Board Clerk (CRC Records Office) (Within 45 Days of Case Arrival at CRC)

Prepares certification folder and schedules case to appear before the NAEA.

Classification Committee

Prepares a CDC Form 128-G if recommending denial for limited placement, stating reasons for denial. (Civil addict may appeal classification.)

Same Working Day as NAEA Hearing

Notifies Parole Agent of scheduled limited placement release date or postponement.

82050.14 Summary Civil Addict Pre-Return Hearing Policy

If the agent was unaware that a releasee or civil addict parolee was in custody until criminal conviction, or if the releasee or civil addict parolee had not been served with a notice prior to the conviction and the decision is to return to CRC, the releasee or civil addict parolee is entitled to a summary pre-return hearing if sentenced to a term in the county jail and 3081 PC request is denied.

82050.14.1 Summary Civil Addict Pre-Return Hearing Procedures

Parole Agent

Serves CDC Form 1086-R, Return Hearing and copy of Violation Report.

If outpatient or parolee denies conviction of crime, contact CALPU for set of forms.

- Fills out CDC Form 1086-R.
- Sends the CDC Form 1087-R to CALPU staff if a hearing is requested.

CALPU Staff

Makes arrangement for a P&CSD staff person to conduct hearing.

P&CSD Staff

Conducts hearing.

Determines that: releasee or civil addict parolee was convicted of a crime, the crime was in violation of the conditions of release or civil addict parole, and the releasee or civil addict parolee was the person convicted.

Prepares a summary of findings.

Sends summary to CALPU staff.

82050.15 Addict Hearing Policy

The hearing provides releasee or civil addict parolee with the opportunity to respond to the charges by presenting evidence and confronting adverse witnesses. At the return hearing, he or she may also present circumstances in mitigation of the violation. The hearing is an administrative proceeding; courtroom standards for evidence and burden of proof do not apply. All relevant evidence is admissible including hearsay. A preponderance of evidence is sufficient for a finding of good cause. An outpatient or civil addict parolee whose status has been suspended and who has been returned or ordered returned to inpatient status has the following rights:

- Prompt service of a written statement of the charges, the evidence relied upon to support the charges, and the names of witnesses who have given information against the person.
- Prompt return to CRC for treatment following apprehension and adjudication of criminal charges (if any).
- To challenge the charges at a return hearing.
- To receive written notice of the violation charges.
- To be present at the hearing and to present witnesses and documentary evidence on his or her behalf.
- To confront and cross-examine adverse witnesses.
- To be represented by an attorney, if found eligible for representation.
- To appear before a neutral hearing board, such as the NAEA or a hearing officer designated by the NAEA.
- To receive a written statement regarding the evidence relied upon, and the reasons for being returned to inpatient status or for being held in custody pending adjudication.
- In addition to the rights listed above, the releasee or civil addict parolee also has the opportunity to write directly to NAEA staff at any time and request that they look into the matter, and to expect that the results of the staff review will be made available to the NAEA.

Copies of any arrest or crime reports used in the preparation of outpatient or parole violation charges must be furnished to the outpatient or civil addict parolee and the attorney appointed to represent the outpatient or civil addict parolee. A copy of the arrest or crime reports will be reviewed and confidential material removed by the Parole Agent preparing the Violation Report. This shall include removal of names, addresses and phone numbers of victims.

82050.15.1 Definitions of Civil Addict Return Hearings

Return Hearing. At a return hearing, the hearing officer will make a determination regarding good cause with respect to the violations charged and will make a recommendation to the NAEA regarding the disposition if good cause is found.

Pre-return Hearing. At a prereturn hearing the hearing officer will make a determination only regarding good cause with respect to the violations charged. The question of disposition is not an issue and will not be considered.

Summary Pre-return Hearing. At a summary pre-return hearing, staff acting as the hearing officer shall determine:

- Whether the conviction of a crime occurred.
- Whether the conviction constituted a violation of the conditions of release or parole.
- Whether the releasee or civil addict parolee was the individual who was convicted of the crime.

82050.16 Location of Civil Addict Hearings

Return hearings at the California Rehabilitation Center.

Pre-return hearings in the community.

Summary pre-return hearings in the community.

82015.17 Handling Confidential Information

Parole Agent (At Time Violation Report is Prepared)

Reviews arrest reports to identify any confidential information.

Removes any confidential information from copy of report.

Prepares memorandum stating:

- Reason for confidential classification (usually for protection of victims or witnesses), reviewer's signature and date of examination of reports.

Makes copy of purged reports to be provided to releasee or civil addict parolee.

Serves releasee or civil addict parolee with CDC Form 1086-R, Outpatient/Civil Addict Parolee Return-Notice of Rights, in duplicate.

Determines if releasee or civil addict parolee wants a hearing or wants to waive a hearing.

Determines if releasee or civil addict parolee wants an attorney.

Gives releasee or civil addict parolee a copy of CDC Form 1086-R.

Routes the package to regional records and sends one copy to Civil Addict LPU (CALPU).

Arranges for releasee or civil addict parolee to be transported to CRC.

Regional Records Staff

Mails completed return package to CALPU if releasee or civil addict parolee requests a hearing.

82050.18 Civil Addict Pre-Return Hearings

A releasee or civil addict parolee undergoing court adjudication on a new criminal charge and upon whom a W&I 3151 hold has been placed will be provided a pre-return hearing unless:

- There has been a satisfactory substitute for the hearing.
- The releasee or civil addict parolee waives a pre-return hearing.
- The releasee or civil addict parolee requests a postponement of the hearing.
- The hold is dropped.

82050.19 Substitute for Civil Addict Pre-Return Hearing

The following circumstances will substitute for a pre-return hearing:

- Probable cause has been found at a preliminary criminal court proceeding, provided the releasee or civil addict parolee was served notice prior to the hearing and charges are adjudicated within 150 days.
- The releasee or civil addict parolee waives the court criminal preliminary hearing. The waiver will serve as a substitute for the pre-return hearing, provided the releasee or civil addict parolee was served with a notice of rights at pre-return hearing (CDC Form 1086-P).

82050.20 Civil Addict Hearing by CALPU Procedures

CALPU Staff

Schedules date for hearing.

Notifies parole unit if additional documents or witnesses are required.

Parole Agent

Notifies adverse witnesses of required attendance at the hearing.

Advises adverse witnesses of the date, time and place where the hearing will be held.

Assists with transportation to the hearing if necessary.

Attends the hearing.

82050.21 Adverse Witnesses Who Refuse to Attend Civil Addict Hearing Because of Fear for Safety Procedures

Parole Agent

Interviews witnesses prior to the hearing.

Documents witnesses' statements in affidavit form.

Includes the reason for their fear.

Designates material “confidential” if appropriate.

CALPU Staff

Conducts the hearing.

Presents the case to the NAEA for action following the hearing.

82050.22 Revisions

The Deputy Director, P&CSD shall ensure the contents of this section are accurate.

82050.23 References

CCR (15) (5) §§ 5170, 5171, 5172, 5173, 5174, 5175, 5180, 5181, 5182, 5183, 5184, 5185, 5350, 5351, 5352, 5353, 5354, 5455, 5356.

ARTICLE 15 — EXCLUSIONS AND DISCHARGES

Effective August 28, 1989

82060.1 Policy

Exclusion is the process by which a releasee or civil addict parolee is returned to court of original jurisdiction with a recommendation to vacate civil commitment because of releasee's or civil addict parolee's unsuitability. Unsuitability is based on releasee or civil addict parolee being unamenable to supervision, not being available for supervision, or having history of absconding. A releasee or civil addict parolee may be judged unamenable for any of the following reasons:

- Extensive criminal behavior during outpatient or parole status.
- Serious criminal behavior which is believed to be unrelated to addiction or substance abuse.
- Large scale trafficking in drugs while on outpatient or parole status.
- Continuing possession of a controlled substance in quantities considered excessive for personal use.
- A pattern of aggressive or assaultive behavior which preceded commitment to Civil Addict Program and continues after release or civil addict parole from CRC, or starts while on outpatient or parole status.
- A single act of violence which is aggravated, vicious or which involves the use of a deadly weapon.
- Refusal to participate in special programming.
- History of absconding from supervision.
- History of criminal activity which is believed to demonstrate little or no benefit from supervision.
- Long-term medical or psychiatric problems which render person unsuitable for outpatient supervision.
- Releasee or civil addict parolee unavailable for supervision due to felony commitment to state or federal prison, deportation, or releasee or civil addict Parolee-at-Large (PAL) in excess of specified time limits.

82060.1.1 Civil Addict Exclusion for Persons Committed Without Criminal Conviction Procedures

Parole Agent and Unit Supervisor

Conduct case conference regarding exclusion.

Document decision to exclude on CDC Form 1650-D, Record of Supervision.

Parole Agent

Prepares Closing Case Summary, including unit supervisor's concurrence with the exclusion.

Gives or mails a copy of Closing Case Summary to releasee or civil addict parolee.

Sends original Closing Case Summary to regional records with a cover memo requesting that Certificate of Discharge be prepared.

Regional Records Staff

Prepares Certificate of Discharge for Regional Administrator's signature.

Regional Administrator or Designee

Reviews and signs Certificate of Discharge.

Sends a copy of the Certificate of Discharge to court of commitment and original and copy to Parole Agent.

Cancels any active WANT notices.

Parole Agent

Gives or mails Certificate of Discharge to releasee or civil addict parolee.

Removes case from count effective the date Certificate of Discharge is received in unit office.

82060.1.2 Civil Addict Exclusion for Persons Committed With Criminal Conviction Procedures

Parole Agent and Unit Supervisor

Conduct case conference regarding exclusion of individual.

Document decision to exclude on CDC Form 1650-D.

Parole Agent

Prepares exclusion letter including:

- Reason for exclusion.
- Details of releasee's or civil addict parolee's behavior during outpatient or parole status, such as stability, drug use, arrests, convictions, returns to CRC, absconder periods, etc.
- Date exclusion letter given or mailed to releasee or civil addict parolee.

Attaches completed Notice of Right to Interview Form, signed and dated by releasee or civil addict parolee.

Sends notice to unit supervisor for review.

Unit Supervisor

Reviews exclusion letter for accuracy and determines if letter supports exclusion recommendation.

Sends letter to Regional Administrator.

Regional Administrator or Designee

Signs exclusion letter if releasee or civil addict parolee has waived right to interview.

Conducts interview with releasee or civil addict parolee if interview is requested, unless exclusion is based on felony commitment.

Regional Administrator or Designee

Documents results of interview with copy of documentation provided to releasee or civil addict parolee.

Ends exclusion process if decision is made during releasee or civil addict parolee interview to return the releasee or parolee to the Civil Addict Program.

May defer action pending additional investigation to confirm any mitigating information supplied by releasee or civil addict parolee during interview.

Attaches copy of documentation of interview to exclusion letter.

May postpone final action to coincide with 15 days which releasee or civil addict parolee has to file an appeal.

Sends completed package to regional case records manager for processing.

Regional Records Staff

Retains case for 15 days to allow filing of appeal. (Exclusion actions based on unavailability because of deportation or felony commitment to prison are not applicable.)

(15 Days After Interview)

Sends exclusion letter and an updated Cumulative Case Summary to the committing court.

Sends copy of Minute Order vacating commitment to Parole Agent.

Waits until any appeal filed by the releasee or civil addict parolee is denied at final level before carrying out steps above.

82060.1.3 Procedures for Civil Addict Exclusions Based on Unavailability

Parole Agent and and Unit Supervisor

Conduct case conference to determine appropriateness of exclusion action for cases unavailable for supervision due to deportation or prison commitment.

Document results of conference.

Prepares an exclusion letter:

- Information in letter will be brief. Reference to criminal behavior and release or parole adjustment will be eliminated.
- Felony commitments require name of trial court, crime, sentence imposed, date of sentencing and present location of releasee or civil addict parolee.
- Deportation will require the USINS "A" number, date of deportation, name and position of person confirming deportation, and port of entry through which releasee or civil addict parolee was deported.

Sends letter to releasee or civil addict parolee.

Unit Supervisor, Regional Administrator, Regional records Staff

Follow above exclusion procedures.

82060.1.4 Procedures for Excluding Releasee or Civil Addict Parolee at Large

Parole Agent

Reviews case at time Releasee-at-Large (RAL) or PAL report is being prepared to determine exclusion review date.

Releasee or civil addict parolee considered to present a threat to community due to new criminal acts or past history will be considered for immediate exclusion.

Cases with convictions for violence, sales or trafficking in drugs, robbery or possession of weapon shall be reviewed for exclusion no later than six months after the RAL or PAL action.

All other cases shall be reviewed for exclusion no later than 12 months after the RAL or PAL action.

Sends letter to releasee's or civil addict parolee's last known address, advising exclusion recommendation will be sent to court in 15 days if releasee or civil addict parolee does not contact unit office.

(15 Days After Sending Letter)

Prepares exclusion letter which includes the following specific information:

- Date NAEA declared releasee or civil addict parolee suspended.
- Efforts made to locate releasee or civil addict parolee.
- Arrests prior to or after suspension.
- Addresses prior to or after suspension.
- Date letter was sent to releasee or civil addict parolee.

Unit Supervisor, Regional Administrator, Regional Records Staff

Follow above exclusion procedures.

82060.2 Apprehension of RAL or PAL After Exclusion Letter is Processed

Parole Agent

Contacts committing court to determine whether releasee's or civil addict parolee's commitment has not been vacated.

Detainer shall not be placed on RAL or PAL case if exclusion letter has been processed until it is determined that a civil addict commitment has not been vacated.

Determines if request will be made to postpone action by court on exclusion letter if commitment has not been vacated.

Follows procedures for dealing with suspended cases if court is requested to postpone the exclusion; or,

Follows procedures for excluded releasee or civil addict parolee if exclusion is allowed to proceed.

82060.3 Civil Addict Early Discharge Eligibility Policy

All releasees or civil addict parolees being recommended for early discharge shall be given four consecutive, weekly full-scan urinalysis tests.

Individuals on outpatient status who have abstained from the illegal use of narcotics and have otherwise abided by the Conditions of Release for a period of time as specified in W&I 3200 may be considered for early discharge from the Civil Addict Program.

Outpatients committed to the Civil Addict Program under the indeterminate sentence provisions of W&I 3100, 3100.6, 3050 or 3051 (This section pertains to individuals who committed their crime before July 29, 1980, or individuals who have not had their indeterminate commitment recalculated in accordance with Morales decision.); An outpatient in this category who has abstained from illegal use of narcotics for two consecutive years (or three consecutive years if outpatient is participating in an authorized Methadone Maintenance Program) who has otherwise complied with Conditions of Release, may be recommended for early discharge. An outpatient who has participated or who is participating in Methadone Maintenance Program may be discharged after abstaining from both illegal use of controlled substances and legal use of methadone or its derivatives for two consecutive years or after abstaining from illegal use of controlled substances for three consecutive years if at any period during that time outpatient received Methadone or its derivatives in an approved maintenance program.

Outpatients committed to the Civil Addict Program under the determinate sentence provisions of the W&I (Individuals who committed their crime on or after July 29, 1980 or individuals who had their indeterminate commitment recalculated in accordance with In Re: Morales.)

- Outpatients committed to Civil Addict Program pursuant to W&I 3100 or 3100.6 who have abstained from the use of illegal narcotics and otherwise complied with conditions of release for six consecutive months may be recommended for early discharge.
- Outpatients committed to Civil Addict Program pursuant to W&I 3050 or 3051 for terms of 24 months or less who have abstained from the illegal use of narcotics and have otherwise complied with conditions of release for 12 consecutive months may be recommended for early discharge.
- Outpatients committed to Civil Addict Program pursuant to W&I 3051 for terms of more than 24 months who have abstained from illegal use of narcotics and otherwise complied with conditions of release for 16 consecutive months may be recommended for early discharge.

Civil Addict Parolees who have abstained from illegal use of narcotics and otherwise complied with conditions of parole for 12 consecutive months or who has been under continuous parole supervision without interruption, including outpatient status, for 16 months, which ever occurs first, shall be considered for early discharge by the Narcotic Authority.

For purposes of this section, a 12 or 16 consecutive month period will be calculated from date of last suspend and reinstate action taken by NAEA, or last release from CRC, whichever occurs last.

A person placed on civil addict parole from outpatient status who has been under continuous outpatient and civil addict parole supervision without interruption for 16 months shall be considered for early discharge by the NAEA.

82060.3.1 Civil Addict Early Discharge Procedures

Parole Agent

Reviews case file at least 30 days prior to releasee's or parolee's eligibility for possible early discharge.

Conducts four consecutive, weekly full-scan urinalysis tests during 30 days prior to preparation of discharge report.

(Within 10 Days after Releasee's or Parolee's Eligibility for Early Discharge)

Prepares and submits Discharge Recommendation Report, including results and dates of last four consecutive tests, with current CI&I report attached for unit supervisor review.

Unit Supervisor

Reviews report, includes recommendation, and forwards report to NAEA by regional records.

Regional Records Staff

Prepares appropriate Recommendation and Certification for Discharge Form and processes report for placement on P&CSD Calendar for NAEA review.

82060.3.2 NAEA Decision Not to Discharge Procedures

Regional Records Staff

Forwards copies of Vote Sheet and NAEA's written reasons for denial to Parole Agent.

Parole Agent

Advises releasee or civil addict parolee of decision not to discharge.

Requests releasee or civil addict parolee to sign original and copies of reasons for denial.

Refusal to sign will be documented.

Parole Agent

Distributes one copy of Vote Sheet and reasons for denial to field file, one copy to releasee or civil addict parolee, and returns original of NAEA written reasons for denial to regional records.

Continues case supervision.

82060.3.3 NAEA Decision to Discharge Procedures (W&I 3100 or 3100.6)

Regional Records Staff

Posts action taken by the NAEA on the CDC Form 112.

- These cases do not require referral to the committing court.

Files an original copy of CDC Form 342, Certificate of Discharge which has been signed by the NAEA, in individual's C-File.

Forwards original and one copy of Certificate of Discharge and two copies of the Vote sheet to Parole Agent.

Parole Agent

Gives original copy of Certificate of Discharge and a copy of Vote Sheet to the releasee or civil addict parolee and places remaining copies in field file.

Removes case from active case count effective date NAEA took action discharging releasee or civil addict parolee from program.

Retains field case file for 120 days following discharge and then destroys file.

82060.3.4 NAEA Decision to Discharge Procedures (W&I 3050 or 3051 - Civil Addict Parolees)

Regional Records Staff

Posts action taken by NAEA on CDC Form 112.

- These cases must be referred back to committing court to vacate civil commitment.

Files original copy of Vote Sheet and copy of Recommendation and Certification for Discharge in individual's C-File.

Forwards two copies of Vote Sheet to agent for placement in field file and distributes to releasee or civil addict parolee.

Forwards copy of CDC Form 343, Minute Order, Recommendation and Certification for Discharge to the Parole Agent when the court discharges the releasee or civil addict parolee.

Parole Agent

Advises the civil addict parolee that supervision will continue until the court vacates the civil commitment.

Gives copy of Minute Order, Recommendation and Certification for Discharge to releasee or civil addict parolee when received from the committing court.

- Provides individual with information and advises releasee or parolee of requirement for appearance in court of original jurisdiction where criminal proceedings were suspended.

Removes case from active case count effective date Minute Order was issued by committing court.

Files copy of Minute Order and Recommendation and Certification for Discharge in field case file.

Retains field case file for 120 days following discharge and then destroys it.

82060.4 NAEA Discharge Recommendation Report Contents

Period of abstinence from illegal drug usage upon which discharge recommendation is based.

Frequency of anti-narcotic tests and results of last four consecutive weekly anti-narcotic tests.

Statement regarding releasee's or civil addict parolee's participation in Methadone Maintenance Program. Include name of program and period of participation if appropriate.

Disposition and brief statement of circumstances of any arrests or convictions and names of police agencies and courts involved.

Conditions of Release or Civil Addict Parole violated during period being covered.

Updated criminal history records (CI&I arrest records) must be attached to report.

82060.5 Civil Addict Outpatient Expiration of Civil Addict From Commitment Policy

Depending on date of commitment, offense and type of commitment (commitment pursuant to W&I 3100, 3100.6, 3050, or 3051), outpatients upon reaching expiration of commitment, shall either be discharged from the program by the Director, referred back to the committing court for vacation of commitment, or placed on civil addict parole under jurisdiction of the NAEA. However, any time during which the outpatient was in a suspended status (At-Large pursuant to NAEA action) shall not be credited to the commitment period.

Outpatients committed to the Civil Addict Program pursuant to W&I 3100 or 3100.6: Outpatients committed to the Civil Addict Program before July 29,1980, who have not been discharged prior to maximum discharge date, two and one-half years for those committed under W&I 3100 or seven years for those committed under W&I 3100.6 and outpatients committed after July 29, 1980, who have not been discharged prior to the maximum 12 months discharge date (whether committed under W&I 3100 or 3100.6) shall be discharged by the Director pursuant to W&I 3201(b).

Outpatients committed to the Civil Addict Program pursuant to W&I 3050 or 3051 whose commitment offense occurred prior to July 29,1980 and who did not have their indeterminate commitments recalculated in accordance with In Re: Morales: Outpatients committed to the Civil Addict Program pursuant to W&I 3050 or 3051 who have not been discharged prior to the statutory maximum discharge date of seven years from the date of commitment shall be returned to the court of commitment for vacation of the commitment and further proceedings on the underlying criminal charges.

Outpatients committed to the Civil Addict Program pursuant to W&I 3050 whose commitment offense occurred after July 29,1980: A misdemeanor commitment committed to the program under W&I 3050 for a determinate period (16 months) shall be returned to the court of commitment upon reaching the expiration of the sentence in accordance with W&I 3201(a).

Outpatients committed to the Civil Addict Program pursuant to W&I 3051 whose commitment offense occurred AFTER July 29,1980, but PRIOR to September 17,1981: (This policy also applies to outpatients who have indeterminate seven-year commitments recalculated in accordance with In re Morales).

Upon Reaching Custody Expiration Date: An outpatient in this category who has spent a period of confinement or in custody, excluding any time spent on outpatient status, equal to that which he or she would have otherwise spent in State Prison had sentence been executed, including application of good behavior and participation credit (1/3 off term), shall, upon reaching such accumulation of time, be returned to the court of commitment by the Director of Corrections in accordance with W&I 3201(c).

Upon Reaching Program Expiration Date: An outpatient who has not been discharged prior to the statutory maximum discharge date (the maximum term imposed by the committing court), shall be returned to the court of commitment by the Director in accordance with W&I 3201(c).

Outpatients committed to the Civil Addict Program pursuant to W&I 3051 whose offense occurred AFTER September 17,1981: An outpatient in this category, upon reaching the maximum term imposed by the committing court, which may be the expiration of the custody period or the expiration of the program period as explained in the above sections (whichever occurs first), shall be placed on a period of Civil Addict Parole under the jurisdiction of the NAEA. These individuals will not be referred back to the committing court until such time as they have been discharged by the NAEA or reached the maximum parole period, which is three years plus any time spent in custody up to one year.

82060.6 Civil Addict Discharge Time Computation

Early discharge and maximum civil addict terms are indicated by the following chart:

TIME COMPUTATION CHART

Type of Commitment	Non-Criminal	Misdemeanant	Felon Term 24 Mos. or Less	Felon Term More Than 24 Mos.
W&I Sections	3100	3050	3051	3051
Term	Not Applicable	Up to 1 yr.	As Imposed by Court	As Imposed by Court
Max. Allowable Time in Program	12 mos.	16 mos.	Term	Term
W&I Sections	3201(b)	3201(a)	3201(c)	3201(c)
Clean Consecutive Months in OPS Needed for Early Discharge	6 mos.	12 mos.	12 mos.	16 mos.
W&I Sections	3200(a)	3200(a)	3200(b)	3200(b)
Max. Allowable Time in Custody	12 mos.	16 mos.	2/3 Term	2/3 Term
W&I Sections	3201(b) (Must be Discharged by Director)	3201(a) (Must be Returned to Court)	3201(c)**	3201(c)

**Must be returned to committing court upon reaching maximum custody period and/or program period if sentenced under indeterminate (7 year) sentence law, under the provisions of SB 1878 (between 7/29/80 and 9/17/81) or has been reviewed in accordance with the In re Morales decision. Individuals committed under the provisions of SB 176 which became effective 9/17/81, must be released to a period of Civil Addict Parole under jurisdiction of NAEA.

82060.7 Discharge by Director Procedures (Expiration of W&I 3100 Commitments)

Parole Agent (Within 15 Days of Expiration of Commitment)

Prepares and forwards Closing Case Summary through channels to regional records.

Regional Records Staff

Prepares CDC Form 341, Certificate of Discharge for Regional Administrator's signature.

Forwards necessary documents to committing court for vacation of civil addict commitment after obtaining Regional Administrator's signature.

Parole Agent

Gives original of CDC Form 341 to outpatient and files duplicate in field file.

Removes case from active count effective date of expiration of commitment.

Retains field file for 120 days and then destroys it.

82060.8 Return to Court of Commitment Procedures (Expiration of W&I 3050 & 3051 Commitments)

Parole Agent (Within 60 Days of Expiration of Commitment)

Prepares and forwards Closing Case Summary through channels to regional records.

Regional Records Staff

Prepares CDC Form 344-A, Recommendation and Certification for Discharge.

Forwards necessary documents to committing court for vacation of civil addict commitment after obtaining Regional Administrator's signature.

Committing Court

Refers case to original court of jurisdiction for further disposition on underlying criminal conviction(s) after the civil commitment has been vacated.

Regional Records Staff

Forwards copies of Minute Order, and completed CDC Form 344-A from committing court to Parole Agent.

Parole Agent

Gives a copy of discharge documents to outpatient and provides information and assistance regarding requirement for outpatient's appearance in court of original jurisdiction.

Individuals committed under W&I 3051 or individuals who have seven years commitment recalculated In Re: Morales may be placed on a period of parole under jurisdiction of BPT.

Files copy of discharge documents in field case file and removes case from active count effective date of expiration of commitment.

Retains field case file for 120 days following discharge and then destroys it unless person has been placed on a period of felon parole by the court.

82060.9 Discharge at Expiration of Civil Addict Parole Policy

A civil addict parolee who has not been discharged prior to completion of three years of civil addict parole, or a combination of parole and custody equal to four years, shall be returned by the Director to the court from which the person was committed for discharge and referral to court which suspended execution of sentence to state prison. These cases will not be referred to NAEA because once parole period has terminated pursuant to W&I 3201 the NAEA no longer has jurisdiction. Any time during which civil addict parolee was in a suspended status (at-large pursuant to NAEA action) will not be credited to parole period.

82060.9.1 Discharge at Expiration of Civil Addict Parole Procedures

Regional Records Staff (60 Days Prior to Termination of Parole)

Informs appropriate parole unit of termination of parole period.

Parole Agent (Within 42 Days Prior to Termination of Parole)

Prepares and forwards Closing Case Summary through channels to regional records.

Regional Records Staff

Prepares CDC Form 344-A.

Forwards necessary discharge documents to court of commitment after obtaining Regional Administrator's signature.

Committing Court

Refers case to original court of jurisdiction for further disposition on underlying criminal charges, after vacating civil addict commitment.

Regional Records Staff

Forwards copies of Minute Order and completed Discharge Certificate to Parole Agent.

Parole Agent

Gives copy of Minute Order and Recommendation and Certification for Discharge to civil addict parolee and advises individual of requirement for appearance in original court of jurisdiction.

Removes case from active case count effective date Minute Order was issued by committing court.

Files copy of Minute Order and Recommendation and Certification for Discharge in field file.

Retains field file for 120 days and then destroys it.

82060.10 Revisions

The Deputy Director, P&CSD shall ensure the accuracy of this section.

82060.11 References

W&I §§ 3051, 3100, 3100.6, 3109, 3200, 3201.

CCR (15) (5) § 5170 (l), 5500, 5501, 5502, and 5503.

ARTICLE 16 — RE-ENTRY POLICY

Effective August 23, 1989

83010.1 Introduction

Community Correctional Centers provide the opportunity for transition from close confinement to less restrictive living for selected soon-to-be paroled inmates. Placing inmates in such facilities also reduces prison overcrowding. The P&CSD administers the re-entry program through policies and procedures designed to minimize accomplishment of program objectives in a cost-effective manner.

Re-entry specialists monitor facility practices through a range of techniques intended to assess policy compliance and provide for corrective action. These specialists help inmates to make the transition from prison to parole be providing a range of services. Additionally, they initiate the necessary action to interrupt any inmate behavior that threatens the facility or the community. They also provide those services necessary to begin a successful transition to parole.

83010.2 Policy

The Penal Code authorizes the Director to operate community correctional centers and to contract with public agencies and private vendors for the operation of re-entry facilities. Inmates who reside in community re-entry facilities may participate in programs that are provided through these facilities.

The Re-entry Program is composed of three basic subprograms as follows:

- WORK FURLOUGH: Selected inmates who are within 90 to 120 days of parole may reside in community re-entry facilities and participate in employment, vocational training, or educational programs in the community. The inmate is expected to establish employment, stable residence and family ties.
- PRISONER-MOTHER PROGRAM: The PC requires the Director to establish community treatment programs for qualified female inmates with pre-school children. The intent of the program is to establish a wholesome environment for the child and a stable parent-child relationship.
- RETURN-TO-CUSTODY: The RTC parole violator program will house selected low-risk parolees who violate the conditions of parole and are revoked by the BPT.

The P&CSD operates three types of re-entry work furlough programs:

- State work furlough facilities operated by CDC staff.
- Community work furlough facilities operated by a county sheriff or probation department through a contract with CDC.
- Private work furlough facilities operated by a private organization through a contract with CDC. CDC contracts with the private vendors to house, feed and control inmates while inmates are on facility property. Vendors also provide employment counseling and referral services.

Re-entry specialists are assigned to each facility to monitor inmate activities in the community through face-to-face contacts with the inmate and contacts with other persons. The re-entry specialist is responsible for placing an inmate into a higher level of custody if an inmate must be removed from the program. The re-entry specialist also monitors the facility for compliance with contractual requirements.

83010.3 Areas of Re-entry Responsibility

Re-entry Administrator and Re-entry Staff

- Coordinate Re-entry Programs statewide.
- Solve re-entry problems between P&CSD and institutions.
- Establish criteria to evaluate facility compliance with contracts, policies and procedures.
- Develop contracts for the operation of new facilities.
- Develop new re-entry facilities.
- Monitor the operations of facilities in the region.
- Monitor disciplinary and classification actions for compliance with established policies.
- Screen inmates to be paroled to the region for eligibility to participate in re-entry.
- Transport inmates to facilities within the region.

Re-entry Specialist

Conducts case management with emphasis on supervision, approval and verification of the inmates' activities outside the facility.

83010.4 Facility Operational Manual

State and private re-entry facilities shall maintain an operations manual. The format for the manual is contained in contracts with the vendor.

83010.5 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

83010.6 References

PC § 6250.

ARTICLE 17 — RE-ENTRY COMPLIANCE AND AUDIT

Effective August 7, 1989

83020.1 Policy

Compliance audits and inspections are designed to determine the degree with which a re-entry facility complies with legal policy and contractual requirements in the areas of custody, security, physical plant maintenance, program delivery and administrative practices. The audit will be conducted by a standard format.

83020.2 Audit and Inspection Procedures

Regional Re-entry Staff (Quarterly)

Audits each re-entry facility.

Submits audit reports to Headquarters by Regional Administrator.

Inspects each re-entry facility.

P&CSD Headquarters Reentry Staff (Annually)

Conducts program audit and review of all facilities.

83020.3 Revisions

The Deputy Director, P&CSD shall ensure that this section is accurate and current.

83020.4 References

Not applicable.

ARTICLE 18 — RE-ENTRY REFERRAL*

Revised January 26, 1990

Not Cleared For Statewide Use

83030.1 Policy

The Penal Code requires the Department to screen all inmates prior to parole to determine possible eligibility for community re-entry program. All qualified inmates will be encouraged to participate in Re-entry Program.

All preparole cases (including cases with pending warrants or those being considered for out-of-state parole) shall be referred to the parole region containing the inmate's county of commitment. County of commitment is the county where the crime for which the inmate was committed occurred, except for crimes committed in prison. Commitments to prison for an in-custody (prison) felony shall not be used as the basis for determining the county of commitment. If the inmate has been discharged from all previous terms, consideration shall be given by regional staff to placement in another, more appropriate county in accordance with exception criteria. If an inmate requests placement in another county, detailed information on the inmate's proposed alternative release program shall be included in the CDC Form 611, Release Program Study (RPS).

Exceptions

All inmates shall be paroled to the county of commitment unless the case complies with exception criteria. An inmate may be paroled to another county if it would be in the best interest of the public and of the inmate. The reasons for parole to another county shall be specified in writing in the inmate's C-File.

The following factors shall be considered in determining if parole to another county is justified:

- The need to protect the life or safety of a victim, the inmate, a witness or any other person.
- Public concern that would reduce the chance that the individual's parole would be successfully completed.
- The verified existence of a work offer, or an educational or vocational training program in another county that encompasses the following:
  - Permanent employment that will enable inmate to be financially self-sufficient. (Minimum wage jobs, such as busboy or short-term jobs such as cannery worker, are not self-supporting or of sufficient duration to qualify.)
  - Training or educational program that will: be full time; materially upgrade the inmate's employment skills or educational level and thus substantially improve employability; and will provide sufficient funds to preclude the inmate from relying on welfare, CDC cash assistance or similar programs.
- The last legal residence of the inmate having been in another county.
- The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that parole would be successfully completed.

Family members are defined as the inmate's legal spouse, natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate's incarceration; step-parents or foster parents; grandparents; brothers and sisters; the inmate's natural and adoptive children; step-children or grandchildren. Aunts, uncles and cousins are not considered as immediate family members unless a bonafide foster relationship exists.

- The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to PC 2960.
- An inmate who is released on parole shall not be returned to within 20 miles of the actual residence of a victim, or a witness to, a violent felony as defined in PC 667.5 (c) if the BPT or the P&CSD finds that there is a need to protect the life, safety or well-being of a victim or witness.
- Preparole referrals for out of state placement shall not be made unless the inmate is a resident of the other state or has relatives in the receiving state and it is clear that the inmate will be self-supporting.

83030.2 Institution Time Limits

The institutions will send preparole material to the parole region in accordance with the following time limits (all time limits are in calendar days unless otherwise specified):

- Routine Referrals: No later than 210 days, the RPS Form will be forwarded by the C&PR to the region containing the inmate's county of commitment, attention: Regional Re-entry Coordinator (RRC).
- Overdue Referrals: Cases in the institution which, after computation of time credits, have less than 210 days remaining prior to the earliest possible release date (EPRD) will be given special attention. The RPS packet will be processed as soon as possible upon discovery of being overdue and sent to the region containing inmate's county of commitment for re-entry screening and preparole processing.
- RTC/PV Referrals: All RTC/Parole Violation (PV) cases will be forwarded to the region of commitment 45 days prior to the revocation release date.

83030.3 Notice of PC 2933 Credit Eligibility Procedures

Institution Staff

Indicates inmate's current Work Group assignment and whether inmate is subject to PC 2933 credit earnings by including appropriate notation on RPS, in the C&PR Comments section:

- Not subject to PC 2933 credits; or,
- Subject to PC 2933 credits - signed waiver.

83030.4 Institutional Referral Procedures

Institution Staff (240 Days Prior to Parole)

Prepares a preparole file consisting of original and three copies of:

- RPS with Section A completed.
- Probation Officer Report and supplemental reports.

- Most recent CI&I report.
- Summary of institutional adjustment, including serious disciplinary actions.
- CDC Form 128-G, Classification Chrono for last classification hearing.
- Four identification photos (front).
- Copy of CDC Form 812, Notice of Critical Case Information.
- Requests for notification required by PC.
- Legal Status Summary Sheet.
- CDC Form 112, Chronological History.

(At Least 210 Days Prior to Parole)

Forwards preparole file to re-entry coordinator of region of county of commitment.

- Also forwards Cumulative Case Summary, with two copies of signed CDC Form 1515, Notice and Conditions of Parole, and two copies of Parole and Probation Form I - CDC Form 1531, Investigation Request, and Parole and Probation Form III & V - CDC Form 1533, Agreement To Return, to the Interstate Unit (ISU), if referral for out-of-state placement is made.

(Immediately Following Inmate's Release to Parole)

Forwards release package to parole unit consisting of:

- CDC Form 102, Release Statement and Clothing Authorization.
- CDC Form 1515, Conditions of Parole if applicable.
- Notice of Registration Requirements, DOJ
- Copy of CDC Form 161, Warden's Checkout Order.

83030.5 Exclusionary Criteria

Except in unusual circumstances, including, but not limited to the remoteness in time of the commission of the offense, inmates shall be excluded from re-entry if one or more of the following circumstances exist:

- Current commitment is enhanced by PC 667.5 (Violent Offender Status).
- Current commitment is for violation PC 451(a), (b), or (c) (Arson).
- Current commitment is for violation of PC 4530, 4532, 4533, 4534 or 4535 (Escape).
- Current commitment is for violation of PC 12020 (Weapons).
- Current commitment is for violation of H&SC 11380.5, 11352, 11353, 11379.5 and 11380 (Sale and Possession for Sale of Controlled Substance). This section applies only if the sale, possession for sale, manufacturing or transportation of controlled substance was large scale for profit.
- Current commitment was for robbery, kidnapping or assault where the inmate personally discharged a firearm or personally caused serious injury to the victim, whether or not term is enhanced.
- Current commitment or past convictions which require the inmate to register pursuant to PC 290.
- The inmate has:
    - An active civil addict commitment.
    - An active hold or detainer.
    - MCU or SHU assignment.
    - CDC Form 115, Rules Violation Report, pending in which criminal charges are anticipated or have been filed.
    - Documented, active prison gang relationships.
- Gang affiliation or enemies who might jeopardize security of the re-entry facility or the community.
- Within past ten years, has two or more convictions for PC 451(a), (b), or (c) (Arson).
- Within past ten years, has two or more convictions for PC 12020, manufacture, sale or possession of weapons.
- Within past ten years, has two or more convictions for H&SC 11352, 11353, 11379.5, 11380 or 11380.5, unlawful sale, possession for sale, manufacture or transportation of controlled substances if large scale for profit.
- Within past five years, has two or more convictions for PC 4530, 4532, 4533, 4534 or 4535 (Escape).

Inmates may be excluded from re-entry if one or more of the following circumstances exist:

- Predatory sexual behavior, including annoying children.
- Three or more separately occurring felonious acts of violence or use of weapons within past ten years, whether during incarceration or not.
- Use of narcotic or dangerous drugs within six months of screening. The use of marijuana is excluded.
- Recent escape attempts.
- Current medical or psychiatric problems which cannot be managed in a re-entry facility, or which require ongoing medical treatment.
- Recent serious disciplinary problems.
- No re-entry program in the area where inmate will parole.
- Extreme public notoriety.

- Planned program not in county of commitment or county of last legal residence.
- Any crime that resulted in death to the victim.
- RTC parole violators serving revocation time only.

83030.6 Re-entry Screening Procedures

Re-entry Screening Agent (Within 30 Days of Receipt of RPS Packet)

Screens RPS package to determine eligibility to participate in re-entry.

Contacts C&PR of referring institution regarding any Level IV case meeting screening criteria.

- Presents case to Regional Administrator for final approval or disapproval.
- Notes reasons for approval or disapproval on CDC Form 128-B, obtains Regional Administrator's signature, and attaches CDC Form 128-B to RPS being returned to institution.

If eligible:

- Completes screening, transportation and parole placement sections of the RPS.
- Checks box for approved.
- Specifies program(s) for which inmate is eligible.
- Specifies transportation to be used.
- Specifies assigned parole unit.
- Forwards copy of RPS and CDC Form 1604, Agreement to Participate in Community Work Furlough Program, to C&PR of sending institution.
- Forwards copy of RPS and preparole file to parole unit with one copy to re-entry agent.

If not eligible:

- Completes screening and placement section of RPS.
- Checks box for denied.
- States criteria for denial.
- Specifies assigned parole unit.
- Forwards copy of RPS to C&PR of sending institution.
- Forwards copy of RPS and preparole file to assigned parole unit.

83030.7 Inmate Appeal Policy

The institutional caseworker may ask for reconsideration of denial of re-entry placement from the Regional Administrator only if one or both of the following factors apply:

- It is evident that an error was made which might have affected approval for re-entry.
- Inmate has presented new information or factors verified by the caseworker which might have resulted in approval for re-entry if they had been known at the time of screening.

Inmates not accepted for re-entry placement may file an appeal to the regional re-entry coordinator of the parole region that screened the case and denied placement if:

- The institution caseworker declines to request reconsideration of a denial of re-entry placement.
- If the Regional Administrator rejects a request for reconsideration of a denial of re-entry placement.

83030.7.1 Inmate Appeal Procedures

Assigned Institutional Case Worker (Within 15 Days of Receipt of Appeal)

Reviews inmate's C-File to determine if denial meets exclusionary criteria or if new information exists that might change the decision.

Meets with inmate and explains denial.

Writes CDC Form 128-B, Informational Chrono, explaining discrepancy or new information and sends chrono attached to copy of CDC Form 602, Inmate/Parolee Appeal Form to Regional Administrator.

Inmate (Within 10 Days of Interview)

Submits appeal, with counselor's review, to Regional Administrator if dissatisfied with results of review by institutional caseworker.

Regional Administrator (Within 15 Days of Receipt of Appeal)

Reviews file for accuracy and either affirms or overrules denial.

Returns appeal to inmate.

Inmate (Within Ten Days of Receipt of Appeal)

Sends appeal with attachments to Director if dissatisfied.

CDC Inmate Appeal Staff

Reviews case for compliance with exclusionary criteria and may grant or deny appeal.

Returns appeal with decision to inmate. This is the final level of appeal.

83030.8 Revisions

The Deputy Director, P&CSD, or designee shall ensure that this section is current and accurate.

83030.9 References

PC §§ 290, 451(a)-(c), 667.5, 2933, 3003, 4530, 4532-4535, 6263, 6263 (6) (b), 6264, and 12020.

H&SC §§ 11352, 11353, 11379.5, 11380, and 11380.5.

CCR (15) (3) § 3084 et seq.

ARTICLE 19 — RE-ENTRY TRANSFER

Effective August 29, 1989

83040.1 Policy

Each region shall have procedures to transfer inmates from a Department institution to a re-entry facility. A waiting list for each facility in the region will be established. The list will have the names of all inmates approved to participate in Re-entry Program in the region. If feasible, the list will be in chronological order by earliest possible release date. On occasion, it will not be practical to transport an inmate by CDC bus. On those occasions, commercial transportation may be authorized. When an inmate using commercial transportation fails to report to a re-entry facility, escape procedures will be implemented.

83040.1.1 Transfer Procedures

Designated Regional Staff

Determines when vacancy will occur at a re-entry facility.

Sends FAX to institution advising of date of proposed move to re-entry.

Arranges for regional transportation officer to pick-up and deliver inmate to re-entry facility.

83040.1.2 File Transfer Procedures

Institutions Records Staff

Transfers inmate's C-File to records office of designated region and enters Daily Report of Arrivals and Departures (DRAD), OBIS movement information.

Regional Records Staff (Within Five Days of Inmate Removal from Re-entry)

Returns C-File to receiving CDC institution.

83040.2 Notification of Other Law Enforcement and Victim Policy

CDC is required by the Penal Code to notify the local chief of police and sheriff and (if requested) the victim of an inmate's crime when an inmate is transferred to a re-entry facility.

Notification is also required if an inmate is transferred to another re-entry facility.

83040.2.1 Re-entry Placement Notification Procedures

Screening Agent (Within Seven Days of Case Acceptance for Re-entry)

Prepares form letter advising local sheriff or chief of police of inmate's approval for re-entry.

Prepares form letter advising victim or victims' next-of-kin of inmate's approval for re-entry if notification has been requested.

Forwards copies of form letter(s) to regional records and assigned re-entry specialist.

Re-entry Specialist or Regional Records Staff

Marks inmate's re-entry facility or C-file with a red tab next to inmate's name if victim notification has been requested.

Prepares a 5" x 7" manila envelope, marked "Confidential" in large letters, and seals and attaches envelope (containing copy of form letter to victim, name, address and telephone number of victim, and law enforcement officials to be contacted if inmate escapes) to left inside cover of inmate's facility and C-file if victim notification has been requested.

Facility Staff

Prepares a CDC Form 600-A, Wanted Persons System Notification and places the form in facility file.

Prepares a list of names, addresses and telephone numbers of law enforcement officials to be contacted in the event of escape and attaches list to partially completed CDC Form 600-A if there is no request for victim notification.

83040.3 Inmate Property Policy

An inmate transferred to re-entry may bring a total property volume of six cubic feet. Due to space limitations at some re-entry facilities, the inmate may have to store some items of property elsewhere.

83040.3.1 Inmate Property Procedures

Regional Transport Officer

Secures an inventory of each inmate's property from institution receiving and release officer.

Provides a copy of inventory to the re-entry facility manager.

Facility Manager

Checks inventory to assure that all listed property arrives with inmate.

Maintains a property inventory for each inmate.

83040.4 Inmate Orientation Policy

Inmates will receive an orientation to re-entry and facility rules within three days of arrival. Inmates shall not leave the facility grounds until they have completed orientation. The orientation will consist of:

- CCR.
- Facility rules and procedures for:
  - Disciplinary actions.
  - Classification actions.

- Work Incentive Program.
- Inmate or parolee appeals.
- Community leave and pass policy.
- Escapes.
- Anti-narcotic and alcohol testing.
- Contacting the facility or re-entry Parole Agent in an emergency.
- Program participation fee collection.

83040.4.1 Inmate Orientation Procedures

Re-entry Specialist (Within Three Days of Inmate's Arrival)

Assures that facility staff conduct an orientation for each inmate.

Assures that inmate's date of arrival, date and place of orientation, persons participating in orientation, information and any documents provided to inmate are recorded on the, CDC Form 1650-D, Record of Supervision.

83040.5 Inmate Identification Policy

Inmates shall be issued a standard identification card when they arrive at a re-entry facility. Inmates are required to carry the card at all times. The card shall include:

- Current photo of the inmate.
- Identifying information:
  - Name.
  - CDC number.
  - Date of Birth.
  - Color eyes and hair.
  - Height and weight.
  - Race.
  - Name, address and phone number of the re-entry facility.

83040.6 Revisions

The Deputy Director, P&CSD, or designee shall ensure this section remains current and accurate.

83040.7 References

PC § 11155

CCR (15) (3) §§ 3000 (2), 3019, 3109.

ARTICLE 20 — INMATE FUNDS*

Effective August 29, 1989

Not Cleared For Statewide Use

83050.1 Policy

Parole regions are responsible for provision of release funds for inmates transferred to re-entry work furlough. Inmates transferred to re-entry shall be issued up to $100 of their release allowance. Inmates shall not be allowed to have more than $50 in their possession at any one time. The release funds advance is intended for personal expenses to obtain employment, clothing, tools or other personal needs. The release allowance advance may be used to purchase state issued clothing if inmate has no street clothing. Inmates may establish regular or long term passbook savings or investment accounts and shall be advised of procedures for opening such accounts. The Regional Administrator shall designate a staff person at the PA-III level or above (usually the Regional Re-entry Coordinator) to be responsible for coordinating the procurement, distribution and accounting of release funds issued to work furloughees.

83040.1.1 Procedures

Designated Regional Re-entry Staff

Enters inmate's name, CDC number and Earliest Possible Release Date (EPRD) on Request for Release Allowance Warrants Form as soon as inmate is cleared and scheduled for transfer to re-entry facility.

FAXs cumulative request for Release Allowance Warrants List each Friday to Re-entry Administrator, P&CSD Headquarters.

P&CSD Headquarters Re-entry Staff (Upon Receipt of Request)

Requests accounting services to prepare two $100 release allowance warrants for each inmate who has an EPRD of 90 days or less.

Requests accounting services to prepare one $100 release allowance warrant for each inmate who has an EPRD of more than 90 days.

- A second check may be ordered when inmate is within 15 days of release to parole or discharge.

Headquarters Accounting Staff (Within Seven Days of Receipt of Request)

Prepares and forwards warrants and copy of request to region, Attention: Regional Administrator.

- Issue dates shall be indicated on each warrant.

Designated Regional Staff (Within Three Days of Receipt)

Receives and processes warrant and forwards to re-entry specialist.

Re-entry Specialist (Within Seven Days of Receipt)

Distributes warrant to re-entry inmate and completes CDC Form 102, Release Statement Form.

Designated Regional Staff

Posts each warrant, indicating when and by whom each warrant was given to the re-entry inmate.

(Seven Days after 90 Day Expiration Date)

Transmits original warrant, warrant listing, three copies of each CDC Form 102, and unissued warrants to Headquarters Accounting by First Class mail.

- Returned checks shall be clearly marked "VOID" on each face.
- Reason warrant was not issued shall be specified in the "comments" section of listing.

Headquarters Accounting Staff

Reviews CDC Form 1O2's and audits against listing.

Institution Trust Officer (Within Two Days after Transfer)

Closes out trust account.

Prepares a check and transmittal document CDC Form 102, and forwards to regional re-entry coordinator.

Regional Re-entry Coordinator (Within Two Days of Receipt)

Logs and sends check to re-entry specialist. The log shall include:

- Inmate name and number.
- Check number and amount.
- Issuing institution.
- Date released and person who released check.

Re-entry Facility Manager (Within Two Days of Receipt)

Delivers check to inmate and obtains receipt for check.

Requires inmate to deposit check into either a facility trust account (and gives inmate a receipt), or into a savings institution.

Controls savings passbook.

Re-entry Specialist

Gives inmate written consent for withdrawals from savings account.

83050.2 Inmate Program Contribution Policy

An inmate participating in re-entry shall pay a daily participation fee based on ability to pay. Authorization to collect fees is in the Penal Code.

The following policies apply:

- Participation fee collected will be $4.15 per day or 25% of the inmate's gross wage, whichever is greater.
- Participation fee shall not exceed the per diem cost as specified in the contract.
- Fees are to be prorated over the entire time the inmate participates in re-entry.
- Fees based on inmate's gross wages will be collected for each eight hours worked or portion thereof in accordance with the Financial Management Handbook.
- Release funds will not be used to pay participation fees.
- No participation fees may be collected following an inmate's release to parole.
- No inmate may be denied participation in re-entry because of inability to pay fees.
- Failure to pay participation fees may result in disciplinary proceedings.

83050.2.1 Inmate Program Contribution Procedures

Revised March 8, 1990

Re-entry Agent

Determines inmate's ability to pay (All sources of income will be considered).

Documents inmate's ability to pay on CDC Form 1650-D, Record of Supervision.

Gives copies of the Record of Supervision Form to inmate and facility manager and includes copies in inmate's file.

Facility Manager (Weekly)

Collects participation fee for each day employed.

83050.3 Purchase of Clothing and Tools Policy

Cash assistance funds may be used to purchase tools or clothing only when trust and release funds have been depleted.

83050.4 Inmate Indebtedness Policy

Inmates are prohibited from incurring any type of continuing indebtedness or entering into any purchase agreements involving periodic payments, lease arrangements, credit cards, charge accounts, and deferred payment purchases, or co-signing for purchases by another individual without prior approval by the re-entry specialist.

83050.5 Revisions

The Deputy Director, P&CSD, or designee shall be responsible for ensuring that this section is current and accurate.

83050.6 References

PC §§ 1208(e), 6253(a). 6266.

ARTICLE 21 — INMATE FURLOUGH*

Effective August 28, 1989

Not Cleared For Statewide Use

83060.1 Policy

The Penal Code permits the Director to grant furloughs to residents of community correctional centers for the purposes of employment, education (including vocational training), or to arrange a suitable employment and residence program. These furloughs may be granted if the following requirements are met:

- The inmate is within 120 days of parole or discharge.
- The inmate has completed orientation.
- The inmate requests the furlough in advance and submits a definite itinerary with specific departure and return times.
- The inmate shall only be allowed the time necessary to complete the itinerary.

83060.2 Furlough Definitions

An approved sponsor may be:

- An immediate adult family member.
- A responsible adult with a specific interest in assisting the inmate, such as an M-2 sponsor, church affiliate, a civic group affiliate or potential employer. A "responsible adult" sponsor shall not be used as a means of circumventing the common-law exclusion for overnight passes.

An immediate family member is any of the following:

- Legal spouse.
- Natural parent.
- Adoptive parent (if the adoption occurred prior to the inmate's incarceration).
- Stepparent.
- Foster parent.
- Grandparent.
- Brother or sister.
- Natural child (all children must be at least 18 years of age).
- Adoptive child (if the adoption occurred prior to the inmate's incarceration).
- Stepchild.
- Grandchild.
- Aunt, uncle or cousin if a bona fide foster relationship existed prior to incarceration.

A common-law spouse will not be recognized as immediate family.

83060.3 Temporary Community Leave (TCL) Policy

The re-entry specialist may grant a temporary community leave of not more than 36 hours to an inmate for the purposes of reestablishing family ties or developing a release program providing the inmate:

- Has been in the facility a minimum of seven days.
- Has exhibited a pattern of stability and responsibility.
- Has no disciplinary proceedings pending.
- Is up-to-date on facility maintenance fees.
- Has demonstrated the financial ability to pay the expenses of the TCL.
- Has an approved pass sponsor.

There shall be a minimum break between TCLs of 12 hours.

83060.3.1 TCL Time Limits

The maximum time for an inmate's prerelease planning TCL shall not exceed:

- Sixty hours during the first month in Re-entry Program.
- Ninety-six hours during the second month in Re-entry Program.
- One hundred and forty-four hours during the third and subsequent months in re-entry program.

Hours granted for an inmate to conduct personal business on a pass from the facility will not be deducted from TCL time.

These limits may be reduced due to disciplinary actions or for other reasons following case conference with the unit supervisor.

83060.3.2 TCL Procedures

Inmate

Requests a TCL pass for an overnight or weekend a minimum of 48 hours in advance.

Requests a TCL of less than 12 hours a minimum of 12 hours in advance.

Pays own expenses (Lack of funds may be grounds for TCL denial).

Prepares a detailed leave plan on Temporary Community Leave Request, CDC Form 601 prior to any TCL. The plan shall include:

- Purpose of the TCL.
- Destination.
- Inmate's method of travel.
- Address and phone number where inmate may be contacted at all times.
- Budget.
- Inmate's signature accepting conditions of TCL.

Re-entry Facility Staff

Maintains TCL log.

Re-entry Specialist

Monitors TCL log to assure compliance with policy.

83060.4 Emergency TCL Policy

Emergency TCL may be granted for a maximum of 72 hours for attendance at the funeral of a family member or a bedside visit to a critically ill family member. An immediate family member is any of the following:

- Legal spouse.
- Natural parent.
- Adoptive parent (if the adoption occurred prior to the inmate's incarceration).
- Stepparent.
- Foster parent.
- Grandparent.
- Brother or sister.
- Natural child (all children must be at least 18 years of age).
- Adoptive child (if the adoption occurred prior to the inmate's incarceration).
- Stepchild.
- Grandchild.
- Aunt, uncle or cousin if a bona fide foster relationship existed prior to incarceration.

Inmates in a high level of custody for major violations of the CCR may be escorted from the custody facility for the above two purposes. The inmate will have to pay for the service of the escort and all transportation costs involved. Lack of funds will prohibit an emergency TCL.

Inmates shall not leave the State of California, must demonstrate the ability to return within the 72 hours, and have sufficient funds to travel and maintain themselves.

83060.4.1 Emergency TCL Procedures

Re-entry Agent

Requires inmate to fill out a request for emergency TCL on CDC Form 601.

Inmate

Provides name, address and phone number of funeral director or attending physician on the CDC Form 601.

Re-entry Agent

Verifies inmate's claim by personal contact by phone with funeral director or attending physician.

Contacts in person (or has an agent in the area contact) the hospital or funeral establishment to verify need for an emergency TCL if there are any questions regarding authenticity of information.

Determines inmate's mode of travel and route.

Assures that inmate has funds to complete the travel.

Issues authority to travel only for the time necessary to accomplish intent of the TCL.

Informs inmate how and when to make contacts with the re-entry facility.

83060.5 Facility Pass Policy

The facility manager may grant short term passes, of no more than six hours between 0700 and 2100 hours. No more than one pass per day may be granted. Passes may be for the following purposes:

- Purchase of needed personal items (clothing, sundry shaving items, food, tools).
- Medical or dental appointments.
- Developing parole or discharge plans with the Parole Agent or social service agencies.
- Participation in legitimate, scheduled recreational or social activities (The appropriateness of the activity must be cleared by the re-entry specialist prior to granting the pass).

- Attending religious services.
- Arranging employment.

83060.5.1 Facility Pass Procedures

Facility Staff

Maintains log indicating facility pass requirements have been met.

Logs actual time of departure and return for each facility pass.

Re-entry Specialist

Monitors log monthly to assure facility compliance with pass policy.

83060.6 Employment and Training Pass Policy

The re-entry specialist may approve an ongoing itinerary that specifically provides time for an inmate to travel to, attend, and return from a particular job or academic or vocational training program. There shall be a 30-mile limit from the facility to place of employment unless the unit supervisor grants an exception. The ongoing itinerary will normally not exceed 12 hours in any one-day unless prior approval is obtained from the re-entry specialist.

83060.6.1 Employment and Training Pass Procedures

Re-entry Specialist

Evaluates the proposed employment program.

- Determines that employer is reputable; e.g., possesses a business license, pays by check and withholds State and Federal Income Tax and State Disability Insurance (SDI).
- Assesses distance of job from facility.
- Identifies means of transportation to and from job.
- Determines that inmate's criminal background does not preclude the job.
- Verifies that the job will not require the inmate to be away from the facility more than 12 hours at a time.

Evaluates proposed educational or vocational training program:

- Determines whether educational or vocational training program will lead to employment before or shortly after the inmate is paroled.
- Determines that inmate demonstrates a well-defined need to participate in the program.

Records the following information on a CDC Form 128-G, Classification Chrono (See Sample).

- Program or job.
- Job compensation.
- Hour inmate will leave and return to the facility.
- Means of transportation.
- Specific instructions to be given to inmate.

Distributes original CDC Form 128-G to C-File, one copy to the inmate, one copy to the facility manager for the facility file, and one copy to the re-entry specialist.

Re-entry Facility Manager

Maintains a daily roster at the front desk of all ongoing itineraries which contain:

- Names of all inmates approved for ongoing itineraries that day.
- Scheduled departure times.
- Scheduled return times.
- Phone number & address where programs are located.
- Name of responsible person to be contacted at each program site.

Requires a staff member to contact program representative by telephone daily to confirm inmate's compliance with approved itinerary.

Re-entry Specialist (Weekly)

Monitors daily rosters.

(Within 48 Hours of Inmate Starting Job)

Contacts and informs the employer of:

- Inmate's status.
- Limits placed on inmate.
- Frequency of contacts.
- Need for cooperation between employer and agent.

83060.7 Revisions

The Deputy Director, P&CSD shall be responsible for ensuring the accuracy and completeness of this section.

83060.8 References

PC §§ 1208 (b)(d), 6254.

CCR (15) (3) § 3082(a).

Sample: CDC Form 128-G

NO. C-00000 Name DOE, John L.

Custody: Re-entry: Assignment: Turning Point/Visalia

Comments: Employment

On 1-1-99, Doe started work as a chicken feeder at ABC Farms, 1312 5th Ave., Oakdale, CA, (209) 929-8416, earning $3.75 per hour. Doe works from 0600 to 1500. Doe will leave the facility at 0530 and return at 1530. He will walk to ABC Farms. He will work Sunday, Monday, Thursday, Friday and Saturday. His inmate status is known to the Foreman, Bill Smith. Doe is to report any anticipated overtime to facility staff prior to working the extra hours.

J. Jones, Re-entry Specialist

Date 1-4-86 Classification Inst.: Turning Point

ARTICLE 22 — RE-ENTRY CASE PLANNING AND SUPERVISION*

Effective August 28, 1989

Not Cleared For Statewide Use

83070.1 Policy

The development of an individualized inmate program plan will be the primary responsibility of P&CSD staff. The program plan for each inmate will include the following areas:

- Degree of control and supervision required.
- Participation in available programs (drug, alcohol, counseling, etc.).
- Employment.
- Methods for meeting special program conditions.
- Temporary Community Leave (TCL) (frequency and with whom).

The Initial Program Plan and any subsequent modifications in the program will be developed through a series of scheduled case reviews.

83070.1.1 Procedures

Re-entry Specialist (Within 72 Hours of Inmate's Arrival)

Conducts initial interview and records results on CDC Form 1650-D, Record of Supervision.

Verifies that inmate has received appropriate orientation.

Re-entry Specialist and Supervisor (Within Seven Days of Inmate's Arrival)

Conferences case and develop Initial Program Plan.

Record and sign Initial Program Plan on CDC Form 1650-D.

Distributes CDC Form 1650-D:

- Original to C-File.
- Copy to inmate.
- Copy to assigned re-entry specialist for inclusion in case book.
- Copy to local facility for inclusion in their program file.

Unit Supervisor & Re-entry Specialist (Each 60 Days)

Review inmate's progress and any program changes at least once during program.

Re-entry Specialist

Records results of case review on the CDC Form 1650-D.

- Distributes CDC Form 1650-D per above.

83070.2 Re-entry Closing Summary Policy

Whenever an inmate leaves a Re-entry Program (parole, discharge, return to institution), a Closing Summary will be prepared by the re-entry specialist and recorded on the CDC Form 1650-D.

The Closing Summary will summarize the inmate's overall adjustment to the program; e.g., work experience, disciplinary actions, family relationships, adjustment to program.

83070.2.1 Re-entry Closing Summary Procedures

Re-entry Specialist (14 Days After Inmate Leaves Re-entry Program)

Prepares Closing Summary.

Supervisor

Reviews and signs completed Closing Summary.

- Copy forwarded to regional records for C-File.
- Copy to Parole Agent.

83070.3 Re-entry Field Supervision Policy

The re-entry specialist is responsible for case management and field supervision of inmates in re-entry programs. Supervision of inmates shall include face-to-face field contacts. When it is not feasible to have face-to-face field contacts, other methods of verifying information shall be used; e.g., telephone calls, reviewing time cards, paycheck stubs, or other written documents.

83070.3.1 Re-entry Field Supervision Procedures

Re-entry Specialist and Unit Supervisor

Determine case supervision requirements through case reviews.

Re-entry Specialist (During First 30 Days of Inmate's Residence in Re-entry Program)

Conducts a minimum of two face-to-face field contacts with inmate.

(After 30 Days)

Conducts a minimum of one face-to-face field contact each month.

Conducts a minimum of one collateral contact each week for any inmate participating in an out-of-facility program (Collateral contacts may be with employer, school or training staff members).

Verifies that an inmate is expected at a TCL location prior to approving a leave.

Verifies that inmate conforms to pass itineraries.

Institutes appropriate control measures if an inmate on pass violates law or policy (Control measures may be arrest, disciplinary action, restriction, program modification, counseling or criminal prosecution).

Verifies inmate's activity information through telephone calls, review of time cards, paycheck stubs or other written documents if face-to-face contacts are not feasible.

Conducts visits to inmate's place of employment in a manner that does not draw unnecessary attention to inmate.

Verifies an unemployed inmate's itinerary.

83070.4 Re-entry Inmate Out-of-State Referral Policy

If the re-entry inmate requests supervision in another state, the re-entry specialist will conduct the Release Program Study (RPS) in the same manner as other re-entry inmate preparole referrals. If the inmate is accepted for supervision by the other state, regional records staff are responsible for entering the appropriate notation Interstate Unit (ISU) ___(receiving state)___ in OBIS.

83070.5 Release From Re-entry to Parole Procedures

Re-entry Specialist (30 to 15 Days Prior to Inmate's Parole)

Contacts assigned Parole Agent and unit supervisor to schedule case conference.

- Contact may be by telephone.

Re-entry Specialist, Parole Agent and Unit Supervisor (30 to 15 Days) Prior to Inmate's Parole

Review inmate's progress, prospective program and possible problems.

Re-entry Specialist

Records conference results on CDC Form 1650-D.

(At Least 15 Days Prior to Inmate's Parole)

Updates RPS.

- Original to Regional Records for inclusion in C-File.
- Copy to unit supervisor.
- Copy to regional re-entry coordinator.
- Copy to inmate.

(At Least 45 Days Prior to Inmate's Parole)

Reviews CDC Form 1515, Conditions of Parole and has inmate sign.

(If Inmate Refuses to Sign Conditions of Parole)

Places inmate in secure custody.

Prepares CDC Form 115, Rule Violation Report, a CDC Form 1521-B, Brief Charge Sheet, and a CDC Form 1521-D, Recommendation Review Decision Sheet.

- Inmate shall be charged with violation for specific act of "refusing to sign Conditions of Parole", a serious violation subject to loss of good-time credits.

Notifies regional hearing coordinator to schedule case for revocation hearing.

Regional Hearing Coordinator

Contacts BPT Scheduling Unit to schedule revocation hearing for date prior to inmate's Earliest Possible Release Date (EPRD).

Re-entry Specialist (45 Days Prior to Inmate's Parole)

Submits CDC Form 102, Release Statement by regional re-entry coordinator, to Headquarters Accounting to obtain balance of inmate's release funds.

- One or more checks for total amount may be requested.

(When Inmate is Paroled)

Sends facility case file to assigned unit office.

Sends facility file to regional records for inclusion in C-File if inmate is discharged.

83070.6 Revisions

The Deputy Director, P&CSD shall be responsible for ensuring that this section is accurate and current.

83070.7 References

Not applicable.

ARTICLE 23 — MEDICAL SERVICES*

Effective August 29, 1989

Not Cleared For Statewide Use

83080.1 Policy

Inmates in re-entry facilities shall be provided emergency medical treatment, routine medical or dental treatment and prescribed medication in the community by private physicians or hospitals at CDC expense.

Re-entry facilities shall maintain agreements with hospitals, physicians, dentists and pharmacists for emergency and routine care of inmates. The name and address of medical service providers shall be given to the regional re-entry coordinator to process payment of invoices for medical services.

Re-entry facilities will provide emergency treatment by:

- Maintaining an approved First-Aid Kit.
- Clearly displaying the telephone number of the paramedical, ambulance and hospital service for the facility.
- Assuring that all staff and inmates are aware of the location of First-Aid supplies.

Inmates will be referred for medical treatment based on seriousness of the injury or illness and the location of the inmate.

Emergency treatment shall be provided in life-threatening situations or to prevent a more serious problem should treatment be postponed. Staff shall seek treatment whenever there is any question regarding the seriousness of the situation.

All injuries or illness shall be reported.

83080.1.1 Facility Medical Services Procedures

Facility Staff (Immediately)

Determines whether emergency treatment is necessary.

Arranges transportation of the inmate by the most appropriate means:

- Paramedic ambulance service.
- Re-entry agent.
- Facility staff member.
- Relative of the inmate.

83080.1.2 Inmate Work-Related Injury or Illness Procedures

Facility Staff or Parole Agent

Obtains instructions of employer in seeking treatment.

Requests the employer to notify the re-entry facility of injury or illness, where the inmate is being treated, and anticipated duration of treatment.

Bills employer for cost of treatment.

Employer

Notifies facility staff when an inmate is hospitalized and when inmate is expected to be released.

83080.1.3 Inmate Injury or Illness on Pass Procedures

Revised March 8, 1990

Facility Staff or Re-entry Parole Agent

Instructs inmate to contact the facility as soon as possible.

Determines nature of injury or illness and instructs inmate to return to the facility or to proceed directly to the designated medical provider.

Phones medical provider and advises of inmate's injury and expected time of arrival.

Requests the medical provider to telephone the following information:

- Time inmate arrives.
- Nature of injury or illness.
- Whether hospitalization will be required.
- When inmate should be released.

83080.2 Emergency Medical Treatment (Inmate Injury or Illness Outside Facility)

Re-entry Facility Staff

Contacts local hospitals providing medical coverage.

Asks the medical provider:

- Nature of injury or illness.
- Present condition.
- Course of treatment.
- Estimated duration of treatment.

Asks treating physician to notify facility staff when inmate will be available for medical release.

Informs medical provider where to send invoices.

Notifies re-entry specialist during normal business hours or the re-entry standby agent during night or weekend hours of the emergency.

83080.3 Use of CDC Medical Consultants Policy

Medical consultants from CDC shall be contacted by the regional re-entry coordinator in complicated or serious medical cases to ensure cost-effective utilization of medical resources.

The Assistant Deputy Director, Health Services, Headquarters, is available to advise the regional re-entry coordinator. Issues that may require consultation are:

- Appropriate medical resources.
- Appropriate follow-up care.
- Cost of medical treatment and a decision as to whether the treatment should in a CDC hospital.
- A decision regarding the best course of treatment.

Consultation is to be carried out by telephone. On rare occasions the Assistant Deputy Director, Health services will need to interview or examine the inmate. Contacts with the Assistant Deputy Director, Health Services will be documented on an informational chrono with a copy to the Assistant Deputy Director, Health Services.

Psychiatric consultation for re-entry inmates will be provided by the POC Staff.

83080.4 Medication Policy

Both prescription and nonprescription medication shall be stored in a locked cabinet and dispensed according to medical instructions. A record of receipt and disbursement shall be maintained for all prescription and nonprescription medication.

83080.4.1 Prescription Medication Procedures

Facility Staff

Interviews each inmate following medical treatment to verify prescription medication.

Assists in filling legal prescriptions.

Records the receipt and disbursement of any medication.

Stores medication in a locked cabinet.

Releases medicine to the inmate according to physician instructions.

83080.5 Reporting Injury or Illness Procedures

Facility Staff (Who Observes or Receives Injury Report)

Completes a STD Form 620, Supervisor's Injury Prevention Report if injury is at a re-entry facility.

Sends STD Form 620 to Regional Safety Coordinator.

Facility Staff

Fills out SCIF Form 67, Employer's Report of Occupational Injury or Illness if injury occurs at a re-entry facility while inmate is on work assignment.

Distributes SCIF Form 67 per instructions.

Fills out a CDC Form 7219, Medical Report of Injury or Unusual Occurrence and gives to attending physician.

Fills out STD 620.

Attending Physician

Fills out CDC 7219 and returns it to re-entry facility.

Re-entry Specialist

Completes STD Form 268, Accident Report in case of death or serious injury and sends it to AG's Office by Deputy Director, P&CSD.

83080.6 Processing Medical Invoices Procedures

Re-entry Facility Staff

Instructs medical service provider to send invoices directly to re-entry facility.

Verifies validity of invoices.

Writes inmate's CDC number and parole date on invoice.

Attaches a brief statement indicating why medical treatment was necessary.

Sends invoice to regional re-entry coordinator.

Re-entry Coordinator

Checks invoice for complete information.

Copies and sends all invoices received to Accounting, Headquarters, on a weekly basis.

83080.7 Death of an Inmate in a Re-entry Facility

Re-entry Specialist

Notifies local law enforcement.

Notifies Regional Administrator.

Notifies inmate's next-of-kin.

Obtains a copy of:

- Coroner's report.
- Death Certificate.
- All law enforcement reports concerning inmate's death.

Notifies parole unit to which the pre-parole material was assigned.

Inventories all personal property of deceased and assures that property is placed in secure storage.

Prepares an incident report.

Prepares STD Form 268.

Prepares a memorandum to the Regional Administrator indicating:

- Deceased's name and CDC number, date, location and cause of death.
- Names, relationships and addresses of relatives, friends, organizations or individuals who might be interested in the burial of deceased.
- Memberships in fraternal orders and lodges having possible burial or death benefits.
- If there are any veteran's or Social Security benefits, pension or insurance plans or any funds not held in trust at the facility.

Regional Administrator (Within Ten Days)

Forwards copy of memorandum with attachments to:

Office of the Attorney General
Department of Justice—Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550.

Re-entry Specialist

Processes personal funds and property of deceased in accordance with PC 5061.

Forwards copy of death report and related materials to Health Services, Attention: CMO.

83080.8 Revisions

The Deputy Director, P&CSD shall be responsible for ensuring this section is current and accurate.

83080.9 References

SAM §§ 965, 966, 967, 968, 973.

DOM § 61400.

PC §§ 2082,5061.

ARTICLE 24 — CUSTODY AND SECURITY*

Effective August 29, 1989

Not Cleared For Statewide Use

83090.1 Policy

Reentry facilities shall conduct a minimum of four counts daily. One of these counts shall be at 2400. The results of this count shall be phoned to the regional reentry coordinator no later than 0900 each working day. The regional reentry coordinator shall have this count entered into OBIS daily. A minimum of one count shall be conducted during each shift.

83090.1.1 Count Definition

The count is either the physical observation of each inmate at a reentry facility or accounting for inmates who are at a specified location away from facility.

83090.2 Visiting Policy

The reentry facility shall have visiting procedures that conform to CCR 3170, 3171(a), 3172 and 3173 and shall include:

- A procedure to pre-screen visitors and ensure visitors' names are on inmate's Visitor Card.
- A designated time and place at the facility for visiting.
- A visual search of visitors for contraband such as weapons, alcohol and drugs.
- A search of handbags and all packages in which contraband could be brought into the facility by visitors.
- Continuous, direct supervision of all visits by a staff member.
- A log of all visits maintained by the facility. The log will show:
  - Name, address and phone number of each visitor.
  - Form of identification presented.
  - Purpose of the visit.

Visitors suspected of bringing contraband to the facility shall be prohibited from visiting.

83090.3 Custody Policy

Reentry inmates requiring higher levels of custody shall be booked into a city or county jail pending classification and disciplinary hearings.

83090.3.1 Custody Procedures

Reentry Specialist

Reviews case with supervisor to determine if a higher level of custody is appropriate and if indicated, how inmate will be moved. Assesses need for backup, and whether resistance should be anticipated.

Note: When an agent is unable to discuss custody situation with supervisor contacts Administrative Officer-of-the-Day (AOD), the agent carries out Sections 2 through 5 and notifies supervisor next working day.

Briefs backup regarding the inmate's potential for violence and where and how the inmate will be placed in custody.

Places inmate in custody.

Transports inmate to custody facility and books per PC 6253(b).

- Informs booking officer of no-bail booking status.

Prepares CDC Form 128-B, General Chrono advising inmate of right to classification hearing.

Supervisor or AOD

Reviews potential arrest situation with reentry agent.

Supervisor

Instructs another agent not involved in the custody situation to conduct a classification hearing within ten days of date of arrest.

83090.4 Search Policy

Inmates must sign a CDC Form 1604, Agreement to Participate in Community Work Furlough Program prior to participating in reentry and agree to warrant-less searches of their persons, property and vehicles.

Searches of reentry inmates may be by Officers, peace officers of other law enforcement agencies, or employees of reentry facilities.

Places being visited by the inmate while they are on pass cannot be searched without the consent of the owner unless a search warrant has been obtained.

Inmates returning to a reentry facility shall be randomly searched.

A clothed body search may be performed by reentry facility staff. All unclothed searches will be performed by reentry specialists or officers of the same sex as the inmate and in a place providing privacy.

Body cavity searches shall only be undertaken by licensed medical personnel.

83090.5 Incidents and Arrest Policy

Each region shall have a procedure that provides for Parole Agents to respond to a reentry facility during non-working hours if an altercation or incident occurs.

Private reentry facility staff are not peace officers and will not arrest inmates. In an emergency situation, the reentry specialist or other law enforcement personnel can command facility staff to assist in an arrest under PC 839.

Reentry facility staff shall use force only to the degree necessary for the preservation of life or the safety of self or others.

83090.5.1 Arrest Procedures

Reentry Facility Staff

Obtains the name and location of the arresting agency, the name of the arresting officer, the Penal Code section, charges, and the booking number if a reentry inmate is arrested.

Contacts and informs appropriate Department employee of the arrest.

Reentry Specialist or Standby Parole Agent

Obtains complete arrest information from reentry facility staff and verifies all information for accuracy.

Conveys the information to the unit supervisor or AOD to determine whether a detainer shall be placed.

Places detainer per PC 6253(b) if so requested.

- Contacts ID/Warrants Unit to place a detainer if arrest is after hours.

Standby Parole Agent (Next Working Day)

Notifies reentry specialist of the circumstances of arrest.

Reentry Specialist

Reviews the arrest and detainer with the unit supervisor. (A decision will be made to retain or release the detainer.)

Contacts DA staff to seek complaint if appropriate.

83090.6 Escape Policy

All staff assigned to reentry programs, including contract staff, shall become familiar with all escape procedures and shall follow the procedures if an escape occurs.

Facility staff shall notify a P&CSD staff person within two hours of discovery of an escape.

P&CSD staff shall initiate escape procedures and process a CDC Form 600-A, All Points Bulletin (APB) when notified of an escape.

An APB shall be issued by P&CSD staff within six hours of being notified of an escape and no later than eight hours after facility staff's discovery of an escape.

If it is anticipated that an escape will generate an unusual amount of publicity, an immediate report will be conveyed by telephone to the Director's Office by the Regional Administrator and the Deputy Director, P&CSD. Outside normal working hours the report will be conveyed by the ID/Warrants Unit. The Assistant Director, Communications, shall also be notified by telephone, and sent a written copy of any press release or newspaper report.

83090.6.1 Reentry Escape Definitions

Persons Deemed Confined in Prison

PC 4504 provides that persons are deemed confined in a state prison if they are confined by an order made pursuant to law in any of the institutions and facilities of the Department regardless of the purpose for such confinement. Such persons are deemed confined in prison although they may be temporarily outside the boundaries of the institution or facility. Reentry inmates in P&CSD operated, county operated or private facilities are deemed confined in prison. Prisoners who have been released on parole are not deemed confined in prison for the purpose of defining offenses committed by prisoners.

Escape or Attempt, With or Without Force

PC 4530(a) and (b) provide that any prisoner who by force or violence escapes or attempts to escape may be punished by imprisonment for a term of two, three or four years. The term of imprisonment, if imposed, begins at the time he or she would otherwise have been discharged from prison. If no force or violence is used, the sentence is 16 months, two years or three years, to be served consecutively with the current term(s).

Failure to Return

PC 4530(c) provides that the willful failure of a prisoner to return to the place of confinement before the expiration of the period during which the prisoner is authorized to be away from the designated place of confinement, is an escape and is punishable in accordance with PC 4530(a) or (b).

Aiding or Abetting Escapees

PC 4533 and 4534 provide that any person who willfully aids a prisoner to escape or attempt to escape is guilty of a felony which is punishable by imprisonment in a state prison, and a fine not exceeding ten thousand dollars.

Escape by City and County Inmates

PC 4532 pertains solely to city and county inmates and will not be used in filing charges on escapes. If a state inmate assigned to a county operated work furlough facility escapes, he or she is to be charged under PC 4530(a) or (b), depending on whether the escape was with or without force. PC 4530(c) is to be used whenever an inmate is charged with escape as a result of failure to return.

83090.6.2 Escape Procedures

Escape without force or failure to return.

Facility Staff (Immediately)

Verifies that an escape has occurred.

Checks file for victim notification request.

Notifies P&CSD staff person that an inmate is missing or has failed to return from a pass and provides information necessary to complete a CDC Form 600-A. If an escape occurs during normal working hours (0800 to 1700 Monday through Friday) facility staff will report the escape to the reentry specialist; escapes occurring outside normal working hours will be reported by facility staff in Regions I and II to Sacramento Valley Community Correctional Center staff. Facility staff in Regions III and IV will report escapes to Central City Community Center staff.

Provides P&CSD staff with the names, addresses, and telephone numbers of any victims or next-of-kin requesting notification and the law enforcement officials to be notified.

P&CSD Staff

Verifies that an escape has occurred and that appropriate efforts have been made to locate or apprehend the inmate. (Count, search of facility, check with local hospitals and jails etc.)

(Within Six Hours of Escape Notification and no Later than Eight Hours after Discovery)

Completes APB I including Caution Codes and requests issuance of APB by regional records staff, or ID/Warrants Unit staff (if after hours) as soon as feasible.

Regional Records Staff (During Normal Work Hours) ID/Warrants Unit Staff (After Normal Work Hours)

Verify all information on APB I and FAX APB to Areas 100, 200, 300, CRN, DOJ and local LEIU Office.

P&CSD Staff (Within Seven Days)

Contacts DA staff regarding filing an escape complaint.

83090.6.3 Escape Notification to Law Enforcement and Victim Procedures

Reentry Specialist, AOD, Unit Supervisor or Alternate (Immediately)

Contacts victim or next-of-kin by telephone and reports escape. (If request has been made.)

Sends confirming letter to victim reporting escape with copies to the reentry facility and reentry records, if telephone contact with victim is made.

Contacts the chief of police and sheriff of the victim or next-of-kin's city or county of residence.

Sends a telegram to the victim or next-of-kin advising of the escape if telephone contact was not successful.

- Provides Western Union with the first name, initial and last name of the next-of-kin and requests physical delivery of the telegram.
- Sends a copy of the telegram to regional records.
- Charges telegram to:

Account No. CSF01743
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attention: P&CSD.

(24 hour number for Western Union is 1-800-325-6000.)

Regional Records Staff

Forwards copy of telegram to reentry facility for inclusion in its confidential envelope.

83090.6.4 Issuance of APB Procedures

P&CSD Staff (Usually Reentry Specialist)

Requests issuance of an APB by telephone contact to regional records during normal working hours or by telephone contact to the ID/Warrants Unit [ATSS 485-6713 or (916) 445-6713] outside normal hours. The APB is a precautionary measure used to alert law enforcement pending permanent entry of the wanted person's record.

Requests that APB be sent to:

- Agencies routinely notified of escapes.
- Chief of police and sheriff of city and county of commitment.
- Chief of police and sheriff of city and county of reentry facility.
- Chief of police and sheriff of city and county of victim's residence (if request for victim or next-of-kin notification is on file).

(Next Working Day)

Notifies regional records of escape if the APB request was telephoned to ID/Warrants Unit.

83090.6.5 Escape Bulletin Procedures

Regional Records Staff (No Later Than the Close of Next Working Day After Notification of Escape)

Prepares a CDC Form 140, State Prison Escape Bulletin.

ID/Warrants Unit

Enters permanent WANT into state and federal Wanted Persons System (WPS).

Note: Only the sheriff of the county in which escape occurred and the Chief, Correctional Case Records, can enter a permanent WANT into the WPS or National Crime Information Center (NCIC).

Reentry Specialist

Obtains a copy of the warrant for escapee's arrest if escape is from county work furlough facility.

Requests sheriff to include Department on the permanent WANT as an agency to be contacted if escapee is apprehended.

Regional Records Staff (No Later Than the Close of Next Working Day After Notification of Escape)

Distributes State Prison Escape Bulletin:

- Six copies to local LEIU.
- Five copies to sheriff and police department(s) with jurisdiction for the geographic area where facility is located, sheriff's department of county of commitment and to original arresting agency if other than sheriff's office.
- One copy to Chief, Correctional Case Records Services, with a copy of Abstract of Judgment attached.

83090.6.6 Apprehension of Escapee

Reentry Specialist

Reviews case with unit supervisor to determine course of action when an escapee's whereabouts become known or suspected.

Contacts local LEIU staff for assistance, if such assistance is required.

Reentry Specialist or P&CSD Community Center Manager

Places a Department hold per PC 6253(b) "*en route to the Director of Corrections" after an APB has been issued and an escapee apprehended.

(Immediately)

Telephones regional records and requests cancellation of the APB and Escape Bulletin if an inmate is apprehended during working hours.

Submits prompt notice of an escapee's apprehension to the agency (sheriff's office) that originated the permanent WANT, and to the appropriate LEIU Office.

Contacts appropriate community correctional center to report an escapee's apprehension if the escapee is apprehended outside normal working hours.

Community Center Staff

Telephones reentry facility to confirm apprehension and requests cancellation of the APB and WANT by ID/Warrants Unit.

(Next Working Day)

Notifies regional records of apprehension.

Regional Records Staff

Completes form letter to notify victim or next-of-kin of escapee's apprehension for regional reentry coordinator's signature.

Cancels Escape Bulletin by stamping "cancelled" across the original date and indicating effective date of cancellation.

Send Escape Bulletin cancellations to same agencies that received original bulletins.

Reentry Specialist or Designated Staff

May return apprehended inmate to the custody of the Director pending trial for escape, retain inmate in local custody or return the inmate to the county of escape if requested by prosecuting county.

83090.6.7 Escape With Force or Very Serious Incident Involving Escape

Facility Staff (Immediately)

Notifies P&CSD staff and requests APB.

Notifies AOD if outside normal work hours.

P&CSD Staff (Within Two Hours)

Notifies local law enforcement and personally delivers current photograph as well as following identifying information to law enforcement agencies:

- Name and CDC number.
- Commitment offense.
- Date and time of escape.
- Circumstances of escape.
- Facility phone number and contact person.

Notifies P&CSD, Headquarters, of incident.

P&CSD Headquarters Staff (Immediately)

Notifies Director of incident, if appropriate.

83090.7 Classification Policy

Classification is not a punitive action. It is a hearing to determine whether the inmate should be maintained at the current custody level or be placed into another custody level. A hearing is required any time an inmate is moved from one custody level to another.

83090.8 Return-to-Custody Parolee Work Incentive Credit Policy

Certain parole violators may earn work incentive credits that are applied toward reducing their period of parole revocation, including parole revocation extension time. The revocation period of any parolee, except those specifically excluded, may be reduced by work time credits in the same manner and to the same extent as a term of imprisonment may be reduced pursuant to PC 2933. Work time credits must be earned and may be forfeited pursuant to the provisions of PC 2933.

Parole violators who have had their parole revoked and who are serving a period of parole revocation in a county jail or a community correctional facility are eligible for PC 2933 credits. However, they must be serving a period of parole revocation determined to be eligible pursuant to PC 3057 and participating in an approved work incentive program.

Work time credits forfeited by parole violators shall not be restored. Parole violators who forfeit earned work time credits are also subject to BPT Parole Revocation Extension Hearings.

Parole Revocation Extension Hearing procedures continue to apply to those parole violators not eligible for the benefit of earned work incentive credits, but who commit an act of misconduct while in custody.

83090.8.1 RTC Parolee Work Incentive Screening Procedures

Case Records Staff

Reviews Parole Revocation Screening Criteria form. If a parolee is excluded (based on "Yes" answers on form):

- Places the completed original Parole Revocation Screening Criteria form in the BPT Section of the C-file.
- Processes the hearing results.
- Forwards a copy of Parole Revocation Screening Criteria and parolee's copy of hearing results to the parolee.

If parolee is not excluded (based on "No" answers on form):

- Completes Parole Violator Revocation Release Date (PVRRD) worksheet (not in Day for Day Earning Status) based on one-third credit earning status.
- Files worksheet on top of Inmate Legal Status.
- Posts the following to the CDC Form 112, Chronological History, the CDC Form 144, Control Card and the BPT Form 1103 or 1104, Hearing Results:
  - Projected Revocation Release Date (PRRD) (recorded above the Maximum Revocation Release Date (MRRD).
  - MRRD.
  - Discharge Review Date (DRD).
  - Controlling Discharge Date (CDD).
- Files Parole Revocation Screening Criteria in the BPT section of the C-file.
- Processes Hearing Results in accordance with COM.

If a parolee is placed in Workgroup A-1:

- Completes PVRRD worksheet (in Day-for-Day Earning Status).
- Files original of PVRRD worksheet (in Day-for-Day Earning Status) on top of PVRRD worksheet (not in Day-for-Day Earning Status).
- Routes copy of worksheet to parolee to advise the parolee of revised date.
- Posts the new PRRD on the CDC Form 112 and the CDC Form 144.
- Calculates and applies work time credit using the Parole Violator Time Calculation worksheet in conjunction with OBIS time collection printout.
- Files Parole Violator Time Calculation worksheet on top of Inmate Legal Status.
- Completes pre-release audits.

83090.9 Forfeiture of Work Time Credits Policy

Work time credit forfeited by RTC parolees shall not be restored. Division "F" violations are reported at the discretion of the agent of record and the unit supervisor following a case review. Return-to-Custody parolees are entitled to due process.

Parole violators who forfeit earned work time credit are still subject to BPT Parole Revocation Extension Hearings. Parole Revocation Extension Hearings procedures continue to apply to those parole violators not eligible for the benefit of earned work incentive credits, but who commit an act of misconduct while in custody.

83090.9.1 Forfeiture of Work Time Credits Procedures

Contract Employee (Within 2 days of Discovery of Incident)

Writes rule violation on appropriate form.

Submits report to Agent of Record or Reentry Specialist.

Agent of Record/Reentry Specialist (Within 5 Days of Discovery of Incident)

Transposes information to the CDC Form 115, Rules Violation Report and signs as reporting staff member.

Attaches original rules violation report to CDC Form 115.

Submits completed CDC Form 115 to unit supervisor.

(Within 6 Days of incident)

Completes Revocation Extension Hearing documents.

Unit Supervisor, Reentry Coordinator or Designee (Within 10 Days of Discovery of Incident)

Reviews report for completion and accuracy.

Classifies level of violation.

Assures completed CDC Form 115 is served on parolee.

Determines need for staff assistance or investigator.

Refers completed CDC Form 115 to Senior Hearing Officer.

Senior Hearing Officer (Within 30 Days of Discovery of Incident)

Conducts rules violation hearing.

Makes credit loss determination.

83090.9.2 Supplemental Parole Violation Work Incentive Procedures

Case Records Staff

Includes PRRD and the MRRD and whether the credit loss (assessed on the current CDC Form 115) has been computed in the projected PRRD, if eligible, on the BPT Form 1135-A.

83090.10 Revisions

The Deputy Director, P&CSD shall be responsible for ensuring this section is current and accurate.

83090.11 References

PC §§ 839, 2933, 3057, 4504, 4530(a), 4530(c), 4532, 4533, 4534, 6253, 11155.

CCR (15) (2) §§ 2740, 2741, 2742, 2743, 2744.

CCR (15) (3) §§ 3170, 3171(a), 3172, 3174, 3296.

ARTICLE 25 — INMATE OPERATION OF MOTOR VEHICLE*

Effective September 13, 1989

Not Cleared For Statewide Use

83100.1 Inmate Operation of Motor Vehicle Policy

A re-entry inmate may be granted permission to operate a motor vehicle by a PA-II, Re-entry Specialist if:

- Commitment offense is not vehicle related.
- Inmate does not have a history of driving associated with alcohol or substance abuse.
- Inmate does not have any outstanding traffic warrants or history of serious VC violations.
- Inmate has a valid California Driver's License, and the vehicle is registered and insured.
- Parole agent determines that commitment offense and driving history present no significant driving risk and that operation of a motor vehicle is advantageous to inmate's program participation.
- Driving privileges may be suspended whenever a resident is found to be under the influence of alcohol and or a controlled substance or a positive test is received.

83100.1.1 Inmate Operation of Motor Vehicle Procedures

Re-entry Specialist

Requires inmate to complete CDC Form 1663, Request by Work Furloughee to Operate a Motor Vehicle.

- Inmate's Drivers License, copy of vehicle registration and copy of face page of insurance policy shall be attached.

Reviews request to operate a motor vehicle for compliance with policy.

Conducts DMV records check for inmate's driving record.

Approves or denies permission for the inmate to operate a motor vehicle. (Re-entry inmate may appeal decision to unit supervisor/center manager.

83100.2 Revisions

The Deputy Director, P&CSD is responsible for the accuracy of this section.

83100.3 References

Not Applicable.

ARTICLE 26 — REVOCATIONS

Effective August 28, 1989

84010.1 Introduction

A revocation hearing is an administrative proceeding where the Parole Agent presents to the BPT all of the known facts regarding a parole violation. The presentation shall include substantiation of the parolee's statement, as well as information developed through investigation of the charges.

The agent is neither a prosecutor nor a defender, but is present to give a complete picture of the parolee's violation and behavior while on parole. The Parole Agent describes the parolees conduct and makes recommendations appropriate to the case. The BPT makes the decision as to whether or not parole should be revoked.

The P&CSD hearing agent provides for service of the hearing documents and meets due process considerations with respect to prior notice and advising of parolee rights. All P&CSD staff are expected to comport themselves, in behavior and attire, in a manner consistent with professional standards for an administrative hearing.

84010.2 Revocation Hearings

A revocation hearing may be ordered by the BPT or a unit supervisor following review of a violation report or an emergency action by the BPT. The hearing provides the parolee with an opportunity to respond to the charges by presenting evidence, and examining witnesses, and presenting circumstances in mitigation of the violation.

84010.3 Revocation Definitions

Revocation hearings are administrative proceedings. A preponderance of evidence is sufficient for a finding of good cause. Courtroom standards of evidence and burden of proof do not apply. All relevant evidence is admissible, including hearsay.

There are six types of hearings conducted by the BPT:

- Pre-revocation: A hearing to determine if there is probable cause that a parole violation has occurred.
- Revocation: A hearing to determine if there is good cause to believe that a parole violation has occurred. If it is determined that a parole violation has occurred, the panel will also make determination as to the penalty.
- Revocation Screening Calendar (RSC): A review of criminal acts and parole violations to determine if there is good cause to believe that a parole violation has occurred and decide on an appropriate revocation assessment term to offer a parolee. A revocation hearing is not held if the parolee accepts the BPT offer. The review (screening) may be conducted either face-to-face with the parolee or in absentia. Face-to-face screenings are conducted at designated locations.
- BPT Headquarters Calendar Reviews: A review of a Board Report submitted to the BPT. This is a non-appearance hearing.
- Revocation Term Extension Hearings: A hearing to determine if there is good cause to believe that a parolee serving a revocation term has committed a new crime or a serious jail or CCR (15) violation. These decisions are made upon review of a report of in-custody misconduct.
- Schedule for Revocation-Psychiatric Treatment: A hearing to determine if:
    - A parolee is unable to continue in the community.
    - The disorder cannot be treated in the community.

84010.4 Revocation Hearing Locations

The hearing will normally be held within 50 miles of the location where the violation is alleged to have occurred. A hearing may be conducted in a CDC institution if the parolee is:

- Returned to the institution due to local overcrowding or on an emergency basis.
- Ordered scheduled for a hearing, but returned on a new commitment or other court order before the hearing could be conducted.
- In suspended or revoked status due to an arrest outside of California and is returned to California for a revocation proceeding.
    - Refer to DOM on Interstate Procedures for Revocation Process.
- Return to an institution by special action of the BPT psychiatric treatment.

84010.5 Areas of Revocation Responsibility

Hearing Agent

Serves hearing forms.

Takes pleas.

Conducts attorney determination.

Advises regional hearing coordinator regarding case progress.

Furnishes copies of necessary reports and supporting documents.

May schedule hearings with BPT Scheduling Unit.

Notifies staff and witness of hearing and processes subpoenas.

Ensures that required documents, forms and materials are available for hearing.

Attends hearings.

Provides security and control at hearing.

Forwards all hearing materials and forms to the regional hearing coordinator when hearing is complete.

Regional Hearing Coordinator

May schedule hearings with BPT Scheduling Unit.

Monitors and maintains high quality revocation process within the region.

Coordinates hearing process with hearing agent, records staff, the BPT, other regions, AG's Office, respective CDC institutions, local jails and courts, the parolee and the parolee's counsel.

Assures that trained replacements are available to staff revocation hearings in the hearing agent's absence.

Maintains revocation data on all hearings.

Enters data on Holds, Screenings and Hearings into the Revocation Tracking System.

Parole Agent (Day of Hold or Discovery)

Submits CDC Form 1676, Revocation Tracking to Regional Revocation Unit.

(Within 6 Work Days of Arrest or Discovery)

Prepares Violation Report.

Deletes all confidential information and addresses and phone numbers of victims and witnesses from copies of Violation Reports and attachments to be provided to parolee and attorney.

- Prepares, dates and signs a memorandum specifying reasons for confidential classification of material (usually for protection of victims or witnesses).

Assists in locating and notifying witnesses.

Interviews fearful witnesses.

Notifies parolees not in custody of scheduled hearings and requests their presence for service of forms by the hearing agent.

Arrives at hearing site at least 15 minutes prior to scheduled time of hearing.

Attends hearings with up-to-date field files, field notes and current information regarding adjudication of any case before the court. Indicates parolee status on CDC Form 1655, Court Disposition Update. Any notes or field files used by Parole Agent at the hearing are subject to review by attorney. In the absence of the assigned Parole Agent, the unit supervisor or a designated Parole Agent will attend.

Arrests parolee if ordered returned to custody.

Assists in providing security at hearing from and remains on site until parolee is removed.

Notifies Regional Hearing Coordinator (RHC) if parolee has been moved prior to the hearing.

Regional Records Staff

Processes parole Violation Reports.

Computes projected Revocation Release Date, Revocation Release Date (RRD), Discharge Review Date (DRD), Controlling Discharge Date (CDD), and posts actions and distributes forms.

84010.6 Serving Procedures

Unit Supervisor (Within 8 Working Days of Hold)

Forwards revocation package, with attachments to a hearing agent for service.

Forwards appropriate copies of revocation package, with attachments, to the appropriate regional hearing coordinator if an out-of-region case.

Hearing Agent (When Parolee is Served)

Reviews Violation Report and attached documents.

(Within 15 Working Days or 20 Calendar Days of Hold)

Serves parolee with BPT Form 1100, Notice of Right to Hearing and BPT Form 1079, Request for Interpreter if it is believed that parolee will need language assistance at hearing.

Maintains a supply of BPT Form 1083, Attorney Determination and Appeal, CDC Form 1122, Request for Hearing Format, and extra BPT Forms 1100's and 1101's for use when a parolee is being served.

Provides the parolee with a copy of the Violation Report and related non-confidential attachments.

Handles the case if the parolee refuses to sign notice of hearing as if a hearing had been requested, and makes a statement on the Notice of Hearing Form.

- Signs and dates statement if parolee refuses to sign any papers or is uncooperative at time of service.

Makes an independent judgment relative to witnesses and attorney.

(Within Four Days or Receipt of Notice of Right to Hearing)

Denies or approves request for an attorney days or receipt or witnesses.

(When Parolee is Served)

Informs parolee of requirement to decide within four days whether to waive or a hearing will be scheduled.

(Within 16 Days of Hold)

Notifies regional hearing coordinator of service results, and updates P&CSD Form 1676 when parolee requests a hearing.

Notifies regional hearing coordinator and BPT of service results and updates P&CSD Form 1676 if a second service is required by additional charges.

Regional Hearing Coordinator (Within 23 Days of Hold)

Forwards Revocation Scheduling Request by FAX to BPT Headquarters if a revocation hearing is being requested.

BPT Staff (Within Time Limits)

Appoints an attorney.

Conducts hearing.

84010.6 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

84010.7 References

CCR (15) (2) §§ 2615, 2635.

ARTICLE 27 — HEARING WAIVERS

Effective September 8, 1989

84020.1 Policy

Parolees are permitted to waive the revocation hearing. Psychiatric treatment-return cases may not waive.

84020.2 Waiver Definitions

Unconditional Waiver

An unconditional waiver is a waiver of any right to a personal appearance before the BPT to contest the charges, but is not an admission of guilt. The BPT may extend the period of parole up to the statutory maximum. The parolee may not later request a hearing, unless the case has been referred to the screening calendar, but may appeal the assessed time.

Optional Waiver

A parolee in custody who is undergoing criminal prosecution may conditionally waive the revocation hearing. Upon receipt of an optional waiver, the BPT will determine whether there is good cause to revoke parole. This is a non-appearance hearing. A revocation hearing may be requested later.

- A hearing request must be submitted no later than two months before expiration of the revocation period. At a hearing, the BPT may not order the parolee returned to custody for a period longer than previously assessed.

Timeliness Waiver

A parolee with pending criminal proceedings (who is not in custody) may waive a timely hearing until the completion of the criminal proceedings.

84020.3 Waiver Procedures

Parole Agent (Within Seven Days of Adjudication)

Monitors adjudication process and advises hearing agent of results if parolee has waived timely hearing.

Hearing Agent

Requires parolee to sign BPT Form 1101, Waiver of Revocation Hearing as either unconditional, optional, or timeliness waiver of revocation hearing or a hearing will be scheduled.

May complete BPT Form 11O1-A, Waiver of Notice of Revocation Hearing if parolee requests a hearing but waives witnesses.

Completes BPT Form 1101, Revocation Plea Summary if parolee requests a hearing.

Forwards BPT Form 1101 and all other reports and forms to regional hearing coordinator.

Regional Hearing Coordinator

Forwards above material to regional case records.

Regional Records Staff

Prepares case for next waiver calendar per DOM.

BPT Staff

Notes panel action on BPT Form 1104, Summary of Revocation Decision: Hearing Waived and returns form to regional case records.

Regional Records Staff

Notes Projected Revocation Release Date (PRRD) and discharge date at top of Summary of Revocation Decision Form.

Sends Parole Agent two copies of Summary of Revocation Decision Form.

Parole Agent

Sends one copy of BPT Form 1104 with Revocation Release Date (RRD) to parolee.

84020.4 Parolee Request for Delay of Revocation Hearing

Hearing Agent

Requires parolee to complete last page of BPT Form 1100, Notice of Right to Revocation Hearing when a parolee, at time of service, requests an extension of more than four days for decision.

BPT Scheduling Unit Staff

May schedule hearing.

Notifies regional hearing coordinator of hearing date.

Regional Hearing Coordinator

May notify hearing agent of scheduled hearing date.

Hearing Agent

May schedule hearing and notify BPT scheduling unit.

Notifies parolee of scheduled date by written notice.

Notifies unit supervisor and Parole Agent of scheduled hearing date.

(Immediately upon Notification)

Notifies the regional hearing coordinator if parolee scheduled for a revocation hearing elects to waive hearing.

Regional Hearing Coordinator

Notifies BPT Scheduling Unit of cancelled revocation hearing.

84020.5 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

84020.6 References

CCR (15) (2) § 2641 (a) (b) (c).

ARTICLE 28 — REVOCATION SCREENING

Effective August 28, 1989

84030.1 Policy

All cases except psychiatric treatment cases will be referred to the Revocation Screening Calendar (RSC).

Revocation cases with less than 30 days remaining on the parole period that do not meet RSC criteria will be referred to BPT Central Office Calendar by an Emergency Action Request.

Face-to-face screening will be conducted in designated locations, and all other screening will be done in absentia.

84030.1.1 Procedures

BPT Staff

Reviews referred cases at regional records office or CDC institution in which the parolee is located.

Prepares BPT Form 1104, Summary of Revocation Decision: Hearing Waiver and makes a proposed assessment of time for RTC. (The panel may assess up to 11 months.) A PC 3057 determination will be done at the same time.

Hearing Agent

Serves parolee with Violation Report and attachments and advises parolee of rights.

Informs parolee that BPT will assess a specific RTC time as indicated on BPT Form 1104.

Obtains parolee's signed unconditional waiver if offer is accepted.

Initiates revocation-scheduling procedures if parolee rejects the offer.

Parole Agent

Places parolee in custody if offer is accepted.

Regional Records

Forwards a copy of BPT Form 1104 to parolee after computing the time factors.

84030.2 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

84030.3 References

PC § 3057

CCR (15) (2) § 2637(7).

ARTICLE 29 — ATTORNEY DETERMINATION

Revised August 24, 1995

84040.1 Policy

The Department shall operate in compliance with the statutes and regulations established by the Legislature and control agencies.

Appropriate assistance shall be provided when CDC or its employees receive a request for assistance of an attorney.

84040.2 Purpose

This section establishes guidelines for the CDC to follow when a parolee requests the assistance of an attorney.

84040.3 Definitions

Appeal

A formal request for, or the act of requesting, an official change of a decision, action, or policy.

BPT

The State agency which is responsible for the administration of paroles for those persons committed to the Department under PC 1168 and those committed under PC 1170 who also meet the criteria found in PC 2962.

Central Office Calendar

The calendar that is composed of administrative hearing officers as designated by the Deputy Director, P&CSD. They are authorized to make decisions regarding matters reported to the P&CSD, including the decision to order a hearing scheduled.

Central Office Hearing Coordinator

The P&CSD employee at headquarters who is responsible for hearing schedules, attorney appointments, and other hearing-related services.

Conditions of Parole

The specific conditions under which an inmate is released to parole supervision.

Field File

A working file maintained by a parole unit office containing information about a parolee and their current parole.

Hearing Agent

The P&CSD employee responsible for application of specific procedures pertaining to the parole revocation hearing process; the primary liaison between the P&CSD and the releasing authorities in matters and procedures pertaining to the parole revocation hearing process.

Hearing Coordinator

An employee assigned to coordinate the revocation process within a facility or a P&CSD region.

Indigent Parolee

A parolee who is wholly without funds at the time they violate the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

Parole Agent

An employee and their supervisors in the Department who are assigned to supervise those persons released from incarceration to the supervision of the P&CSD.

Parolee

A felon or civil addict commitment released from confinement in State prison to supervision in the community.

Parole Violation

Conduct by a parolee that violates the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

Parole Violation Extension

An extension of return-to-custody time for a parolee in revoked status.

Parole Violator

A parolee who is found to have violated parole and who may be returned to custody pursuant to PC 3057.

RPA

The Department's administrator of a P&CSD geographical region.

Relevant Evidence

Evidence which tends to prove or disprove an issue or fact in dispute.

Review

A formal investigation into facts related to appeal allegations, and documentation of the findings and the decision to grant or deny the appeal.

Unit Supervisor

A supervisor of case-carrying Parole Agents in the P&CSD.

84040.4 Procedures

When a parolee requests the assistance of an attorney, the guidelines for making a determination are found in the BPT Rules Section(s) 2690 through 2701.

Hearing Agent

The hearing agent shall:

- Review the parolee's field file.
- Approve or deny the parolee's request for counsel.
  - If the request for an attorney is denied, staff must inform the parolee that they may appeal the denial to the BPT within five days of receipt of the decision. No forms need to be completed for this appeal. The parolee may appeal by notifying the C&PR (if in a facility) or the district hearing agent if on parole. The parolee has the right to a telephone appeal to the BPT.
- Make a determination if the parolee is indigent or not.
- Complete a BPT Form 1083, Attorney Determination.
  - Sign, date the BPT Form 1083.
  - Provide a copy of the signed BPT Form 1083 to the parolee.
- Provide a copy of the parole violation report and all nonconfidential supporting attachments to the parolee's attorney.

BPT Staff

The BPT staff shall:

- Provide the parolee an attorney if indigence is declared.

84040.5 Criteria for Determining if a Parolee is Indigent

Parolees may be considered to be indigent when the following conditions prevail:

- The parolee is wholly without funds.
- The parolee has no job or any prospects of a job in the near future.
- The parolee has no other visible means of support.

84040.6 Staff Assistance to Parolees

CDC employees shall not assist a parolee in the preparation of any legal document except as provided for in the CCR 3160, for parolees who are illiterate or physically incapable. Employees shall not give any form of legal advice. Employees are permitted to help parolees find qualified assistance for their legal problems, but only through referrals to the California Bar Association, the local county bar association, or a local attorney referral service listing in the telephone yellow pages. Referrals to specific attorneys are prohibited.

84040.7 Revisions

The Deputy Director, P&CSD, and the Deputy Director, LAD, or their designees are jointly responsible for ensuring that the contents of this section are kept current and accurate.

84040.8 References

BPT Rules 2055, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, and 2701.

DOM § 14010.

CCR (15) (3) § 3160.

PC §§ 1168, 1170, 2962, 3057, 5054, and 5058.

ARTICLE 30 — WITNESSES

Revised July 1, 1996

84050.1 Policy

It is the policy of the Department to allow friendly or adverse witnesses to testify at revocation hearings.

84050.2 Purpose

This section describes the procedures that have been developed to enable departmental staff to implement and comply with requirements for witnesses testifying at revocation hearings.

84050.3 Definitions

Friendly Witness

A witness who's expected testimony tends to support the parolee's arguments.

Adverse Witness

A witness whose expected testimony supports the violation charged. The primary adverse witness (victim, on-the-scene police officer, complainant, etc.) should be present at the hearing.

Confidential Witness

An informant whose identity is unknown to the inmate or parolee and who could be subject to harm if the person's identity were known.

Fearful Witness

A person who has given adverse information against the inmate or parolee and because of fear is unwilling to appear personally at the hearing.

Both the identity of the fearful witness and the adverse information are known by the inmate or parolee. However, the person's fear and trauma of facing the inmate or parolee outweighs the inmate or parolee's right to cross examination.

In order to encourage victims to participate in the revocation process and to assist in providing for their safety, the revocation hearing coordinator shall ensure that the policy and procedures as outlined in DOM 81040.13 and 81040.13.1 are adhered to.

84050.4 Procedures

Hearing Agent (At Least Seven Days Prior to Hearing)

Reviews CDC Form 1676, P&CSD Charge Sheet/Revocation Tracking/Scheduling Request, to determine witnesses required at a hearing.

Notifies inmate or parolee of a scheduled hearing using BPT Form 1080, Notice of Date, Time and Place of Hearing.

Notifies unit supervisor and Parole Agent of the scheduled hearing by letter or CDC Form 1654, Parole Revocation Hearing Notice and Witness Determination. The method of notification shall be by FAX or messenger mail system. This notification shall be followed up by telephone notification within 48 hours of the scheduled hearing. The order of notification shall be as follows:

- The unit supervisor.
- In the absence of the unit supervisor, the agent of record.
- In the absence of the agent of record, the officer of the day.

All notification efforts shall be documented on a CDC Form 1676.

Adverse Witnesses

The hearing coordinator is responsible for making every effort to ensure the attendance of any requested adverse witness deemed necessary by the hearing coordinator.

Friendly Witnesses

The hearing coordinator should assist the inmate or parolee in notifying friendly witnesses if they will have difficulty doing so themselves and if they are not represented by an attorney. If assisted by an attorney, the attorney must be advised that they are responsible for notifying friendly witnesses who are not confined in prison. The attorney should notify the hearing coordinator or witnesses so that arrangements can be made to have them enter custodial facilities.

Fearful Witnesses

Adverse witnesses who refuse to attend the hearing either because they would be subject to risk or harm if their identities were disclosed or who, even if their identities were known, fear for their safety should they attend the hearing, shall be interviewed by a Parole Agent prior to the hearing, and their information documented in writing or on tape. The reasons for their fear shall also be documented. The hearing panel shall determine whether there is good cause to excuse the witnesses' attendance and shall document the decisions, including the reasons.

Law Enforcement

Notifies other law enforcement officers of their scheduled appearance at revocation hearings by subpoena. Only with the approval of their agency representatives will FAX or form letters be used. Notification must be made seven days prior to the scheduled hearing date.

Documentation

All efforts to locate adverse witnesses shall be documented on CDC Form 1676. Any efforts made to locate friendly witnesses for an inmate or parolee unassisted by counsel shall also be documented.

If a witness is located, but refuses to attend, the reason for the refusal shall be documented to give the hearing panel sufficient information to determine whether it is reasonable to excuse the witness' attendance.

Transportation

Adverse witnesses who need transportation should be transported to the hearing where feasible. Friendly witnesses for an inmate or parolee without counsel may be provided transportation.

Interviewing Witnesses

Inmates, parolees, or their attorneys have a right to speak to possible witnesses, but it is completely within the discretion of individual witnesses whether to speak to or disclose their whereabouts to inmates, parolees, or their attorneys. No attempt should be made by staff to influence the witnesses' decisions.

Decision

The hearing agent advises the inmate or parolee of the decision on a CDC Form 1654.

84050.5 Revisions

The Deputy Director, P&CSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

84050.6 References

CCR (15) (2) § 2668.

DOM § 81040.

ARTICLE 31 — SUBPOENAS

Effective August 11, 1989

84060.1 Policy

Subpoenas may be issued to require the attendance of witnesses or the production of documents at revocation hearings. The parolee, the parolee's attorney, P&CSD staff, or BPT staff may request that a subpoena be issued. The hearing agent may reject the subpoena request if inappropriate. All requests for subpoenas shall be made to the hearing agent. Subpoenas will not be issued to CDC employees unless ordered by the BPT.

To secure a subpoena duces tecum, a declaration which shows good cause for production of documentary evidence and specifies precisely the documentary evidence to be produced must accompany the request. The declaration shall state the relevance of the evidence to the hearing, and state the requested witness has possession or control of the documentary evidence.

84060.2 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

84060.3 References

CCR (15) (2) §§ 2675 – 2682

ARTICLE 32 — REVOCATION HEARINGS

Effective August 28, 1989

84070.1 Revocation Hearing Policy

The hearing agent shall staff the revocation hearing and coordinate P&CSD staff participation in the hearing.

Any information from a parolee supporting a request for an attorney shall not be made available to the hearing panel unless parolee appeals denial to the panel. In such cases, the hearing panel will advise what information they require.

Physical evidence ordinarily will not be required at a hearing. Photographs of physical evidence, such as a knife or gun, can often be used in place of the actual item. The hearing agent may bring physical evidence to the hearing if:

- Parolee has requested it and it appears necessary for the hearing.
- Hearing room security is not endangered.
- There is no other means of presenting the information.

84070.1.1 Revocation Hearing Procedures

Hearing Agent

Arrives at least 30 minutes prior to the hearing to ensure the hearing room is ready, to greet and instruct attorney and witnesses and advise panel members of any unusual security concerns.

(Prior to The Hearing)

Assures that all documentary evidence (unless designated confidential) has been made available to parolee and attorney in a timely manner and is available at the hearing.

- Evidence includes the Rules Violation Report, arrest report, special services reports, psychiatric reports and statements of witnesses.

Provides specific written description of unavailable documentary evidence and reasons for unavailability.

(If Hearing is Not Completed)

If a hearing has been continued, hearing agent maintains BPT Form 1103, Summary of Revocation Hearing and Decision with hearing tape and presents to subsequent hearing panel for their review prior to reconvening the hearing.

84070.2 Court Disposition Update Procedures

Parole Agent (One Day Prior to Hearing)

Completes CDC Form 1655, Court Disposition Update.

(At Revocation Hearing)

Provides BPT hearing staff with completed CDC Form 1655.

84070.3 Hearing Security Policy

The hearing agent has the responsibility for security at the parole revocation hearing. The hearing agent may obtain assistance from jail personnel, other Parole Agents or other law enforcement personnel. The Parole Agent is responsible for security at the revocation hearing in the absence of a hearing agent.

84070.3.1 Hearing Security Procedures

Hearing Agent (Prior to Hearing)

Advises BPT staff and facility staff of security concerns.

Searches and places parolee in restraints until individual is returned to a secure area or released from custody.

- Under normal conditions, the type of restraints should permit limited hand movement in order for parolee to read and handle material necessary to the hearing.
- Institutional policy will prevail at CDC institutions.

Advises BPT hearing representative if agents are armed.

May conduct an <u>exterior</u> body search of non-peace officers for weapons. (If a metal detector is available, it may be used.)

Requires participants to leave purses or briefcases in a secure area.

Requires that witnesses wait in an area separate from hearing room where supervision and control can be exercised.

Separates friendly and adverse witnesses to minimize potential for conflict or intimidation.

Places fearful witnesses in a waiting area completely isolated from other witnesses (friendly or adverse) and out of view of parolee.

(Immediately)

Reports any threats against staff to person threatened and to P&CSD Headquarters.

84070.4 Staffing Revocation Hearing in Hearing Agent's Absence

The regional hearing coordinator is responsible for maintaining a high quality revocation hearing process. If the hearing agent will not be available to attend a hearing, the hearing agent, or in the hearing agent's absence, the regional hearing coordinator or designee shall thoroughly brief any Parole Agent assigned to a revocation hearing of staff responsibilities and hearing procedures.

84070.5 Revocation Hearing Procedures in Hearing Agent's Absence

Assigned Parole Agent (Prior to Hearing)

Reviews DOM on Revocation Procedures and the BPT Hearing Agent Manual.

Determines name and location of person with keys to hearing room and information regarding facility.

Ensures that all relevant documents, forms and materials are available for hearings.

Attends hearings.

Advises Regional Hearing Coordinator regarding hearing results.

(When Hearing is Completed)

Forwards all materials and forms to the Regional Hearing Coordinator.

84070.6 Physical Evidence at Parole Revocation Hearing

Although parolees charged with parole violations have a right to have "evidence against them disclosed" and a right to confront and cross-examine adverse witnesses, they do not have an absolute right to compel the production of physical evidence at a hearing or to examine physical evidence before the hearing. However, under extraordinary circumstances, when there is no other means of presenting information and the physical evidence is needed to judge a factual issue at the hearing, the Parole Agent may either bring the physical evidence to the hearing or arrange for the parolee's attorney to examine the physical evidence before the hearing.

The Parole Agent may accept a request for use of physical evidence at a hearing if:

- The parolee has requested the evidence be made available or the evidence appears necessary for the hearing.
- Institutional security will not be endangered and there is no other means of presenting the evidence.

If the request for physical evidence is denied, the reason(s) for denial shall be documented and made available to the hearing panel.

84070.7 Post Hearing Policy

Decisions made at revocation hearings shall be effective on the date signed by the BPT panel. The Parole Agent shall implement the decision immediately.

84070.7.1 Post Hearing Procedures

Parole Agent

Places parolee in custody if return-to-custody is ordered.

Removes parole hold if BPT does not order further custody and parolee is not out to a hearing from a CDC institution.

Hearing Agent

Forwards the original tape recordings and yellow copy of BPT Form 1103 to BPT.

Distributes BPT Form 1103 copies as follows:

- Original to C-File.
- Copy to CDC Research.
- Copy to Parole Agent for field file.
- Copy to parolee.

If BPT does not order further custody and parolee is out to a hearing from a CDC institution, immediately notify appropriate Regional staff.

Regional Records Staff

Notifies Institutional Records staff of the BPT action so that the Department detainer can be removed if there are no other holds on file.

84070.8 Revisions

The Deputy Director, P&CSD shall ensure that this section is accurate and current.

84070.8 References

CCR (15) (2) §§ 2665 - 2667.

ARTICLE 33 — REVOCATION EXTENSION HEARING

Effective August 28, 1989

84080.1 Policy

The BPT may assess additional revocation time for parolees in RTC status who commit violations of law, violate a serious jail rule, or who violate any of the sections of the CCR. Violations committed by parolees in RTC status in CDC institutions will be handled by CDC institution staff. P&CSD staff will handle violations committed by parolees in RTC status in a non-CDC facility.

84080.1.1 Procedures

Parole Agent

Reviews facility report of in-custody misconduct to determine if a reportable violation was committed (e.g., conduct prosecutable as a felony or misdemeanor or any misconduct defined as a serious disciplinary offense under CCR 3315).

(Within 6 Days of Learning of the Incident)

Prepares and submits BPT Form 1135, Miscellaneous Decision, BPT Form 1135-A, Report of In-Custody Misconduct and attaches a copy of the facility report.

Notes on the BPT Form 1135-A when misconduct has been referred to DA for prosecution.

Unit Supervisor (Within 15 Days of Misconduct)

Reviews and signs report.

Submits BPT Form 1135-A to Region Records.

Distributes copies of BPT Form 1135-A as follows:

- Original to Regional Records for inclusion in C-File.
- Copy to Regional Hearing Coordinator.
- Three copies to hearing agent for service and other purposes.

Requests an emergency action by the BPT if BPT Form 1135-A will arrive at BPT, Central Office Calendar, within five days before parolee's revocation release date.

Regional Records

Places case on revocation extension screening calendar (RESC).

BPT Staff

Reviews Report of In-Custody Misconduct and:

- Notes report and takes no action, or
- Orders matter scheduled for a parole revocation extension hearing, or
- Refers case to RESC.

Informs Regional Hearing Coordinator of action.

Regional Hearing Coordinator

Directs Hearing Agent to serve parolee with notice of all applicable rights.

84080.2 Classification of Disciplinary Rule Violations

Disciplinary rule violations, subject to punishment pursuant to parole revocation extension hearing proceedings, include acts of misconduct punishable as felonies or misdemeanors and acts of misconduct defined as serious disciplinary offenses.

Classification of a disciplinary rule violation, punishable as a felony, misdemeanor or serious disciplinary rule violation, will determine the appropriate punishment that may be assessed by a BPT hearing panel.

84080.3 Disciplinary Rule Violations Schedule

When a BPT hearing panel finds good cause that a prisoner has committed an act of misconduct subject to punishment pursuant to PC 3057, the panel may assess additional time to the prisoner's parole revocation period in accordance with the following schedule:

Upon a finding of good cause to believe that a parolee, confined pursuant to a parole revocation, has committed an act of misconduct punishable as a felony, whether or not prosecution is undertaken, a BPT panel may assess from zero to 180 days of additional revocation time. Acts of misconduct punishable as felonies include:

- Murder, manslaughter, or attempted murder.
- Aggravated assault by life prisoner or non-life prisoner.
- Possession or manufacture of any firearm, deadly weapon, or explosive device (includes any sharp instrument).
- Battery of non-prisoner by prisoner.
- Assault with a deadly weapon or caustic substance.
- Rape, sodomy or oral copulation accomplished against victim <u>with force</u>.
- Arson involving the burning of a structure.
- Possession of flammable explosive or combustible material <u>with intent</u> to burn any structure or property.
- Solicitation of murder, assault with a deadly weapon by means of force likely to produce bodily injury, arson or a <u>forcible</u> sex act.

- Taking of a hostage.
- Escape or attempted escape with force.
- Escape from any prison, institution, camp or reentry facility.
- Escape or attempted escape without force from a prison, institution, camp or reentry facility.
- Willful and intentional destruction of public property valued in excess of $400 in a state prison or county jail.
- Conspiracy to commit any felony or misdemeanor offense.
- Assault or battery on a peace officer, not involving the use of a weapon.
- Furnishing equipment or aiding and abetting an escape or escape attempt.
- Extortion.
- Bribery.
- Solicitation of extortion, bribery or forgery.
- Arson of land or property of another, not involving a structure.
- Forgery, falsification or alteration of any official record or document, prepared or maintained by CDC, which could result in imprisonment.
- Possession of any narcotic, drug or controlled substance in a reentry facility.
- Manufacture of alcohol.
- Possession of any alcoholic beverage or intoxicating substance in any prison, institution or camp including a reentry facility.
- Possession of any container, device, contrivance, instrument or paraphernalia intended for unlawfully injecting or consuming narcotics, drugs or alcoholic beverages.
- Commission of any felony offense not otherwise mentioned in this schedule.

Misdemeanors

Upon a finding of good cause to believe that a parolee, confined pursuant to a parole revocation, has committed an act of misconduct punishable as a misdemeanor, whether or not prosecution is undertaken, a BPT Panel may assess from zero to 90 days of additional revocation time. Acts of misconduct that are punishable as misdemeanors include:

- Participating in a riot, rout or unlawful assembly.
- Inciting a riot.
- Indecent exposure.
- Battery on a prisoner in which no serious bodily injury is inflicted and no weapon is used.
- Theft or embezzlement involving funds or property valued less than $400.
- Intentional destruction of state property valued less than $400.
- Consensual participation in an act of sodomy or oral copulation.
- Gambling in any prison, institution, camp or reentry facility.
- Commission of any misdemeanor offense not otherwise mentioned in this schedule.

Serious Disciplinary Offenses

Upon a finding of good cause to believe that a parolee, confined pursuant to a parole revocation, has committed an act of misconduct defined as a serious disciplinary offense, a BPT panel may assess from zero to 30 days of additional revocation time. Serious disciplinary offenses include, but are not limited to:

- Any act a prisoner commits is a serious disciplinary offense if the act involves force or violence against another person, breaches or threatens institution security, seriously disrupts institution operations, introduces or uses dangerous contraband or controlled substances; or if the prisoner attempts to commit any such act coupled with a present ability to carry out the threat or attempt if not prevented from doing so.
- Any act of misconduct which is reportable to the BPT.
- Intentional destruction of state property valued at $50 or more, or intentional damage to State property requiring more than $50 to repair or replace.
- Hideout or preparation to escape.
- Possession of escape paraphernalia.
- Possession of more than five dollars without proper authorization.
- Acts of disobedience or disrespect which by reason of intensity or context create a potential for violence or mass disruptive behavior.
- Willfully inciting or attempting to incite other persons to commit an unlawful act of force or violence.
- Refusal or failure to perform work or participate in programs as ordered or assigned.
- Participation in a strike or work stoppage.
- Mail or visiting violations that create a threat to the safety of any individual or to institutional security, including the introduction of dangerous contraband or a controlled substance, or the obtaining or attempt to obtain a family visit by falsification of information.
- The throwing of any liquid or solid substance on a non-prisoner.
- Unauthorized possession of official departmental records or documents which could affect any prisoner's sentence.
- Refusal to be tested for controlled substances.

- Late return or failure to return from authorized temporary release.
- A pattern of administrative rule violations indicating significant maladjustment, which are of increasing seriousness or are of special significance in light of an existing release date.
- Involvement in a conspiracy to do any or all of the above.

84080.4 Revocation Extension Screening Calendar

BPT Staff

Approves report for action by RESC.

Prepares and signs BPT Form 1104.

Notes report and takes no action.

Makes a proposed assessment for extending revocation time period.

- The panel may extend a revocation period to a maximum of 30, 90 or 180 days, depending on the severity of the offense.

Hearing Agent

Informs parolee that the BPT will assess the number of days indicated on BPT Form 1104 for the in-custody misconduct charge if parolee agrees to accept the assessment and waives a parole extension hearing.

Has parolee sign a BPT Form 1101-B, Unconditional Waiver if parolee agrees to waive the hearing.

Gives a copy of BPT Form 1104 and BPT Form 1101 to parolee.

Forwards copies of BPT Forms 1101 and 1104 to BPT Data Processing Unit.

Distributes record of the hearing per post-hearing procedures.

84080.5 Parolee Rights

Parolees will be afforded the same rights at a parole revocation extension hearing that are afforded to parolees at parole revocation hearings.

84080.6 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

84080.7 References

PC § 3057.

CCR (15) (2) § 2742.

ARTICLE 34 — DMH COMMITMENT

Effective August 28, 1989

84090.1 Policy

The Penal Code requires that specific 1987 convicted felons who are severely mentally disordered be provided psychiatric treatment by DMH as a condition of parole. Continued treatment is also required upon termination of parole.

A parolee shall receive inpatient treatment, in a DMH facility, as a condition of parole if:

- The offender has a severe mental disorder which is not in remission or cannot be kept in remission without treatment.
- The severe mental disorder was a cause or an aggravating factor in the commission of a crime for which the offender was sentenced to prison.
- The offender has been in treatment for severe mental disorder for 90 days or more within the year prior to release.
- The crime for which the offender was sentenced to prison was a crime in which the prisoner used force or violence or caused serious bodily injury. The injury was a serious impairment of physical condition which includes, but is not limited to, loss of consciousness, concussions, bone fractures, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, or serious disfigurement.
- A CDC Chief Psychiatrist has certified to the BPT that the offender meets all of the above criteria.
  - If the BPT determines the inmate meets certification criteria, it will order treatment by DMH as a condition of parole. The inmate shall be served with the special condition of parole and be informed, in writing, of his or her options regarding their Certification Hearing.

Psychiatric Treatment Ordered

If psychiatric treatment is ordered by the BPT as a condition of parole, the inmate shall be served with the Conditions of Parole including the special condition to undergo mental health treatment in a DMH facility and shall be informed, in writing, of the right to request a Certification Hearing. If applicable, the inmate shall also be processed for transfer to a designated DMH facility on or before the earliest possible release date (EPRD). The inmate has the following options:

- Accept the special condition(s) of parole and be transferred to a DMH facility.
- Refuse to accept the special condition(s) of parole and be scheduled for a parole revocation hearing with counsel pursuant to PC 3060.5.
- Sign the CDC Form 1515, Conditions of Parole and request a Certification Hearing before the BPT.

Placement Hearing

The parolee also has a right to a placement hearing after 60 days at a DMH hospital. The purpose of the placement hearing is to determine if the state hospital is the appropriate place for treatment. (This hearing is separate from the above mentioned Certification Hearing and may occur any time after the parolee has been in the DMH hospital over 60 days.)

At all hearings the following persons must be present:

- Parolee/inmate.
- Hearing Agent.
- Parole Agent.
- Attorney of parolee/inmate.
- Interpreter, if required.
- Any other person required by parolee's attorney.

Treatment not Required

If the Certification Hearing at the DMH hospital results in a decision be the BPT that PC 2962 criteria are not met, the parolee shall be immediately released from the facility to P&CSD field supervision.

If a Placement Hearing results in a decision by the BPT Panel to place the parolee on outpatient status, the parolee shall be immediately released from the facility to P&CSD field supervision. Outpatient psychiatric treatment for these cases shall be arranged by DMH staff.

Certification for mental health treatment does not alter P&CSD and BPT violation and other reporting requirements (including discharge review), regardless of whether parolee is on inpatient or outpatient treatment status. Additionally, a parolee receiving treatment on outpatient status may be ordered placed in a secure mental health facility by the outpatient program director if it is determined that the parolee can no longer be safely or effectively treated in the outpatient program.

84090.1.1 Mentally Disordered Parolee DMH Commitment Procedures

Institution C&PR

Serves inmate with special condition of parole "to participate in treatment by the state DMH pursuant to PC 2962".

Serves inmate or parolee with BPT Form 1410, Notice of Right to Certification Hearing and completes BPT Form 1410-A.

Forwards C-File to CMC if inmate or parolee (male) will be housed at Atascadero State Hospital, or retains file at CIW if parolee (female) will be housed at Metropolitan State Hospital (MSH).

Forwards release fund check to either the San Luis Obispo (SLO) Parole Unit or Region IV Office.

Arranges for transfer of parolee or inmate to either Atascadero or Metropolitan State Hospital as appropriate.

- Notifies appropriate P&CSD staff of transfer by memorandum.

Parole Agent (SLO Parole Unit or Region IV Hearing Agent)

Reviews C-File to assure that parolee has been served with BPT Form 1410.

- Serves parolee with BPT Form 1410 as soon as possible, if not previously served.
- Initiates scheduling of hearing by BPT by submission of BPT Form 1430, MDO Scheduling Request.

Contacts BPT to schedule PC 2960 Hearing and requests independent psychiatric evaluation (if requested by parolee or parolee's attorney).

Prepares hearing package consisting of:

- Legal Status Summary Sheet.
- Certification of Chief Psychiatrist.
- Psychiatric Reports.
    - DMH certifying reports.
    - CDC certifying reports.
    - Any independent evaluations.
    - Other psychiatric or psychological evaluations.
- Legal documents (pertaining to current commitment offense).
    - POR.
    - Abstract of Judgment.
    - Arrest reports, if available.
    - Sentencing transcript, if available.
    - Any other documents relevant to sentencing.
- Miscellaneous.
    - BPT Form 1410, Notice of Hearing Rights.
    - BPT Form 1400, BPT Certification(s) Review.
    - CDC Form 1654, Parole Hearing and Witness Determination.
    - Any other documents pertinent to PC 2960 determination.

Advises CDC Chief Psychiatrist of hearing date prior to distributing CDC Form 1654 if Chief Psychiatrist is to be a witness.

(At Least 10 Days Prior to Leaving)

Provides copies of hearing package to parolee's attorney and Chief Psychiatrist.

Assures that C-File, including medical files and hearing package for BPT panel members are available at hearing.

Distributes copies of certification package to:

- C-File.
- Agent of record.
- BPT.
- Parolee.
- Parolee's attorney.
- Mails decision hearing packet,and tape to BPT.

Provides parolee with BPT Form 1040, Application for Appeal and written instructions for Filing a Petition for Judicial Review of BPT Finding of Severe Mental Disorder Requiring Treatment, if parolee is certified for inpatient treatment.

Assists the parolee in completing above documents if necessary.

Advises parole unit supervisor of hearing results if parolee is not certified for inpatient treatment.

Advises Regional Reentry Coordinator and parole unit supervisor of hearing results if parolee is not certified for inpatient treatment.

(Immediately Upon Completion of Hearing)

Advises parolee of reporting instructions on basis of CDC Form 611, Release Program Study in file if parolee is ordered released.

- Serves parolee with new conditions of parole.
- Arranges parolee's release and parolee's transportation to program. (DMH staff will arrange parolee's psychiatric treatment program if parolee is placed in outpatient status at a Placement Hearing.)
- Provides release funds to parolee.

84090.1.1 Placement Hearing Policy

A parolee has the right to request a Placement Hearing anytime after receiving treatment by the State DMH pursuant to PC 2962 for more than 60 days after the parole date.

84090.1.2 Placement Hearing Procedures

Parole Agent (SLO Parole Unit or Region IV Hearing Agent

- Serves parolee with BPT Form 1420, Notice of Rights of Placement Hearing and completes BPT Form 1420-A.
- Initiates scheduling of hearing by BPT by submission of BPT Form 1430, Scheduling Request for a Mentally Disordered Offender.

- Requests BPT to obtain independent psychiatric evaluation if requested by parolee.

Prepares Placement Hearing package consisting of:

- CDC Form 112, Chronological History.
- Abstract of Judgement.
- Legal Status Summary.
- DMH hospital and CONREP Evaluation (addressing placement).
- Independent Evaluations if applicable.
- Notice of Hearing Rights Acknowledgement (this hearing only).
- BPT Form 1415, Prior Decisions, BPT Form 1400, BPT Certification Review and CDC Chief Psychiatrist Certification.

Notifies parolee, parolee's attorney and DMH representative of hearing date and time by CDC Form 1654.

Furnishes hearing package to parolee's attorney.

Assures that C-File, including medical files, and hearing package for BPT and panel members is available at hearing.

Provides parolee with BPT Form 1040, Application for Appeal.

Distributes copies of placement package and BPT results.

84090.2 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

84090.3 References

PC §§ 2960 - 2980.

ARTICLE 35 — UNIT SUPERVISOR RESPONSIBILITIES

Revised September 27, 1996

85010.1 Policy

It is the policy of the Department that all work produced by unit staff is subject to supervisory review.

85010.2 Purpose

The purpose of this section is to specify the role, functions, and responsibilities of the unit supervisor.

85010.3 Definitions

Conditions of Parole

The conditions under which an inmate is released to parole supervision, including any added special conditions.

Field File

A file maintained by a parole unit office containing pertinent information regarding a parolee's criminal history, current commitment offense, and adjustment to parole.

Parole Agent

A departmental peace officer employee who is assigned to supervise those persons released from incarceration to serve a period of parole.

Parolee/Releasee

A felon or civil addict released from confinement in State prison to supervision in the community.

Parole Violation

Conduct by a parolee that violates the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

RPA

A CDC administrator of a P&CSD Region.

PA

A CDC administrator of a P&CSD unit, units, or geographical area.

Unit Supervisor

A supervisor of Parole Agents or supervisor of a unit office in P&CSD.

85010.4 Responsibilities

Supervisors are responsible for monitoring the quantity and quality of the work of Parole Agents under their supervision and are expected to take appropriate actions when necessary to ensure that agents' work conforms to P&CSD policy and procedures.

At times, certain responsibilities may be assumed by a PA or another unit supervisor in the event of the primary unit supervisor's extended absence.

Responsibilities that shall not be delegated below the level of unit supervisor are:

- Grievances.
- Adverse actions.
- Performance appraisals.
- Hiring personnel.

85010.5 Features

The supervisor of a parole unit is one of the most critical and influential persons in P&CSD.

The supervisor ensures that Parole Agents accomplish the mission of community protection and the brokerage of casework services.

The supervisor is in the best position to assist agents in developing the knowledge and skills needed to be effective in supervising parolees.

A supervisor's effectiveness is demonstrated by the work the agents produce and how well the parole mission is accomplished.

All work is subject to supervisory review.

85010.6 Arrest Training

The unit supervisor shall ensure that training regarding arrest procedures is provided for all Parole Agents and that a plan for anticipated office arrests is formulated.

All staff present in the office, including clerical staff, shall be advised of any anticipated arrest in the office.

85010.7 Employee Probationary Appraisal Policy

A report of the probationer's performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. If the employee is rejected during the probationary period, a final report may be filed for the period not covered by the previous reports. A written notice of rejection shall be served prior to the conclusion of the prescribed probationary period. The report shall be treated as a confidential document.

85010.8 Employee Probationary Appraisal Procedures

Unit Supervisor (Within Ten Days After the End of Each One-third of Probationary Period)

Prepares probationary performance report.

Discusses report with employee.

(Before Report is Filed)

Provides employee with a signed copy of the probationary report.

Forwards signed report to PA.

PA

Reviews report.

- Interviews and discusses report with employee if requested.
- Treats report as confidential document.
- Returns the signed report to the unit supervisor for distribution.

85010.9 Annual Performance Appraisal Policy

SPB rules require that a supervisor prepare a written performance appraisal on each employee's overall work performance at least once every 12 months after the end of the employee's probationary period. The performance report shall be treated as a confidential document.

Annual performance appraisals shall be completed for employees who have completed at least one year in non-probationary status based on their birthday with a report due that month and each year thereafter.

85010.10 Annual Performance Appraisal Procedures

Unit Supervisor (Once Every 12 Months)

Prepares written performance appraisal on each employee.

Discusses report with employee.

Provides a signed copy of the performance appraisal to the employee.

85010.11 Apprenticeship Program Policy

All employees entering a rank and file peace officer job classification are apprentices unless they have already attained journey-level status in the same classification accepted by C.P.O.S.T.

The apprenticeship program for all PA-I rank and file apprentices requires the completion of a minimum of 3600 hours in the respective work processes and a minimum of two years on the job, unless qualifying credit is awarded by the local C.P.O.S.T. subcommittee pursuant to the C.P.O.S.T. guidelines. These apprentices are required to complete the academy appropriate to their classification, but the time spent at the academy is included in the 3600-hour work process requirement.

The Unit Supervisor ensures apprentices over a two-year period have the opportunity and training to perform the following work processes:

- Supervision of parolees (600 hours).
- Report writing/Record keeping (500 hours).
- Investigating (600 hours).
- Arrests (400 hours).
- Additional experience (300 hours).

The Unit Supervisor evaluates the apprentice’s performance and takes corrective action when necessary as part of the evaluation process. The apprentice’s record sheet shall be reviewed and approved monthly and forwarded to the Regional Training Coordinator.

In addition, the Unit Supervisor shall prepare a written performance appraisal on each employee’s overall work performance once per quarter for the entire apprenticeship period.

85010.12 Contact With Legislators Policy

Meetings with members of the State or U.S. Legislature or their staff shall be cleared by channels by the Deputy Director, P&CSD. Contacts by legislative members or their representatives with P&CSD staff shall be made a matter of written record by a CDC Form 967, Legislative Contact Report. Staff in institutions and parole regions are to FAX reports involving policy issues, public interest, or high notoriety cases to the appropriate personnel within eight working hours. Reports on routine inquiries should be sent by regular mail.

85010.13 Payroll Warrant Policy

The person who receives and handles payroll warrants shall not perform any duties outlined in the SAM 8580.1, Duties Incompatible with Handling of Salary Warrants.

85010.14 Revisions

The Deputy Director, P&CSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

85010.15 References

SPB Rules and Regulations.

DOM § 33010.

SAM § 8580.1.

C.P.O.S.T. Standards and Regulations Manual.

ARTICLE 36 — WORKLOAD

Revised January 8, 1996

85020.1 Policy

Standard workload for a case-carrying agent shall be in accordance with the current Memorandum of Understanding (MOU) for Bargaining Unit Six.

85020.2 Purpose

The purpose of this section is to establish uniform guidelines for determining workloads

85020.3 Workload Calculation Procedures

Unit Clerical Staff (By 25th Day of Month)

Prints Caseload Roster Report and gives it to the Parole Agent.

Parole Agent (By Last Working Day of Month)

Parole agent reconciles the Caseload Roster Report and submits the roster to the unit supervisor.

Unit Supervisor (On the First Working Day of Month)

Reviews all active and non-active cases on the roster.

Reviews workload assigned to each agent on the Unit Workload Summary Report.

(During Next Five Working Days)

Decreases workload for agents if required by MOU by using available options.

85020.4 Revisions

The Deputy Director, P&CSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

85020.5 References

The MOU for Bargaining Unit Six.

ARTICLE 37 — WORKWEEK GROUPS AND WORK HOURS

Revised August 22, 1996

85030.1 Policy

It is the policy of the Department to abide by the California State Civil Service Rules and Regulations and the individual bargaining unit contracts governing work week groups and work hours.

85030.2 Purpose

It is the purpose of this section to establish guidelines for the workweek and work hours in P&CSD and its subordinate units.

85030.3 Definitions

District Administrator

A CDC administrator of a P&CSD unit, district, or geographical area.

Parole Agent

A departmental peace officer employee who is assigned to supervise those persons released from incarceration to serve a period of parole.

RPA

A CDC administrator of a P&CSD Region.

Unit Supervisor

A supervisor of case-carrying Parole Agents in P&CSD.

85030.4 Responsibilities

RPA

The RPA shall ensure that parole units establish procedures for staff to be available for off-hour response to parolees, law enforcement, and other interested agencies.

Unit Supervisor

The unit supervisor shall prepare an Officer-of-the-Day (OD) schedule and advise staff of assignments.

Officer-of-the-Day

The OD is responsible for maintaining office security, responding to emergencies within the parole office, and acting for the agent-of-record (AOR) in conducting required routine parole functions in the absence of the assigned Parole Agent. See DOM 85030.6 for additional responsibilities of the OD.

Parole Agent

The Parole Agent who anticipates a deviation from the approved work week schedule shall contact the unit supervisor for approval of the change.

85030.5 Unit Office Hours

Parole offices will be open and staffed with a minimum of one Parole Agent designated as the OD from 8:00 a.m. (0800) until 5:00 p.m. (1700), Monday through Friday.

Sub Unit office hours shall be established to meet area service needs as approved by the RPA.

Extended office hours may be established with approval of the RPA.

85030.6 Unit Officer-of-the-Day

Each parole unit location shall be staffed during normal work hours by an assigned Parole Agent who is designated as the OD.

The OD shall be provided with a listing and description of the specific duties and responsibilities including, but not limited to, the following areas:

Security

The OD is responsible for maintaining office security. The OD will unlock the office for business at 0800 and ensure that all doors are locked prior to leaving the office at 1700. No parolees will be allowed in the office past the entrance area unless there is Parole Agent coverage.

Emergencies

The OD shall respond to all emergencies within the parole office. The OD should be available to assist support staff at all times. In the absence of the unit supervisor, the assistant unit supervisor, or a designee, the OD is in charge of the office. The clerical staff shall be advised of the OD's whereabouts at all times.

Arrests

The unit supervisor is responsible for developing an office arrest procedure that specifies the AOR's and OD's arrest responsibilities.

Walk-Ins

Whenever the AOR is absent from the office, the OD shall handle all walk-ins. This includes persons released from court or prison without records. The OD will complete the initial interview process and record the date that the parolee is instructed to return to the office. Whenever paperwork is not available on the parolee, the completed initial interview packet shall be given to the unit supervisor for assignment to a Parole Agent.

Travel Permits

Parole agents who cannot be present will give a completed travel permit to the OD. The parolee will not be granted permission to travel if a travel permit has not been provided. The only exception to this policy is for emergency needs such as a death or illness in the parolee's family. These emergencies shall be discussed with the Unit Supervisor prior to the decision to approve or deny a travel request.

Cash Assistance Loans

Cash assistance loans will usually be made only if recommended by the AOR. Exceptions to this rule may be approved by the Unit Supervisor. The OD will issue checks in the absence of the AOR if a cash assistance loan has been approved. The OD is responsible for the receipt of loan repayments in compliance with cash assistance repayment policy when the AOR is not available.

85030.7 On-Duty Status

A Parole Agent is on duty when the agent is conforming to a weekly work schedule that has been approved by the unit supervisor prior to the commencement of any given work week. A Parole Agent who anticipates a deviation from the approved work week schedule shall contact the unit supervisor for approval of the change. The following guidelines prevail:

Office Day

A Parole Agent whose day begins and ends at the unit office is on duty upon arrival at the unit office and off duty upon leaving the office.

Field Day

If a Parole Agent leaves his/her home and travels to a field contact, hours of work shall start on the arrival of the Parole Agent at the field contact location. If it takes longer to travel from the Parole Agent's home to the field contact location than the amount of time it takes the Parole Agent to travel from his/her home to the office, then the Parole Agent's work time shall start at the interval of time the Parole Agent usually uses to get to work.

Staggered Hours

As contained in the current Memorandum of Understanding (MOU) for Bargaining Unit Six.

Emergencies

As contained in the current MOU for Bargaining Unit Six.

- An agent is not precluded from responding to an emergency in a timely manner if neither the supervisor or AOD can be contacted. If this occurs, the agent is expected to respond to the emergency and report the circumstances to the appropriate person as soon as possible.

Travel

When a Parole Agent or other staff member must travel beyond unit boundaries for training, attendance at meetings, or for other official reasons, the agent will be on-duty until arriving at lodging. After that time, the agent will be considered on-duty only when attending scheduled activities or carrying out approved duties.

85030.8 Off-Duty Status

Except for those situations noted in DOM 85030.7, periods of training or for special assignments, a Parole Agent is considered off-duty.

85030.9 Work Schedule

As contained in the current MOU for Bargaining Unit Six.

There will be a minimum of one agent in the office assigned as OD Monday through Friday, 0800 - 1700. Necessary modifications can be made in sub unit offices.

Case carriers will not be scheduled for work on holidays, whether weekdays or weekends, except to handle emergency situations.

In working the expanded schedule (weekends, evenings) it is expected that the time will be spent in the field, in the office, or a combination of both with approval of the unit supervisor.

For safety reasons, agents working Saturday or Sunday are required to submit to the supervisor, no later than the preceding Friday, a written general itinerary of field calls planned for the weekend day.

If an arrest is required during this expanded schedule, Parole Agent(s) shall contact the unit supervisor or AOD and conduct a pre-arrest planning conference. In arrests or investigations where there is potential danger, Parole Agents shall utilize law enforcement assistance.

85030.10 Overtime Policy

Overtime, except for emergencies, must be authorized by the supervisor in advance. Informal time off shall not be given. Overtime shall be authorized only when circumstances do not permit use of other options. The use of overtime is at management discretion subject to contract guidelines.

85030.11 Revisions

The Deputy Director, P&CSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

85030.12 References

MOU for Bargaining Unit Six.

Department of Personnel Administrative Rules.

DOM §§ 81010, 81020, and 81030.

ARTICLE 38 — HOSTAGES

Effective August 15, 1989

85040.1 Policy

The following employee information will be kept current and immediately available in each unit office:

- Recent color photograph of each employee with physical description and date of birth legibly printed on back, and current telephone and address.
- Current list of vehicles assigned to personnel with diamond "E" and undercover license plate numbers, and description of each auto, including year, make, model, type and color.
- Manufacturer's and CDC serial numbers of firearms issued or personal weapons carried by each employee or a statement that no weapon was issued or is carried by the employee.

If a P&CSD employee is taken hostage and a staff member is contacted or notified by the hostage taker, the staff member notified will not attempt to engage in negotiations. The staff member will attempt to obtain information regarding the incident; e.g., location, telephone number, persons involved, number of hostages and their physical condition, weapons involved. Any attempt to manage the situation or enter into negotiations will be the responsibility of the other law enforcement agency notified. When a staff member is notified that an employee has been taken hostage, the Deputy Director, P&CSD will be immediately advised through channels and will be kept apprised of the hostage situation.

85040.1.1 Hostage Procedures

P&CSD Staff (During Contact by Hostage Taker or Immediately Thereafter)

Makes no commitment but attempts to delay hostage taker by stating that someone with more authority will get back in touch with him or her as soon as possible if the hostage taker demands weapons, additional hostages, freedom of a prisoner, clemency or dismissal of criminal charges or parole violations.

Contacts nearest local law enforcement agency and requests assistance.

- All available information will be provided to the local law enforcement agency
- If the staff member contacted is not the supervisor, the supervisor will be notified immediately.

Engages individual in conversation as long as possible, obtains information and encourages the release of the hostage(s) if the hostage taker makes no demands but simply wants to talk.

- The staff person will not attempt to negotiate the release. The nearest local law enforcement agency will be contacted and given all available information.

85040.2 Notification by Another Law Enforcement Agency of Hostage Situation Policy

If a staff member is notified by another law enforcement agency that an employee has been taken hostage, the supervisor or designee will be notified immediately. The supervisor or designee will be the primary contact person with the other law enforcement agency. The supervisor or designee will provide all information requested by the other law enforcement agency's personnel to assist in the management of the hostage situation.

85040.3 Treatment for Released Employee Hostage

When the hostage situation has been resolved, the employee taken hostage may be referred to the Chief Psychiatrist, POC , for any immediate assistance that may be needed. The Chief Psychiatrist, POC, will, when appropriate, refer the employee for volunteer follow-up assistance or counseling through medical insurance, private therapist, mental health agency, etc. The Chief Psychiatrist, POC, may also make a recommendation to the Regional Administrator regarding the advisability of time off or reassignment. The Regional Administrator will advise the Deputy Director, P&CSD, and recommend appropriate follow-up action. The Deputy Director, P&CSD, may authorize Administrative Time Off with pay or reassignment for the employee, subject to controlling SPB Rules.

85040.4 Revisions

The Deputy Director, P&CSD shall ensure that this section remains current and accurate.

85040.5 References

Not applicable.

ARTICLE 39 — PAROLE AGENT EQUIPMENT

Effective August 30, 1989

85050.1 Policy

Revised March 8, 1990

Standard Equipment

Each Parole Agent is furnished with following standard equipment.

- Pair of handcuffs and keys.
- Waist chain.
- "Ready bag".
- Copy of CCR (15) (3).
- DOM.
  - Chapter 8, Parole Operations.
- Parole agent badge.
- Identification card.
- General Services charge card.
- Parole agent identification jacket.
- Soft body armor.
- Tear gas cannister; if requested or if Parole Agent is armed.
- Firearm, holster, and ammunition carrier, if requested by a Parole Agent hired prior to January 1, 1988. All Parole Agents hired after January 1, 1988 will be furnished these materials.
- UPF Form 34-A, Undercover Permit.

Agent will retain above issued equipment upon transfer, with the exception of the General Services Charge Card that will remain in the unit.

Safety Equipment

Each Parole Agent assigned a State vehicle is furnished with the following safety equipment:

- Set of reflectors.
- Jumper cables.
- Fire extinguisher.
- Flashlight.
- First-Aid kit.

Optional Equipment

Each Parole Agent is issued the following equipment if there is a need related to climate or other special conditions:

- Fog lights.
- Studded snow tires.
- Spotlight (plug-in type).
- Blanket.
- Automobile hood lock.
- Locking gas cap.
- Dog repellent.

Approval for optional equipment items may be granted by unit supervisor. Approved items, with the exception of snow tires, are ordered by the unit supervisor on a STD Form 5. Snow tires are ordered through the nearest State garage.

If General Services reassigns a vehicle, the unit supervisor will retain any optional equipment and assign it to another unit vehicle, if appropriate, or dispose of it in accordance with instructions from the PA.

Unit Equipment

The following items will be assigned to each parole unit and subunit:

- Two sets of leg irons.
- Two sets of waist chains with attached handcuffs, padlock and keys.

An equipment checklist will be completed and signed by each employee.

85050.2 Parole Agent Attire Policy

Because of many confidential investigatory and supervisory activities of a Parole Agent, no uniform is to be worn by Parole Agents. GC 19460 (b) describes a uniform as "...outer garments excluding shoes, which are worn exclusively while carrying out the duties and responsibilities of the position and are different

from the design or fashion of the general population. This definition includes items that serve to identify the person's agency, functions performed, rank or time in service".

The State shall furnish all safety equipment required to be worn and described in GC 19460(e) as "...equipment or attire worn by law enforcement personnel for the purpose of protecting themselves or the public from overt actions of others or to assist in the carrying out of related duties; for example, handgun, holster, handcuffs, flashlight..."

85050.3 Belt Badge Policy

Parole agents may, while assigned to the P&CSD wear a belt badge subject to the following requirements:

- Badge and badge holder must be purchased at agent's expense. When the agent leaves the P&CSD, the CDC will purchase badge and badge holder at current replacement costs. Agents who retire may keep the badge and holder so long as word "Retired" is placed on the badge at employee's expense.
- If the agent leaves the P&CSD (other than through retirement), the unit supervisor will take the belt badge and departmentally issued badge and note possession on employee's equipment record. The agent will submit a STD Form 262, Travel Expense Claim showing current replacement cost of badge and holder in Business Expense Column (#6) with an explanation of expense in the Comment Section. Before signing the STD Form 262, the supervisor will verify current cost of badge and holder with the vendor.
- The badge must meet the same specifications and have the same number as the one issued by the CDC except that the badge may be molded so it can be worn on a belt.
- A letter of authorization must be prepared and signed by the unit supervisor before the badge can be purchased.
- The badge must be inspected by the unit supervisor to assure that it meets all requirements. The supervisor will also note on employee equipment record that agent has purchased a belt badge.
- The badge must be concealed while worn, except when: agent is in another law enforcement facility where continuous identification is required; in a field situation when continuous identification as an agent is required for safety; or when a firearm is unholstered or otherwise displayed.

85050.4 Retention of Equipment Policy

Parole agents will retain individually assigned safety equipment issued to them until separation from employment within the P&CSD or as otherwise instructed. However, when a Parole Agent is transferred to another unit, the General Services charge card will be retained by the unit supervisor.

85050.5 Equipment Responsibility Policy

Parole agents are responsible for all items assigned to them. If a Parole Agent separates from the P&CSD, the last paycheck will not be issued until all equipment has been returned.

Optional equipment issued to a Parole Agent will be retained in the Parole Agent's vehicle and will be the agent's responsibility as long as vehicle is assigned to that person. If a Parole Agent is reassigned, optional equipment will be returned to the unit supervisor who will assume responsibility for it until reassigned to another vehicle or disposed of in accordance with instructions from a PA.

The employee may be required to reimburse the State for the cost of replacement equipment for losses due to negligence or culpability.

85050.6 Use of Private Automobile Policy

An employee may be allowed to operate a private automobile on official State business and receive reimbursement if authorized by the supervisor. The employee must have on file in Headquarters Accounting, a CDC Form 1616, Authorization to Use Privately Owned Automobiles on State Business before permission is given.

85050.7 Home Storage of State Vehicle Policy

All Parole Agents issued a Home Storage Permit shall, upon date of employment and annually thereafter on June 1, complete and have on file a OFA Form 77, Home Storage Request Permit.

85050.7.1 Home Storage of State Vehicle Procedures

Parole Agent (Date of Employment and Annually Thereafter on June 1)

Completes OFA Form 77 and gives to unit supervisor.

Unit Supervisor (Upon Receipt)

Signs form and forwards by Regional Administrator to Deputy Director, P&CSD.

Deputy Director, P&CSD (Upon Receipt)

Sends completed form to Office of Fleet Administration.

85050.8 Identifiable Clothing Policy

Each Parole Agent, unit supervisor and administrator will be issued a P&CSD windbreaker-type jacket that clearly identifies the wearer as a Parole Agent. This jacket is to be worn only by the person to whom it is issued while on duty in situations where the agent's safety is enhanced by being continuously identified as a Parole Agent and peace officer.

Approval to wear P&CSD jackets will be by prior planning conference between the unit supervisor and agents who will be involved in the intervention (e.g., arrest, search, investigation). If a situation develops and immediate supervisory authorization is not possible, an agent may exercise independent judgment as to whether wearing the jacket will increase safety. In such instances the circumstances, including wearing the jacket will be reported to the unit supervisor at the earliest possible time.

The following are circumstances where authorization to wear the jacket may be granted:

- Arrests, searches or investigations where there is other agency involvement, and where the number of personnel involved make continuous identification important from a management or safety standpoint.
- Situations where there is a parole-related hostage incident and a P&CSD employee is dispatched to the scene as liaison with law enforcement hostage negotiation and management team.
- While engaged in authorized firing range qualifications.

- Other situations where, in the agent's or supervisor's judgment, identifiable attire increases the agent's safety.

Under no circumstances will the jacket be worn during routine field calls, in the office, or in off-duty situations.

Storage

The jacket will be stored in the unit office, or in the trunk of State or private vehicle authorized for use on State business. If carried in the trunk, the jacket will be stored in such a way as to minimize soiling. Under no circumstances will the jacket be stored in the agent's home.

It is anticipated that jackets will need periodic cleaning. When the jacket needs cleaning the agent will take it to a commercial cleaner for cleaning. A receipt will be obtained for cost of cleaning and reimbursement will be through monthly Travel Expense Claim Form (Business Expense Column).

Unit Supervisors and Administrators

Unit supervisors and administrators will be authorized to wear jackets only when they are required to go to field situations where continuous identification is necessary from a management or safety standpoint; e.g., responding to a hostage situation, conducting an investigation at the scene of a shooting, or as tactical commander of an arrest situation where other agencies may be involved.

85050.9 Soft Body Armor Policy

Soft body armor (bulletproof vest) is safety equipment. Parole agents, supervisors and administrators will wear soft body armor in situations when their safety may be in jeopardy and vests have the potential to decrease danger. In non-emergency situations the soft body armor will be covered by clothing.

Parole agents may wear soft body armor at their discretion.

Vests shall be worn if, in the judgment of the unit supervisor, one of the following circumstances exists:

- There is reliable information that a parolee (or someone else) may be armed, is threatening to hurt another person, has already hurt another person or has indicated an intent to resist arrest.
- Case information discloses a history of violence, weapons possession, resisting arrest, psychiatric instability or similar potentially dangerous behavior.
- Suspected violation or crime is serious and other agencies will be involved in the arrest and their personnel will be wearing vests.
- The agent has received a threat and, in the judgment of the agent, unit supervisor, and PA, the agent's safety will be enhanced by continuous wearing of a vest for a prescribed period of time.
- Other situations where, in the judgment of the unit supervisor, the agent's safety and effectiveness will be enhanced by the use of a vest.

Vests will be stored in either the unit office or in the trunk of the State vehicle. While not in use, vests will be stored in the garment bag provided in such a way that the vests remain clean and undamaged.

The Parole Agent will have the vests, not the inserts, laundered when required.

85050.10 Property Control Policy

One person in each unit office shall be assigned responsibility for control and accountability for property. All photocopy machines shall be identified with a State identification tag.

85050.11 Revisions

The Deputy Director, Parole and Community Services shall ensure this section remains current and accurate.

85050.12 References

Not Applicable.

ARTICLE 40 — EVIDENCE STORGAE AND DISPOSAL

Effective August 24, 1989

85060.1 Policy

Each unit or multi-unit complex shall have a secure storage facility to store seized evidence. The unit supervisor is responsible for security, control and inventory of stored evidence. This function shall not be delegated. All evidence shall be maintained in secure storage.

85060.1.1 Procedures

Parole Agent (The Day of Seizure or Next Working Day)

Packages evidence by placing in a clear plastic bag or standard envelope.

Attaches a copy of the inventory receipt to the bag or envelope.

Gives the bag or envelope to the unit supervisor.

Unit Supervisor

Fills out the inventory log.

Places bag or envelope into evidence storage.

Returns evidence to Parole Agent if needed for revocation hearing or criminal prosecution.

Enters date, time and to whom evidence was given on the log.

85060.2 Disposal of Evidence Policy

All evidence in the evidence locker shall be inspected quarterly. Items determined not illegal and not needed for revocation hearing or criminal proceedings shall be returned to the owner or destroyed if no legal no legal owner can be identified. A receipt shall be obtained for all property returned to owner. The disposition of all evidence shall be shown on the bottom of the inventory receipt.

Illegal weapons and drugs shall be taken to local law enforcement for disposal. If local law enforcement will not accept the illegal weapons or drugs, they shall be taken to the nearest DOJ Regional Laboratory for disposal. A receipt shall be obtained for any item turned over to another agency.

Controlled substances turned over to State DOJ for disposal must be accompanied with CSD Form 16, Controlled Substance for Destruction. This form is submitted to the Superior Court of Jurisdiction for issuance of an order authorizing destruction pursuant to H&SC 11474.4.

85060.2.1 Disposal of Evidence Procedures

Unit Supervisor or Assistant Unit Supervisor

Inspects all items in evidence storage quarterly to determine if they must be maintained for a revocation hearing or criminal proceedings.

Returns to the owner all items that are not illegal to possess.

Obtains a receipt from the owner for all items returned.

Destroys or arranges for destruction of items which are illegal or whose valid owner cannot be identified by local law enforcement.

Completes CSD Form 16 on all controlled substance to be destroyed.

Secures a Superior Court order for the destruction of controlled substance.

Takes the Superior Court order and controlled substance to be destroyed to State DOJ Regional Laboratory.

Enters disposition of all items on the bottom of the inventory receipt.

85060.3 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

85060.4 References

H&SC § 11474.4

ARTICLE 41 — LAW ENFORCEMENT & INVESTIGATIONS

Revised August 14, 1996

85070.1 Policy

It is the policy of the Department to interact with other law enforcement agencies in order to accomplish the desired goal.

85070.2 Purpose

The purpose of this section is to clarify staff responsibilities and delineate guidelines for handling certain allegations of parolee misconduct.

85070.3 Definitions

Conditions of Parole

The conditions under which an inmate is released to parole supervision, including any added special conditions.

District Administrator

A CDC administrator of a P&CSD unit, district, or geographical area.

Field File

A file maintained by a parole unit office containing pertinent information regarding a parolee's criminal history, current commitment offense, and adjustment to parole.

Parole Agent

A CDC employee who is assigned to supervise those persons released from incarceration to serve a period of parole.

Polygraph Examination

The procedure by which a polygraph examiner renders an opinion as to the veracity of statements made by an examinee.

Polygraph Examiner

A person with expertise in reading a polygraph machine that records simultaneously changes in blood pressure, respiration, and pulse rate to determine the truthfulness of statements made by the examinee.

Parolee/Releasee

A felon or civil addict released from confinement in State prison to supervision in the community.

Parole Violation

Conduct by a parolee that violates the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

RPA

A CDC administrator of a P&CSD Region.

Unit Supervisor

A supervisor of case-carrying Parole Agents in P&CSD.

85070.4 LEIU

The LEIU provides liaison and the exchange of information with other law enforcement agencies, the courts and DAs throughout California. Special agents of the LEIU may also conduct surveillance on parolees.

- Special agents may conduct surveillance at the request of other law enforcement or a P&CSD unit supervisor.

Special agents shall advise the appropriate unit supervisor of any surveillance or investigation of a parolee. Parole agents shall immediately notify special agents of any change of status of a parolee undergoing LEIU investigation or surveillance.

The Parole Agent shall not arrest or release a parolee who is under surveillance or investigation except in unusual circumstances. Should an arrest be effected, the Parole Agent shall immediately notify the unit supervisor and special agent. Special agents should always be notified prior to arrest or release of a parolee under LEIU investigation.

85070.5 Polygraph Examination

Polygraph examinations of parolees shall be employed when necessary, with the parolee's consent, if approved by the unit supervisor. Failure of a parolee to consent to an examination will not in itself constitute grounds for parole violation.

Polygraph examinations may be administered by either LEIU or non-departmental examiners. Examinations by non-departmental personnel must be given at no expense to the P&CSD. Requests for polygraph examinations by LEIU shall be submitted by the RPA to the Assistant Director, LEIU.

85070.6 Revisions

The Deputy Director, P&CSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

85070.7 References

DOM §§ 14030 and 31140.

PC §§ 830.2 and 830.5

ARTICLE 42 — SUBPOENA

Revised September 4, 1996

85080.1 Policy

It is the policy of the Department to abide by all applicable laws relative to the serving of subpoenas on its employees and staff.

85080.2 Purpose

The purpose of this section is to establish guidelines and outline responsibilities for the handling of subpoenas.

85080.3 Definitions

Affidavit

A written declaration made under oath before a notary public or other authorized officer.

Attorney General

Represents CDC and/or its employees in court when CDC becomes involved in legal proceedings.

Defendant

One against whom an action is brought.

District Administrator

A CDC administrator of a P&CSD unit, district, or geographical area.

Parole Agent

A CDC employee who is assigned to supervise those persons released from incarceration to serve a period of parole.

Parolee/Releasee

A felon or civil addict released from confinement in State prison to supervision in the community.

Parole Violation

Conduct by a parolee who violates the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

Plaintiff

The party that institutes a suit in court.

RPA

A CDC administrator of a P&CSD Region.

Subpoena

A means of legal process compelling a witness to appear and give testimony at the time, date, and place specified.

Subpoena Duces Tecum

A means of legal process compelling the keeper of a record, document, or file to make the record, document, or file available for examination at the time, date, and place specified.

Unit Supervisor

A supervisor of case-carrying Parole Agents in P&CSD.

Writ

A written order issued by a court, commanding the party to whom it is addressed to perform or cease performing some specified act. A party seeking a writ must file a petition for a writ before the court can issue the writ. A petition for a writ is frequently, but inappropriately, referred to as a writ.

85080.4 Responding to Subpoenas

If a subpoena requiring a Parole Agent's personal appearance is received, the nature of the information being sought shall be determined by contact with the appropriate attorney. If the Parole Agent's appearance is not in the best interest of the CDC, the departmental counsel shall be contacted by the unit supervisor for referral to the appropriate deputy attorney general who will attempt to have the Parole Agent's attendance excused.

Unit Supervisor

Writes and submits follow-up letter to the deputy attorney general requesting that Parole Agent's attendance be excused. The letter shall include the following information:

- Title of the action.
- Court name and file number.
- Name of person subpoenaed.
- Date of appearance.

The unit supervisor shall attach a copy of the subpoena to the letter.

Refer to DOM 14010, Legal Matters, for further details.

85080.5 Release of Case Information

If a Parole Agent receives a request for case information from an attorney or other interested party, it must be determined that the person making the request has a legitimate right and compelling reason to have the requested information. Care shall be exercised that confidential information is not divulged under any circumstances.

When it has been established that the person making the request has a need-to-know the specific information requested, only information specified in the request shall be provided. When practical, requests for information shall be written on the requesting party's letterhead stationery. Requests by parolees shall be in writing, signed and dated. It is important to note that disclosure of confidential information to persons outside CDC or its counsel may constitute an involuntary relinquishment of the privilege outlined in the EC.

If there is any question regarding release of information that appears to be of a confidential nature, LAD shall be contacted to provide advice on the release of information of a confidential nature.

See DOM 13030, Information Practices, and DOM 13040, Public Records, for additional information regarding the release of information.

85080.6 Informal Contacts With Defense and Prosecution Attorneys and Other Interested Parties

The release of information, absent a subpoena, to these persons is governed by the IPA, CC 1798 et seq., especially CC 1798.24(e) and 1798.24(o). Information may only be released to certain categories of individuals when it is necessary for these individuals to perform their constitutional or statutory duties, or when it is necessary for an investigation of unlawful activity. These individuals are:

- Attorneys or their designated representative.
- Other law enforcement or regulatory agency personnel.

Under no circumstances may medical information be released pursuant to an informal request.

The EC requires the trial court to weigh public interest served by nondisclosure of relevant information. If an agent adheres to guidelines contained in the EC, confidential information will ordinarily be disclosed to trial court alone in non-adversary in camera (judge, attorneys, agent) hearing. In order to qualify for the privilege, information must be:

- Acquired in confidence by a public employee.
- Acquired by a public employee in the course of the employee's duties.
- Not open or officially disclosed to public prior to time claim of privilege (in court) is made.

85080.7 Official Information Privilege

Parole agents may receive information that may be crucial in future criminal prosecutions. It is important that the Rules of Evidence concerning handling of confidential information be followed.

The EC requires the trial court to weigh public interest served by nondisclosure of relevant information. If a Parole Agent adheres to guidelines contained in the EC, confidential information will ordinarily be disclosed to the trial court in an in camera, non-adversarial hearing before the judge by the attorneys and the Parole Agent. In order to qualify for the privilege, information must be:

- Acquired in confidence by a public employee.
- Acquired by a public employee in the course of the employee's duties.
- Not open or officially disclosed to public prior to time claim of privilege (in court) is made.

Refer to EC 1040, et seq., for further details.

85080.8 Revisions

The Deputy Director, P&CSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

85080.9 References

CC § 1798 et seq.

PC § 1543.

EC § 1040, et seq.

DOM §§ 13030, 13040, and 14010.

ARTICLE 43 — EMERGENCY PROTECTION

Revised September 28, 1995

85090.1 Policy

Emergency and employee protection plans and procedures shall be developed and maintained.

85090.2 Purpose

The purpose of this section is to establish duties and responsibilities for emergency coordinators, and to ensure comprehensive plans and procedures are developed and maintained to protect State offices.

85090.3 Regional Emergency Preparedness and Employee Protection Plans

Regional Emergency and Employee Protection Plans will encompass:

- Emergency training to employees.
- Emergency call lists.
- General information.
- Medical and first-aid.
- Emergency equipment locations.
- Bomb threat and explosion, fire, earthquake, and facility evacuation plans.

85090.4 Regional Emergency Coordinator's Duties

Assisting the RPA in selection of local Emergency Coordinator and alternate local Emergency Coordinator for each field office or facility.

Assisting local Emergency Coordinator in developing Emergency Employee Protection Plans for approval by the PA.

Ensuring that relocated, new, or substantially modified facilities and field offices submit an Emergency Employee Protection Plan within 60 days of relocation or opening.

Ensuring all regional facility and field offices maintain updated Emergency Employee Protection Plans.

Monitoring each facility and field office periodically to ensure that all employees are receiving appropriate training in emergency preparedness procedures.

Assisting each local Emergency Coordinator in utilization of county and community agencies, publications, and periodicals to maximize emergency preparedness of employees.

Reviewing and updating Regional Emergency Employee Protection Plans each odd year for submittal to the Operations Administrator, P&CSD headquarters, by the Regional Administrator.

Keeping a copy of the Emergency Employee Protection Plan for each facility and field office.

Maintaining a copy of the CHP Model Emergency Plan Guideline for developing emergency plans.

85090.5 Facility or Field Office Emergency Coordinator's Duties

Directs and supervises activities of building occupants during an emergency.

Recommends staff for appointment as emergency floor personnel to deal with emergency situations.

Schedules training.

Acts as liaison agent with local law enforcement, fire, and related support agencies.

Notifies Regional Emergency Coordinator of any change of assignment or employment that precludes carrying out the required responsibilities or the Emergency Coordinator's assignment.

85090.6 Facility or Field Office Alternate Emergency Coordinator's Duties

Serves as principal assistant and acts for the Emergency Coordinator in their absence.

- Officer-of-the-Day (OD) will assume Emergency Coordination responsibilities in the absence of the Emergency Coordinator and the alternate.

85090.7 Emergency Preparedness and Employee Protection Plans for Facilities and Field Offices

Emergency Preparedness and Employee Protection Plans for facilities or field offices with 50 or fewer persons assigned to the facility or field office will consist of the following completed documents:

- CHP Form 57.1, Emergency Plan Poster. This poster may be obtained through the Forms Coordinator, P&CSD headquarters.
- Block diagram showing evacuation routes, fire extinguishers, and first-aid equipment.
- CHP Form 621, Notice to State Employees.

85090.8 Emergency Preparedness Procedures

Facility or Field Office Emergency Coordinator (Each Odd Year)

Sends two sets of the Emergency Preparedness and Employee Protection Plan for facility or unit office to Regional Emergency Coordinator.

Posts Emergency Preparedness and Employee Protection Plan in a conspicuous place in the appropriate unit or facility following inspection and approval by CHP.

Completes emergency call cards and forwards to Regional Emergency Coordinator.

Regional Emergency Coordinator

Reviews Emergency Preparedness and Employee Protection Plan and forwards to RPA.

RPA

Designates Regional Emergency Coordinator.

Reviews Regional Emergency Preparedness and Employee Protection Plan and forwards approved plan to P&CSD headquarters.

Operations Administrator

Reviews updated Emergency Preparedness Plans and forwards to Deputy Director, P&CSD, for approval.

Submits two copies of approved Emergency Preparedness and Employee Protection Plans to Policy Documentation for departmental approval.

Forwards copy of approved plans to CHP, Employee Protection Coordinator.

CHP

Conduct facility and field unit inspections to determine that staff of each facility and field unit are adequately prepared for an emergency situation.

85090.9 Updating Personnel Information Procedures

A confidential memorandum shall be completed and forwarded to the P&CSD headquarters indicating any change in personnel, badge assignment, identification number assignment, Parole Agent home telephone number, and pager telephone number. The information is required for the Identification/Warrants Unit to update and maintain the Confidential File used to identify field personnel who call the unit.

85090.10 Updating Administrative Officer-of-the-Day Roster Procedures

A confidential roster, indicating the regional Administrative Officer-of-the-Day (AOD), specifying the AOD for each week of the next quarter in calendar order, and each AOD's name, home, answering service, and pager telephone number shall be forwarded to P&CSD headquarters at least seven days prior to the start of each quarter. A copy shall be routed to the Identification/Warrants Unit. Each roster shall include the telephone number of the Deputy RPA to be contacted in the event the AOD cannot be contacted and there is an event requiring an immediate response.

85090.11 Revisions

The Deputy Director, P&CSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

85090.12 References

DOM § 85040.

Emergency Employee Protection Plan.

CHP Model Emergency Plan Guideline.

ARTICLE 44 — FAMILY OF MANUALS AND DIRECTIVES

Effective August 28, 1989

85091.1 Policy

A complete and current set of CDC and related agency manuals shall be maintained by the senior clerical staff in each unit office. DOM and related directives consist of the following:

- DOM.
- P&CSD Operations Manual.
- Case Records Manual.
- Classification Manual.
- Business Administrative Manual.
- CCR.
- Administrative Bulletins.
- Interim Instructional Memorandums.
- BPT Rules.
- NAEA Regulations.
- Prisoner Transportation Manual.
- P&CSD Operations Procedures.
- Department Master Subject Index.

85091.2 Parole Operations Revision Policy

A P&CSD policy or procedure may be added, deleted or modified by a revision of this manual. The Deputy Director, P&CSD, will review departmental directives and publications (and those of other agencies), court decisions, and legislative bills for impact upon parole procedures and policies. If a P&CSD policy or procedure is affected, the Deputy Director, P&CSD will circulate a draft manual change for field input.

A field initiated suggestion for a revision to the DOM may be submitted in writing and routed through channels to the Deputy Director, P&CSD. The Deputy Director may approve and recommend the field-initiated suggestion as a manual change.

Revisions will be issued in the form of new manual pages that will be substituted for the outdated pages. A transmittal letter will accompany each manual revision, indicating which manual is being revised, summarizing the revision and stating the reasons for the revision. Each person receiving the revision shall include the revision in the manual and update the revision record.

85091.3 Manual Distribution Procedures

Regional Training Coordinator

Submits request to the Deputy Director, P&CSD, Attention: Manual Coordinator.

P&CSD Manual Coordinator

Assures that manuals are forwarded to senior clerical staff in each unit office.

Assures that the appropriate distribution list is revised.

Regional Training Coordinator (As Changes Occur)

Revises the DOM/Document distribution list for region and forwards to P&CSD Manual Coordinator.

85091.4 Distribution Procedures for Other Policy Documents

P&CSD Headquarters Staff (Annually)

Distributes revised Penal Codes to regions and units.

(As Changes Occur)

Forwards manual revisions, CCR, BPT Regulations and NAEA Administrative Directives to regions.

Regional Training Coordinator (Within 5 Days of Receipt)

Distributes manual revisions, CCR, BPT Regulations, NAEA Regulations, NAEA Administrative Directives within regions.

Maintains an accurate log or card file system on the distribution of regulations, manuals and revisions.

Coordinates with the LAD-RMU regarding shipment, quantity or distribution of the CCR and revisions.

Designated Staff

Completes and signs "Declaration of Posting Service" and submits in a timely manner to LAD-RMU through P&CSD Headquarters.

Regulation and Policy Management Staff

Assures that sufficient copies of revisions are forwarded to the Regional Training Coordinators for distribution to all employees and facilities in the region.

Assures that CCR Revision Bulletins are forwarded for immediate posting in all field parole offices and community correctional centers.

85091.5 Manual Maintenance and Auditing Procedures

P&CSD Manual Coordinator (Each July)

Compiles manual distribution list and submits to LAD-PMU.

Regional Training Coordinator or Designated Staff Person (Each June)

Updates manual distribution list as changes occur at least annually.

Audits manual distribution using the regional master distribution list. Ensures proper distribution and manual maintenance, including dissemination and insertion of all revisions.

Assures that the following manuals are available for public review at Regional Headquarters and unit offices.

- CCR.
- BPT Regulations.
- NAEA Regulations and NAEA Administrative Directives.
- Administrative Bulletins.
- Penal Codes.
- Parole Operations Manual.
- DOM.
- Business Administrative Manual.
- Case Records Manual.
- Classifications Manual.

Unit Supervisor

Assures that manuals assigned to each agent are properly maintained and that the following manuals are maintained by unit clerical supervisor:

- DOM.
- Business Administrative Manual.
- Classification Manual.
- Parole Operations Manual.

Unit Clerical Supervisor

Establishes local distribution list containing the number of manuals assigned, the date issued and the incumbent in position.

Updates distribution list to reflect revisions received for each manual and date distributed.

Unit Clerical Supervisor (Within Two Working Days of Receipt)

Distributes all revisions and any new or revised manuals.

Parole Agent

Maintains a current DOM.

85091.6 Progress Review Policy

Regional Administrators will monitor their operations and organizational structure to determine the efficiency with which they meet the objectives of their parole region and CDC. This monitoring process will include an annual review by administrators and functional managers to assure that the present structure and procedures are efficient means of accomplishing CDC goals. Executive staff will review this progress each June, using the results of the annual regional reviews to evaluate progress.

85091.7 Communication of Policies and Procedures

All personnel should participate in staff meetings to facilitate a better understanding of policies, procedures and progress for effective performance of their respective duties.

- Regional staff shall meet with administrators and supervisors at least monthly.
- Field administrators and supervisors shall meet at least weekly.
- Unit supervisors, Parole Agents and other personnel in each unit shall meet at least monthly.
- Summary minutes of staff meetings shall be taken and distributed to appropriate staff members.
    - Unit meeting minutes shall be forwarded to the Regional Administrator.
    - Regional meeting minutes shall be forwarded to P&CSD Headquarters.

85091.8 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

85091.9 References

Not applicable.

ARTICLE 45 — *UNASSIGNED*

ARTICLE 46 — WEAPONS POLICY

Effective September 28, 1989

86010.1 Policy

Revised March 11, 1993

The greatest caution and conservative judgment shall be exercised when carrying and using firearms. If and when it becomes necessary to resort to the use of firearms, two concerns shall assume primary importance: the preservation of public safety and the safety of staff involved. For purposes of this Article, the term "Parole Agent" shall include any P&CSD staff person in the Parole Agent series who is authorized to carry a firearm. Also for the purposes of this Article, the term "other person" includes those individuals who may be involved in or connected with a parole-related incident.

Public Safety

The need for the preservation of public safety compels staff to use extreme caution in the use of firearms. When firearms are used, the peril of injury or death to bystanders is always present. If clear and present danger to another person or to the Parole Agent does not exist, other means, including later apprehension, shall become the alternative. Circumstances may arise when it becomes necessary for a Parole Agent to use a firearm in a populated area. A circumstance may exist where, if positive action is not taken a parolee or other person may inflict great bodily harm upon a hostage, a bystander or the Parole Agent. In those instances, it is the Parole Agent's duty to take those measures necessary to prevent death or injury to a member of the public or to the agent.

Staff Safety

If there is a reasonable belief that clear and present danger to the life of the Parole Agent or another person exists, and if the Parole Agent feels that immediate action must be taken to dissipate that danger, it is the Parole Agent's responsibility to take that action. A Parole Agent is expected to use good judgment in evaluating the existing situation and then to act in accordance with that evaluation. A decision made and action taken in response to field conditions are the responsibility of the Parole Agent involved. It is not expected that the Parole Agent will hesitate when hesitation would result in death or serious injury to the Parole Agent or to some other person.

The fact that the Parole Agent is or is not armed will not be the primary determinant of whether or not the agent responds to a given situation or whether the agent should remain at the scene of a potentially dangerous situation. These decisions, along with when and under what conditions an agent should become involved in cooperative efforts with another law enforcement agency, shall be based on safety and tactical judgments exclusive of the firearm. A Parole Agent is not expected to engage in activities that are unreasonably hazardous simply because the agent is armed with a firearm.

86010.2 Policy

Revised March 8, 1990

Authorization

A Parole Agent appointed after January 1, 1988, whose work assignment is within the P&CSD (PA-I -- through Deputy Director) <u>will</u>, after completion of the P&CSD's firearm training program, be issued and carry a firearm while on duty. A Parole Agent appointed prior to January 1, 1988 may exercise the option to be issued a firearm and carry it while on duty after completion of the P&CSD's firearm training program.

A Parole Agent will carry and use only that weapon that is issued to him or an approved, personally owned 9mm weapon as defined in this Article. If a Parole Agent voluntarily chooses to carry an approved personally owned 9mm weapon while on duty the agent will be required to relinquish the state issued firearm. Any time the firearm is carried on the person, the approved chemical agent dispenser will also be carried.

Only in an immediate life-threatening emergency situation may a Parole Agent be permitted to use another agent's or other law enforcement officer's firearm. A Parole Agent working outside the P&CSD will not have the option of being armed. The armed Parole Agent is not authorized to carry the firearm issued by P&CSD while off duty except as specifically authorized.

Defensive Weapon

Firearms will be regarded as defensive weapons and will be discharged only when the Parole Agent is compelled to do so by existing circumstances. The armed Parole Agent will not discharge a firearm in the course of employment except as permitted in this Article. The improper use of firearms will result in adverse action and may result in civil or criminal sanctions being taken.

Unholstering of the Firearm

The firearm will not be removed from the holster or otherwise displayed unless there are sufficient and compelling reasons for doing so. In making that determination, it is not necessary for the agent to wait until the agent or another person is actually being assaulted or otherwise under attack before the firearm may be drawn. Rather, if the agent determines or otherwise believes that there is or will be a clear and present danger to the agent or another person, the firearm may be drawn in preparation for that danger. If, however, that clear and present danger fails to materialize or is otherwise controlled, the firearm will be immediately reholstered. To determine if a clear and present danger exists, the agent will consider and give relative weight to the following factors:

- The display by an individual of a weapon or any item that can be used as a weapon in a threatening manner.
- Information from a reliable source (e.g., spouse, law enforcement, employer, landlord), that an individual is or may be armed, making threats, acting abnormally or dangerously, or has already injured or killed another person.
- Auditory or visual indications at the scene of potential danger; e.g., sound of gunshot(s), screaming, cries, sounds of or signs of an altercation in progress.
- Situations where, in a Parole Agent's judgment, there is observed or known behavior which places the safety of the Parole Agent or another person in danger, and the drawing of the firearm will render the situation less dangerous.

Constraints on Unholstering of a Firearm

In addition to clear and present danger, before unholstering or otherwise displaying a firearm, the agent will consider:

- Are there more reasonable alternatives available?
- Can the firearm be tactically utilized (e.g., crowds, small children, hostage)?
- Will the firearm escalate rather than control the situation?

Discharge of the Firearm

It is the policy of the P&CSD for a Parole Agent to discharge a firearm only when other reasonable alternatives have been exhausted and then only with legal authority and under the following conditions:

- When the Parole Agent has a reasonable belief that the use of deadly force is necessary for self-defense or to defend another person from immediate and serious bodily harm.
- To determine when discharge of a firearm is clearly necessary, the following three elements must all be present:
  - Opportunity; e.g., does the other party have the opportunity to do the agent or others harm?
  - Ability; e.g., does the other party have the ability and means to do the agent or others harm?
  - Jeopardy; e.g., does the other party's opportunity and ability actually place the safety of the agent or others in danger? Jeopardy requires that the other party has the clear intent to do the agent or others harm.
- Warning shots are not authorized.
- The firearm will not be fired at or from a moving vehicle unless the Parole Agent's life or that of another person is in immediate danger.

86010.2.1 Firearms Training Policy

Firearms Issuance Policy

While all Parole Agents appointed after January 1, 1988 are required to have a firearm issued to them, they will retain the right to determine when and under what job related conditions they may choose to actually carry the weapon. As such, there is no requirement for them to be continuously armed while on duty. However, unit supervisors have the authority to compel agents who are mandatorily armed to carry the firearm if, in the supervisor's judgment, the activity being planned is deemed as especially hazardous. There is, however, no such authority with agents who are discretionally armed (appointed before January 1, 1988.

Firearms Course and Range Qualification

Compliance with the following training schedule is required before a firearm will be issued to any employee at any level in the Parole Agent series:

- Successful completion of the training mandated by PC 832 will be required of all Parole Agents.
- Successful completion of the P&CSD's classroom training course on firearms will be required of all Parole Agents.
- Prior to the issuance of a firearm, the employee will achieve a qualifying shooting score as determined by the P&CSD on an approved range. Additional qualification shooting scores will be attained quarterly thereafter.

Personnel will fulfill firearms qualification during regular working hours when possible. Qualification outside of regular working hours will be approved by a Parole Agent's immediate supervisor.

If recommended by a P&CSD rangemaster, an agent will be authorized additional hours for practice to improve proficiency in the use of a firearm. The agent's supervisor will make the arrangements for additional firearms practice with a P&CSD qualified rangemaster as soon as possible. Such practice will be on an approved range and under the supervision of a qualified rangemaster.

Firearms Disqualification

Any Parole Agent who fails to achieve a qualifying score will surrender the firearm to the rangemaster or other person designated by the Regional Administrator. The weapon will be reissued to the Parole Agent when a qualifying shooting score is achieved or, in the case of agents appointed on or after January 1, 1988, the steps described in this section will be taken.

Parole Agent Absence for 90 Days or Longer

The unit supervisor will recall the firearm of any employee who will be absent (illness, educational leave, etc.) for 90 days or longer and will deliver it to the person designated by the Regional Administrator for safekeeping until the employee returns to duty.

Parole Agents Appointed Prior to 1-1-88

Any P&CSD staff person in the Parole Agent series appointed prior to January 1, 1988, who requests reissue of a firearm after being absent for a period of six months or longer, must complete the standard P&CSD divisional range familiarization course. Agents appointed on or after January 1, 1988, who return from a leave of absence of any length, will be reissued a firearm after completing the divisional range familiarization course. In addition, the agent will requalify on the approved range before any firearm will be reissued. The returned employee must also receive and review all firearms training material that was provided to other staff personnel during the employee's absence.

Any agent who missed the regularly scheduled firearm training for legitimate reasons, such as an emergency situation, sick leave, revocation hearing, etc., will be required to participate in a make-up session. The make-up sessions will be made available by the regional training staff in the P&CSD. Any agent missing the training in the agent's own region will be rescheduled for the next available make-up session wherever conducted in the P&CSD.

Compliance Review

At least semi-annually the supervisor will review with the Parole Agent compliance with the prerequisites for continued authorization to be armed. This review will focus on the following areas:

- Requalification as required by policy, both score and time frames.
- Attendance at annual classroom and range training and achievement of a passing score on any required exams.
- Demonstrated ability to safely handle the firearm.
- Any incident where the individual agent may have unholstered or fired a firearm (for compliance with policy).

Revocation of Firearms Authorization

If any of these requirements are not being met, the supervisor may, for cause, remove the authorization for the agent to be issued a firearm. If the weapon being removed involves an agent who is mandatorily armed and the problem is not resolved within 30 days, the sanctions specified in this section will be imposed. In making the determination regarding criteria in this section, the supervisor will consider information provided from the written training records by the rangemaster and regional training coordinator. The firearm will be reissued if requested in writing when the requirements specified above are met.

Under no circumstances will a P&CSD rangemaster permit an employee to fire or qualify with, nor certify an employee as qualified with other than the departmentally issued firearm while on state time, with the exception of a personally owned 9mm weapon subject to policy.

Parole Agents Appointed on or After 1-1-88

In addition to adhering to the policy as outlined above, agents appointed on or after January 1, 1988 are subject to the following policy conditions:

- While at the Parole Agent's academy, each new agent will qualify on the P.O.S.T. certified course. Should an agent fail to qualify on the scheduled firearms qualification day, they will be scheduled for a "Shooter's Clinic" later in the academy.
- Failure to meet the 832 PC P.O.S.T. qualification standard by the end of the 90th day from the date of appointment will result in the employee's termination from the Parole Agent position.
- Once an agent has qualified at the academy or subsequently in the region, the agent will be required to qualify quarterly during the normal quarterly qualification period (i.e., first quarter - January, February, March; second quarter - April, May, June; etc.).
- The Parole Agent has the entire quarter in which to qualify. Therefore, the firearm will be removed from the agent during the requisite quarter only if the agent demonstrates unsafe handling of the firearm or if personal circumstances require removal of the weapon. A weapon will not be removed for failure to achieve a qualifying score until the end of the quarter.
- If the firearm is removed at the end of the quarter for failure to achieve the requisite standard (70%), the agent will remain on paid work status for up to 30 days. During this 30-day period, the region will provide the agent with reasonable opportunities to raise his or her competence level and to qualify on the standard P&CSD range.
- If, following 30 days after the end of the quarter, the agent has still failed to qualify, the agent will be placed on unpaid leave for up to 60 days. During this 60 day period the burden to raise his or her skill level is with the agent. The region is not required to expend resources during this period to raise the employee's competency. However, the agent may contact the region when the agent believes he or she is ready and able to achieve a qualifying score. The region will then schedule a qualification range for the individual at the earliest possible time (based on range and rangemaster availability).
- If the agent still has failed to achieve a qualifying score 90 days after the end of the quarter, the agent will be separated from state service pursuant to GC 19585 or other applicable GC section(s). However, the employee shall receive at least five days written notice of separation from state service if personally served, and at least ten days written notice if served by mail.

86010.3 Approved Firearm Ammunition and Holster Policy

The following firearms, ammunition, and holster are for use within the P&CSD:

Model 64

The firearm of general issue for a Parole Agent whose work assignment is within the P&CSD is the Smith and Wesson, .38 caliber, military and police special, 2" barrel, Model 64, stainless steel revolver. This weapon will be issued to a Parole Agent who exercises the option to be armed and to those required to be armed.

Ammunition

The ammunition approved for the Model 64 is .38 caliber special "HP" plus "P", 125-grain, lead-jacketed, hollow point.

Ammunition Carrier

The approved ammunition carrier for .38 caliber revolver ammunition is the loop snap-on or "dump pouch," or “Speed Loader®”.

Holsters

The approved holsters are of the outside belt or shoulder type. All holsters must have thumb break safety straps.

Shoulder holsters may be approved for use only after the agent has successfully completed the required training program focusing on the safe unholstering and retention of a firearm from a shoulder holster and has achieved a qualifying range score using the actual holster carried while on duty.

Agents may alternate between the hip-type and shoulder holster while on duty. If agents exercise this option to alternate between the types of holsters they are required to inform the supervisor and rangemaster and are required to qualify out of each type of holster twice during the year.

Optional Equipment

A Parole Agent may purchase certain optional equipment at the agent's own expense which may be carried on-duty. Any optional equipment purchased must be approved by the unit supervisor. Included as authorized optional equipment are grips and grip adapters, speed loaders, speed loader carrying cases, any holster of the paddle, pancake, or clip-on style, and shoulder holsters. All holsters must be equipped with safety straps and must be of a type worn on the hip or shoulder.

Firearms Maintenance Policy

All repairs and servicing of departmental weapons will be performed by or under the direction of a rangemaster. The only exception will be the normal cleaning of weapons. Any Parole Agent with a firearm which has been dropped, or who has a question regarding the safety condition, timing or proper functioning of the firearm will have the weapon checked by a rangemaster or other person designated by the Regional Administrator.

Cleaning the Firearm

All cleaning necessary to maintain the firearm in good working order will be the responsibility of the assigned Parole Agent. A firearm will be checked at least semi-annually by a rangemaster to assure that it has been properly cleaned, maintained, and is in good working order.

Carrying the Firearm Policy

When the firearm is carried, it will be concealed at all times. The firearm will be fully loaded when it is carried. When not being carried, the firearm and ammunition will be stored in a designated safe and locked place that is not accessible to unauthorized persons.

The Parole Agent will always have in possession the personally assigned badge and identification card and the assigned tear gas canister when the firearm is carried.

The Parole Agent will carry only the firearm and ammunition that have been issued or approved by CDC. The firearm will be registered to the person to whom it is issued and will be marked with both the CDC's and the firearm serial numbers. Hideout, or carrying a second, concealed firearm, is prohibited.

The firearm and ammunition issued by the CDC will not be altered in any manner, except through the use of personalized grips or grip adapters.

All safety devices on the firearms provided by the manufacturer will be intact and functioning at all times.

If an armed agent does not wish to carry the firearm into a certain residence or public building, the firearm may be stored for short periods of time in a locked automobile luggage compartment. Care will be exercised that the agent is not observed by passers by or others when placing the firearm in the luggage compartment.

Under no circumstances may a firearm, ammunition, chemical weapon or other item of equipment that may threaten the security of a correctional facility be left in any unattended vehicle, including the vehicle trunk, while parked on the institution grounds. At such facilities, the weapons and attending equipment will be checked into the specific area designated by facility staff for safekeeping and temporary storage.

For community correctional facilities, the following will apply:

- If the facility has a clearly defined security perimeter, the firearm and chemical agent will be stored in a designated secure location outside the security area. No firearm will be permitted inside the security area without the authorization of the CDC staff person in charge.
- If the facility does not have a clearly defined security perimeter (work furlough, mother-infant facility) the firearm and chemical agent may be carried into the facility as long as both are properly concealed.
- If an agent does not wish to carry a firearm or chemical agent into a community correctional facility, both may be temporarily stored in the locked trunk of the state vehicle as long as the parking area cannot be seen from the facility.

Access to Firearm

If a firearm is issued to an agent, it will be accessible to the agent at all times.

In the office the firearm will be carried either on the person in a concealed manner or locked in the locker provided.

In the field the firearm will be carried either on the person in a concealed manner or in the locked trunk of the vehicle.

At home the firearm will be stored in a safe and secure location.

Firearms assigned to individual agents will not be stored overnight in a unit office without the prior approval of the unit supervisor. This requirement will be waived for agents who are temporarily assigned to a special project or training that is outside their normal area of assignment or to any other temporary assignment that does not include direct parolee or inmate contact.

If it becomes necessary to carry a firearm on an airplane, the Parole Agent will, in advance, obtain a letter from the supervisor on P&CSD letterhead stating the reason for the weapon being carried on the airplane. The letter must be presented to an airline agent at least one hour prior to the flight's scheduled departure. The captain of the airplane (pilot) will make the final determination whether the weapon is carried in a locked container in the baggage compartment (with the weapon and ammunition stored separately), on the flight deck under the control of the captain, or on the agent's person in the passenger compartment. A weapon may not be stored in carry-on luggage. No alcoholic beverages may be consumed by an armed person aboard a commercial airliner. The agent is required by Federal Aviation Administration (FAA) regulations to comply with the procedure.

Withdrawal of Authorization to be Armed

In addition to the supervisor's review, the supervisor may, for cause, remove the agent's authorization to be armed at any time. The following policy violations will require the supervisor to withdraw authorization to be armed and to immediately take the agent's firearm:

- Failure to requalify in the required time frame or failure to achieve a minimum qualifying score.
- Demonstrated inability to safely handle the firearm either on the range or in a field situation.
- Serious violation of the divisional firearm policy; e.g., improper drawing of the firearm, improper discharge of the firearm; and, the carrying of P&CSD firearm while off duty.
- Failure to attend required classroom training or range course.
- Minor violations of the P&CSD firearm policy; e.g., failure to properly conceal firearm, use of nonapproved holster; and, failure to respond to corrective action.
- Administrative reassignment of an agent as a result of a certified stress related condition.

Written Notice

The reasons for withdrawing authorization to be armed will be provided in writing to the agent by the supervisor. The agent may appeal such action through the regular grievance process.

If a Parole Agent who, as a condition of employment must be issued a firearm, does not qualify within 30 calendar days following the end of the calendar quarter in which the agent had failed, or if the firearm is removed for other reasons and the problem is not resolved, the Parole Agent shall be placed on leave without pay for a maximum of two months (until the agent is qualified or the problem resolved). Failure to meet the required standards during this period of time will result in the Parole Agent being separated from state service pursuant to GC 19585 or other applicable GC Sections. The Parole Agent shall receive at least five days written notice of separation from state service if personally served, and at least ten days written notice if served by mail.

86010.4 Optional 9mm Semi-Automatic Pistol Program

Participation in the 9mm semi-automatic pistol program is voluntary. Prior to participation, the Parole Agent must sign the participation agreement.

Once the agent has completed the required training and been approved to carry and use a personally owned 9mm weapon while on duty, the agent may at any time exercise the option to discontinue participation in this program. However, once the agent drops out of the 9mm program, the agent will not have the option to again become involved in this program during the remainder of the three-year period.

The following firearms, ammunition and holster are approved for use with the 9mm weapon.

The firearm approved for the optional 9mm program within the P&CSD is any second or third generation Smith and Wesson 9mm, auto loading, double action, Lugar (parabellum). These pistol(s) are purchased and owned by the individual agent and remain the personal property of the agent/owner.

The serial numbers and model numbers of each Smith and Wesson 9mm weapon intended for use in this program will be recorded and verified by the supervisor, rangemaster or Regional Administrator's designee. The serial numbers and model numbers will also be recorded on the participation agreement.

Ammunition

The service ammunition approved for the Smith and Wesson 9mm caliber, 147 grain, jacketed hollow point. Requalification ammunition may be service or 110-115 grain ball or hollow point.

All ammunition is to be purchased by participants in this program at no cost to the state.

Ammunition is not to be modified in any way and must be factory fresh. No reloaded or remanufactured ammunition may be used or carried.

Ammunition Magazines

Each participant in the 9mm program is required to have at least two magazines for their 9mm weapon.

Holsters

The approved holsters are of the outside belt or shoulder type. All holsters must have thumb break safety straps.

Shoulder holsters may be approved for use only after the agent has successfully completed the required training program focusing on the safe unholstering and retention of a firearm from a shoulder holster and has achieved a qualifying range score using the actual holster carried while on duty.

Agents may alternate between the hip-type and shoulder holster while on duty. If agents exercise this option to alternate between the two types of holsters, they are required to inform the supervisor and rangemaster and are required to qualify out of each type of holster twice during the year.

The holsters used in the 9mm program are to be purchased by the participants and approved by the supervisor or rangemaster.

Optional Equipment

A Parole Agent involved in the 9mm program may purchase certain optional equipment at the agent's expense that may be carried on duty. Any optional equipment purchased must be approved by a rangemaster. Included as optional equipment are grips and grip adapters, extra magazines, carrying cases, magazine pouches and the "Davis Adapter" factory option which allows for two additional rounds in magazines on models 669, 6904, and 6906, for an improved overall grip.

Maintenance

It is the responsibility of the participant in the 9mm program to maintain the weapon according to factory specifications. The weapon is not to be modified or altered in any manner except for specialized grips or grip adapters, changes necessary for left-handed shooters or modification of fixed sight for low lighting condition visibility.

The P&CSD will be permitted to inspect a participant's 9mm weapon prior to the weapon being repaired, modified or serviced. Further, the P&CSD will be permitted to reinspect the weapon after repairs, modifications or service has been completed.

P&CSD will be permitted to inspect the participant's 9mm weapon on the range prior to each qualification or more frequently if the rangemaster or supervisor deems it necessary. This may include temporary relinquishment of the weapon to P&CSD for further inspection at P&CSD's option.

P&CSD retains the right to remove authorization to participate in the voluntary 9mm program for failure to maintain the weapon per factory standards or other violations of this policy.

Cleaning the Firearm

All cleaning necessary to maintain the 9mm firearm in good working order will be the responsibility of the participant/owner of the firearm. The firearm will be checked quarterly by a rangemaster to assure that it has been properly cleaned, maintained, and is in good working order.

9mm Semi-Automatic Pistol Course and Range Qualification

Compliance with the following training will be required before the use and carrying of a personally owned 9mm weapon will be approved for any employee in the Parole Agent series:

- Successful completion of the training mandated by PC 832 is required of all Parole Agents.
- Successful completion of the P&CSD's classroom training course on firearms is required of all Parole Agents.

In addition, all Parole Agents exercising their option to carry and use a 9mm weapon shall attend the prescribed initial 9mm training program on their own time. Quarterly requalification shall be on state time but shall not cause the state to incur overtime costs.

All subsequent attempts by the agent to qualify with the 9mm weapon, or other training ordered by the rangemaster shall be on the agent's own time.

Each agent exercising their option to carry and use a 9mm weapon will be required to purchase all ammunition deemed necessary to qualify with the weapon, as well as ammunition for service use.

Prior to the granting of approval for any employee to use and carry a personally owned 9mm weapon, the employee will achieve a qualifying shooting score as determined by the P&CSD on an approved range. Additional qualification shooting scores will be attained quarterly thereafter.

Any Parole Agent who fails to achieve a qualifying score during routine quarterly requalification will lose their approval or authorization to be armed. Approval or authorization to be armed will be restored when a qualifying score is achieved.

The unit supervisor will remove the approval/authorization to be armed from any employee who will be absent (illness, educational leave, etc.) for 90 days or longer.

Reissue of Approval or Authorization to be Armed

Any P&CSD staff person in the Parole Agent series who request a reissue of approval or authorization to be armed after being absent for a period of six months or longer must complete the standard P&CSD firearms range familiarization course. Additionally, if involved in the 9mm program, the person must complete the prescribed firearms training course on their own time. The employee must also requalify on the approved range before approval or authorization will be renewed. The returned employee must also receive and review all firearms training material that was provided to other staff during the agent's absence.

Any agent who missed their regularly scheduled firearm training for legitimate reasons, such as emergency situation, sick leave, revocation hearing, etc., will be required to participate in a make-up session. The make-up sessions will be made available by the regional training staff in the P&CSD. Any agent missing the training in their own region will be rescheduled for the next available make-up session wherever conducted in the P&CSD.

At least semi-annually the supervisor will review with the Parole Agent for compliance with the prerequisites for continued authorization to be armed. This review will focus on the following areas:

- Requalification as required by policy, both score and time frames.
- Attendance at annual classroom and range training and achievement of a passing score on any required exams.
- Demonstrated ability to safely handle the firearm.
- Any incident where the individual agent may have unholstered or fired the firearm (for compliance with policy).

If any of the requirements noted in this index are not being met, the supervisor may, for cause remove the approval or authorization for the agent to be armed. In making the determination regarding criteria in this index, the supervisor will consider information provided from the training records by the rangemaster and regional training coordinator. The approval or authorization will be reissued if requested in writing when the requirements specified above are met.

Under no circumstances will a P&CSD rangemaster certify an employee as qualified with any firearm other than a personally owned, departmentally approved 9mm weapon or the departmentally issued weapon while on state time. P&CSD rangemasters shall not permit an employee to fire or qualify with a non-departmentally issued or non-approved weapon during a parole range activity.

86010.5 Shooting Incidents

Procedures

As safety permits the Parole Agent at the scene of a shooting will immediately report any discharge of a firearm to the local police or sheriff's department. The Parole Agent at the scene will make all necessary arrangements for any medical aid that may be required and will request law enforcement assistance in the event of injury, death or property damage. After the scene is secured with law enforcement assistance, the Parole Agent whose weapon was fired, whether intentionally or accidentally, will report the fact to the immediate supervisor by telephone. The report will be made as soon as safety permits.

Upon notification that a firearm has been discharged, the supervisor will notify the PA by telephone and, whenever possible, the supervisor will proceed directly to the scene of the incident. At the scene, and in cooperation with the local law enforcement jurisdiction, the supervisor will conduct a complete investigation of the circumstances surrounding the incident including an examination of the firearm of any involved P&CSD staff member.

Upon completion of the investigation, the supervisor will report the incident immediately through channels to the Regional Administrator and Deputy Director, P&CSD, by telephone. If a weapon is discharged after normal working hours, the agent will attempt to notify the unit supervisor who will, if possible, comply with the above paragraph if the agent involved in the discharge of the weapon is unable to contact the supervisor or a designee, that agent will contact the 24-hour Central Office, ID/Warrants Unit telephone number (916-445-6713). The agent will leave a telephone number and location where the agent can be reached. The ID/Warrants Unit will immediately notify the Deputy Director, P&CSD, or the Assistant Deputy Director, P&CSD, and advise where the involved agent may be reached. If the information is available, the telephonic report to the Deputy Director or Assistant Deputy Director, P&CSD, will include:

- Preliminary synopsis. A brief description of the number of times the firearm was discharged and the consequences of the firing; e.g., injuries sustained by employee, parolee, or other person.
- Parties involved. The complete names, addresses, and telephone numbers of all persons present during the incident, noting their status as employees, parolees, work furloughees, or other persons.
- Death, injury or property damage. Names, addresses and telephone numbers of any person killed or injured. Description of any property damage and names and address of owner.
- Other departments assisting or responding. The names, telephone numbers, and departments of law enforcement personnel and other participating agencies, including paramedics, ambulances, hospitals, doctors, etc.

A written report will be prepared and submitted for review through channels to the Deputy Director, P&CSD, no later than four days after the telephonic notification.

Temporary Reassignment of Agent

When a shot fired by a Parole Agent results in injury or death to another person, the agent will be immediately relieved of field responsibilities and temporarily reassigned to perform administrative duties in regional headquarters or given other reasonable assignments. Reassignment will be in the interest of Parole Agent safety by removing the agent from the geographical area of regular assignment where controversy may exist. Normally, the Parole Agent will remain on reassignment until members of the Departmental Inquiry Board complete their investigation of the shooting and make their recommendations to the Director. However, upon the recommendation of the Regional Administrator, the Deputy Director, P&CSD, may approve returning the Parole Agent to regularly assigned field duties before the members of the Departmental Inquiry Board complete their investigation.

In the event an agent is participating in an arrest or attempted arrest and a shot fired by an officer of another department results in injury or death to another person, the agent may be relieved of field responsibilities at the discretion of the Regional Administrator. When circumstances appear appropriate, the Regional Administrator will approve returning the Parole Agent to regularly assigned field duties.

Media Inquiries

The Regional Administrator, a designee, or the Assistant Director, Communications, will respond to media inquiries.

Retention of Records and Reports

All records and reports regarding the use of firearms will be maintained by the Regional Administrator for five years. These records and reports will not be destroyed until five years after they are dated and then only after approval is obtained from the Deputy Director, Legal Affairs.

Relinquishment of Weapon; Policy Tactics Review

Injury or Death

When a shot fired by a Parole Agent results in injury or death to another person or persons, the agent's service firearm or approved personally owned 9mm weapon will be surrendered within 72-hours after the incident to the local law enforcement agency for the purpose of running a ballistics test, or for other investigative purposes. At the same time the agent will request an inspection of the agent's service weapon or approved personally owned 9mm weapon, to determine the mechanical or functional condition.

In the event that the local law enforcement agency cannot or will not perform the above requested tests, the unit supervisor <u>will immediately</u> take possession of the service firearm or personally owned 9mm weapon and ship it by United Parcel Service (illegal to send through USPS) to the CHP Academy, Attn: Gunsmith Inspector and Coordinator, 3500 Reed Avenue, West Sacramento, CA 95691. The unit supervisor will include in the shipping package a memo with a brief statement of circumstances of use, any suspected mechanical or functional problems, and instructions to return the firearm and the report directly to the sending unit supervisor.

No Injury or Death

When a shot fired by a Parole Agent does not result in injury or death to another person or persons, the unit supervisor will take charge of the firearm within 72-hours after the incident and arrange to have an inspection made by the CHP Academy as outlined in the above section.

Issuance of Supplemental Firearm

During the period of time that a Parole Agent's firearm is being tested, the unit supervisor will arrange through the regional firearms coordinator for the temporary issuance of another Smith and Wesson, Model 64, .38 caliber revolver, or permit the carrying of another approved personally owned 9mm weapon that will be registered to the agent with serial numbers recorded by the CDC. When the testing of the agent's firearm is completed, it will be returned to the agent. The state owned firearm that was temporarily issued will be returned to the regional firearms coordinator from whom it was obtained. The approved, personally owned firearm will be returned to the agent. In a case where an element of doubt pertaining to negligence or intent may exist, this procedure will not be followed. In such a case, the Parole Agent may not be re-armed by the P&CSD until the element of doubt pertaining to negligence or intent is removed through investigation, administrative hearing or court action.

Need for Policy Review

It may become apparent through the review process that the dynamics of a particular shooting incident lie outside P&CSD policy, but that the Parole Agent involved in the incident believed that they performed within policy guidelines. In that instance, the Regional Administrator may direct the regional training coordinator to conduct a retraining program on policy guidelines for field staff who were involved.

Need for Tactics Review

Each shooting incident will be reviewed by regional and P&CSD staff for the purpose of considering and developing alternative tactics for the use of deadly force. Alternative tactics will be included in the P&CSD's firearms refresher training as they are developed.

86010.6 Shooting Review Board

The Deputy Director, P&CSD, may convene a Shooting Review Board (SRB) to investigate and review all incidents when firearms are discharged. If the Deputy Director, P&CSD, convenes an SRB, it will be the responsibility of the SRB to conduct a full and complete investigation of the incident and make appropriate recommendations to the Deputy Director, P&CSD. An SRB will consist of three to five parole supervisors or administrators selected by the Deputy Director, P&CSD. Administrators or supervisors who are assigned to a unit or regional investigation of an incident, or who were involved in the incident, will not be selected to sit on the SRB.

The Deputy Director, P&CSD, will defer convening an SRB if it is determined that the Director will convene the Departmental Inquiry Board to investigate an incident where a firearm has been discharged. The Director will convene the Departmental Inquiry Board in all cases where death or injury resulted from a shooting.

86010.7 Off-Duty Arming With Departmentally Issued Firearm

General

An employee in peace officer classifications may receive written permission from the Regional Administrator to be armed off-duty with the departmentally issued firearm for not more than 30 days if it has been confirmed that there is a serious, clear and present danger to the employee's personal safety and it has been determined, after considering available alternatives, that arming is warranted.

Procedures

If an employee in the peace officer series requests permission to be armed with the departmentally issued firearm while off-duty, the following steps will be followed:

- The agent will notify the unit supervisor of the threat and provide as much specific information as is known at the time.
- The unit supervisor will institute an investigation to ascertain the seriousness of the threat. The investigation is to be given the highest priority and is to be completed at the earliest possible date.
- If, as a result of the investigation, the agent and the unit supervisor believe it is warranted for the employee to be armed with the departmentally issued firearm while off-duty, the unit supervisor will immediately advise the Regional Administrator of the threat, the circumstances involving the threat, the details of the investigation, and the conclusions thereby reached.
- If the Regional Administrator agrees that the agent should be armed with the departmentally issued firearm while off-duty, the administrator will telephone the Deputy Director, P&CSD, to inform him of the threat, the results of the investigation and the Regional Administrator's recommendations.
- If the Regional Administrator approves, the administrator will provide the peace officer with written authorization to be armed off-duty with the departmentally issued firearm and ammunition for a period of 30 days. If the threat still remains after that time period, authorization for such additional periods as are necessary may be permitted by the Regional Administrator.
- The agent will be provided with written authorization to be armed with the departmentally issued firearm while off-duty. That written authorization will be carried by the agent whenever armed off-duty with the departmentally issued weapon.

Grievance

If the request to be armed off-duty with the departmentally issued firearm is denied at any level, the agent may institute a grievance.

Reports

A written report, describing in full detail all the circumstances and events relating to the threat, will be prepared by the unit supervisor by the conclusion of the next working day, and submitted through channels to the Deputy Director, P&CSD.

86010.8 Carrying Employee Owned Firearm Off-Duty

Revised March 11, 1993

General

PC 830.5 provides that peace officers employed by CDC may carry concealed firearms off-duty subject to certain terms and conditions. This Penal Code section also authorizes the Director to revoke or deny a departmental peace officer's authority to carry concealed firearms.

Conditions

Before a peace officer employed by the P&CSD may carry a concealed weapon off-duty, the peace officer must meet the following conditions:

- Have completed the firearms training required by PC 832.
- Qualify quarterly with the weapon the peace officer is carrying. It is the responsibility of the individual employee to meet the quarterly qualifications requirement. (It is recommended that an employee electing to carry a concealed firearm also carry proof of the latest quarterly qualification.)
- Unless additional specific authorization is given by the Deputy Director, P&CSD, no peace officer employed by the P&CSD is authorized to carry a departmentally issued concealed firearm off-duty.

Revoking an Employee's Authorization to Carry a Concealed Firearm

A P&CSD employee's authorization to carry a concealed firearm may be revoked by the Regional Administrator if the employee:

- Is found to lack the physical capability or mental stability to exercise this privilege.
- Is arrested for a felony.
- Is subject to adverse action.
- Is placed on Administrative Time Off during the processing of an adverse action.
- Abuses the privilege of carrying a concealed firearm off-duty; e.g., displaying a firearm in a threatening manner in an inappropriate situation.

Appeal

A rank-and-file or non-represented peace officer employee may appeal the decision to revoke their authorization to carry a concealed firearm in accordance with the following procedure:

- Within ten working days following receipt of notice revoking authorization to carry a concealed firearm off-duty, an employee may appeal the decision to the Director by writing and expressing reasons why the decision to revoke should be reviewed.
- Within 15 working days following receipt of an appeal the employee will be notified of the final decision. There is no appeal beyond the Director's level.
- Employees are expressly directed not to carry a concealed weapon off-duty during this appeal period.

Privately Owned Firearms

Unless an employee has complied with policy in this section and has been approved or authorized to carry a personally owned 9mm weapon, privately owned firearms will not be carried on the person while on-duty, nor will privately-owned firearms be carried in a state vehicle or taken into any state office or facility. Parole agents who choose to carry a privately-owned firearm while off-duty, whether or not the firearm is carried in a concealed manner, do so at their own risk, and in doing so, assume the same liability as any other citizen so armed.

State Vehicle or State Facility

The policy prohibiting an agent from carrying an off-duty firearm in a State vehicle or taking it into a State facility will not apply when the agent is required to travel overnight on State business. In that instance, the agent may transport the off-duty firearm in the State vehicle and bring the firearm into a State facility (the Academy, for example) to have it available during the hours the agent is off-duty.

86010.9 Use of Department's Firearm Ranges by Off-Duty Personnel

Revised March 11, 1993

See DOM 32010.19.9 for further details.

86010.10 Stolen or Lost Firearm

Reports and Records

A stolen or lost firearm will be reported by telephone to the immediate supervisor and to the Deputy Director, P&CSD, through channels. A written report by the agent and approved by the supervisor will follow within one working day after discovery that a weapon is missing. The immediate supervisor will notify local police of the loss or theft and provide any other information required upon discovery that a weapon is missing.

86010.11 Less Than Lethal Chemical Weapons Policy

Parole Agents

Whenever they are armed, the approved chemical weapon shall be carried. If not armed, the Parole Agent may carry the approved chemical weapon at the Parole Agent's discretion.

Parole Services Associates

Permanent full-time P&CSD employees working as Parole Services Associates (PSA) may carry chemical weapons on duty provided that the employees:

- Complete four hours of departmental training on the legal, security and ethical aspects of the use of these weapons.
- Carry cards indicating completion of the chemical training as required by 12403.7 PC.
- Purchase their own non-lethal chemical weapons of a type previously approved by CDC.

Approved Weapon

While on duty, those employees authorized by policy to carry chemical weapons shall only carry dispensers approved and issued by the P&CSD.

Training Requirements

All Parole Agents shall be required to complete an eight-hour course of instruction in chemical weapons approved by the Commission on Peace Officer Standards and Training (P.O.S.T.), and the P&CSD training in the use and effects of chemical weapons, legal issues and reporting procedures.

86010.12 Policy Regarding Use of Less Than Lethal Chemical Weapons

A less than lethal chemical weapon is potentially dangerous and shall be used prudently. The P&CSD employee who is authorized to carry a less than lethal chemical weapon shall:

- Use the weapon only for purposes of defense when some person's physical safety is threatened, and only after all reasonable alternatives have been exhausted.

- If safety permits, provide First-Aid if certified or, if not, obtain First-Aid or other necessary follow-up medical treatment.
- Carry the chemical weapon in a concealed manner, except when it is being used.

Following the Use of

Following use of the chemical weapon, the employee shall:

- Notify the appropriate law enforcement agency and, if necessary, request that agency's assistance or investigation.
- As soon as practical, notify the unit supervisor and provide information regarding the circumstances of use.
- Submit an Altercation Report.
- Maintain the chemical dispenser in a secure place where it is not accessible to other people when it is not being carried.
- Be subject to possible adverse action in the event of improper or illegal use of the chemical weapon. Improper use of the weapon may constitute the commission of a crime and the employee may be subject to prosecution.

86010.13 Relinquishing Chemical Weapons Policy

Parole agents leaving the P&CSD through retirement, termination or transfer, or agents who no longer wish a weapon issued to them, shall surrender their chemical weapons to their unit supervisor. The unit supervisor shall deliver the weapons to the person designated by the Regional Administrator for storage or reissue.

The unit supervisor shall recall the chemical weapon of any agent who will be absent (illness, educational leave, etc.) for 90-days or longer, and shall deliver it to the person designated by the RPA for safekeeping. Upon the agent's return to duty, the weapon shall be reissued if requested.

The chemical agent is only effective for a certain period of time (designated by the manufacturer). When this "shelf life" period has elapsed, the agent shall be required to relinquish the weapon and shall be issued a replacement of the type and brand authorized for use by CDC.

Whenever a less than lethal weapon is turned in the record of issuance shall be amended to reflect the date the weapon was surrendered.

86010.14 Transportation Officer Arming

General

Departmental Transportation Officers shall be armed with the departmentally approved firearm while transporting RTC cases (parole violators) between holding facilities or reentry inmates back to a CDC facility. While armed, Transportation Officers shall wear an approved CDC uniform. While arming is not required when transporting reentry inmates from a CDC institution to a community reentry facility, if this is being done on the return trip after delivery of RTC case to a CDC facility, the officer may remain armed for operational efficiency.

Policy

With exception in this article regarding carrying firearms, the policies and procedures detailed in this article regarding firearms shall pertain to transportation officers as well as employees in the Parole Agent series.

Equipment

The following firearm, ammunition and attending equipment are authorized for use by transportation officers:

- Firearm. The approved departmental firearm for Transportation Officers is the second or third generation Smith and Wesson 9mm, auto loading, double action, lugar (parabellum).
- Ammunition. The approved departmental ammunition for Transportation Officers is 9mm caliber, 147 grain, jacketed hollow point.

Holster

The approved holster is a black basket weave belt loop, outside holster with a safety strap.

Chemical Agent

The approved less than lethal chemical weapon shall be designated by the Deputy Director, P&CSD.

86010.15 Revisions

The Deputy Director, P&CSD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

86010.16 References

PC § 830.5, 832 and 12403.7.

GC § 19585.

Federal Aviation Administration Regulations.

DOM § 32010.

ARTICLE 47 — BPT CHARGE CODES

Revised September 25, 1998

86020.1 Type I, Violations of Parole, Definition

Type I violations of parole include technical violations (principally absconding, failure to report, failure to follow instructions, association with persons prohibited by special condition, unauthorized possession of a knife with a blade exceeding 2 inches, and simple drug use/possession).

86020.1.1 Type I, Technical Violations of Parole

010	Failure to attend the POC.
011	Use of alcohol.
012	Failure to participate in anti-narcotic testing.
013	Associating with persons prohibited by the P&CSD and/or the Board Prison Terms.
014	Being present in prohibited areas without permission.
019	Violation of special conditions of parole.
020	Failure to report to P&CSD.
021	Absconding parole supervision.
022	Instructions: changing residence without informing P&CSD.
023	Instructions: changing employment without informing P&CSD.
024	Failure to follow instructions from P&CSD.
025	Failure to inform P&CSD of any criminal arrest.
027	Instructions: leaving the county of residence beyond 48 hours without P&CSD approval.
028	Instructions: traveling beyond 50 miles from residence without P&CSD approval.
034	Unauthorized possession of a knife with a blade exceeding two inches.
046	Access to crossbow.
047	Gang participation (includes association).
050	Danger to self as a result of mental disorder.
051	Danger to others as a result of mental disorder.
052	Inability to maintain self in the community because of mental disorder.

86020.1.2 Type I, Drug Use/Simple Possession

707	Possession of heroin.
709	Use of heroin.
717	Possession of cocaine.
719	Use of cocaine.
727	Possession of marijuana.
729	Use of marijuana.
737	Possession of PCP.
739	Use of PCP.
747	Possession of any other illicit controlled substance.
749	Use of any other illicit controlled substance.
750	Possession of drug paraphernalia (related to drug use).
776	Illicit possession of amphetamine/methamphetamine.
778	Illicit use of amphetamine/methamphetamine.
779	Loitering in area of drug-related activity
780	Under the influence of a controlled substance.
793	Other violations of law relating to drug use (specify statute and section violated).

86020.1.3 Type I, Miscellaneous Violations of Parole

937	Disturbing the peace.
939	Drunk in public.
947	Failure to register per H&SC 11590.
950	False identification to a peace officer.
953	Illegal entry into the U.S.A.
961	Prostitution.
962	Soliciting for prostitution/sexual acts.

964 Failure to participate in or complete a batterer's program PC 3053.2.
Other misdemeanors not listed (specify statute and section violated).

86020.2 Type II, Violations of Parole, Definition

Type II violations of parole include weapons related technical violations, minor sex offenses, minor battery and assault, burglary related charges other than Burglary 1st, theft and forgery related crimes, drug sales and trafficking not involving minors, firearms possession, driving violations, and miscellaneous non-violent crimes.

86020.2.1 Type II, Technical Violations of Parole

037 Access to a firearm.
038 Access to a deadly weapon (PC 12020).
039 Possession of a simulated firearm.
041 Access to a simulated firearm.
042 Possession of ammunition for a firearm.
043 Access to ammunition for a firearm.
044 Access to a stun gun/taser.
045 Access to a tear gas gun/dispenser.

86020.2.2 Type II, Sex Offenses

325 Unlawful sexual intercourse with person under 18 (PC 261.5) ("statutory rape").
350 Oral copulation in jail or prison (consensual).
360 Sodomy in jail or prison (consensual).
375 Indecent exposure.
383 Pimping/pandering.
390 Failure to register per PC 290.
Other non-aggressive sex offenses, not involving minors (specify statute and section violated).

86020.2.3 Type II, Battery and Assault

430 Assault.
451 Battery (without serious injury).

86020.2.4 Type II, Burglary

515 Burglary 2nd (non-inhabited building).
517 Attempted burglary 2nd.
545 Burglary of an automobile.
547 Attempted burglary of an automobile.
555 Possession of burglary tools.
565 Tampering with an automobile.

86020.2.5 Type II, Theft and Forgery

600 Non-sufficient fund check.
605 Credit card theft or illegal use of a credit card.
610 Possession of counterfeit dies and plates.
615 Embezzlement.
620 Forgery.
630 Fraud.
645 Grand theft.
650 Attempted grand theft.
655 Grand theft auto.
660 Misappropriation of public monies.
665 Operating a motor vehicle without owner's permission.
669 Petty theft.
670 Petty theft with a prior.
672 Attempted petty theft.
676 Receiving/possession of stolen property.
685 Conspiracy to commit a property offense.
686 Soliciting another to commit a property crime.
690 Extortion.

697 Other property crimes (specify statute and section violated).

86020.2.6 Type II, Drug Sales/Trafficking, Not Large Scale or to Minors

701 Possession of heroin for sale.
702 Sale of heroin.
711 Possession of cocaine for sale.
712 Sale of cocaine.
721 Possession of marijuana for sale.
722 Sale of marijuana.
731 Possession of PCP for sale.
732 Sale of PCP.
741 Possession of other drugs for sale.
742 Sale of other drugs.
752 Possession of paraphernalia utilized in drug trafficking.
753 Possession of a substance in lieu of a controlled substance for sale.
755 Sale of a substance in lieu of a controlled substance.
760 Forgery of a prescription.
771 Possession of amphetamine/methamphetamine for sale.
773 Sale of amphetamine/methamphetamine.
795 Other controlled substance offense (specify statute and section violated).

86020.2.7 Type II, Firearms and Weapons

810 Possession/manufacture/sale of a deadly weapon (other than a firearm).
835 Possession of a stun gun or taser.
840 Possession of a tear gas gun/dispenser.
845 Brandishing/displaying a weapon (other than a firearm).
849 Other weapon violation (specify statute and section violated).

86020.2.8 Type II, Driving Violations

850 Driving under the influence of alcohol/drugs.
865 Reckless driving.
873 Property hit and run.
874 Driving with revoked or suspended license (previously 995).
899 Other driving violations (specify statute and section violated).

86020.2.9 Type II, Miscellaneous Non-Violent Crimes

915 Threatening/harassing another (must be a law violation; specify statute and section violated).
922 Possession of alcohol/controlled substances in a detention facility.
924 Bringing alcohol/controlled substances into a detention facility.
929 Bribery.
931 Contributing to the delinquency of a minor.
934 Destroying public property.
938 Resisting arrest.
940 Escape without force.
967 Soliciting another to commit a non-violent crime.
969 Trespassing.
972 Vandalism/malicious mischief.
976 Committing any non-violent felony not listed (specify statute and section violated).
977 Conspiracy to commit any non-violent felony not listed (specify statute and section violated).
978 Attempt to commit any non-violent felony not listed.
979 Accessory to any non-violent felony not listed.
996 Refusal to sign the conditions of parole.

999 Other non-violent crimes not listed (specify statute and section violated).

86020.3 Type III, Violations of Parole, Definition

Type III violations of parole include technical violations related to parole revocation for psychiatric treatment (i.e., danger to self or others, inability to maintain self in the community because of mental disorder), homicide, robbery, rape and sexual assaults, battery and assault-major, burglary-major, major drug violations, major driving violations and miscellaneous major crimes.

86020.3.1 Type III, Technical Violations of Parole

050 Danger to self as a result of mental disorder.
051 Danger to others as a result of mental disorder.
052 Substantially impaired ability to maintain self in the community as a result of mental disorder.

86020.3.2 Type III, Homicide

100 Murder.
120 Voluntary manslaughter.
125 Involuntary manslaughter.
135 Attempted manslaughter.
150 Attempted murder.
170 Conspiracy to commit murder.
175 Accessory to murder.
180 Accessory to manslaughter.

86020.3.3 Type III, Robbery

205 Robbery (with weapon).
215 Robbery (with simulated weapon).
225 Robbery (no weapon).
235 Attempted robbery (with weapon).
245 Attempted robbery (with simulated weapon).
255 Attempted robbery (no weapon).
265 Accessory to robbery.
270 Conspiracy to commit robbery.
275 Grand theft - person.

86020.3.4 Type III, Rape and Sexual Assaults

300 Rape.
333 Assault with intent to commit rape, sodomy, oral copulation, or mayhem.
335 Attempted rape.
340 Lewd/lascivious acts with children under 14 years.
345 Oral copulation (with minor or non-consenting adult).
355 Sodomy (with minor or non-consenting adult).
365 Incest.
372 Annoying children.
373 Loitering - schools and playgrounds.
380 Penetration by foreign object.
385 Sexual battery.
397 Other sexual offenses involving non-consenting or vulnerable victims (specify statute and section violated).

86020.3.5 Type III, Battery and Assault - Major

400 Assault with a deadly weapon.
410 Assault with a deadly weapon on a peace officer.
413 Assault on a peace officer.
415 Assault with caustic substance.
420 Assault with intent to commit murder.
423 Assault with great bodily injury.
435 Assault on spouse/child.
440 Administering poison.
445 Mayhem.
452 Battery on a peace officer.

453 Battery with great bodily injury.
455 Battery spouse/child.
460 Cruelty to a child.
495 Other crime in which great bodily injury is inflicted (specify statute and section violated).
497 Other crime posing major personal risk to others (specify statute and section violated).
498 Drive-by shooting.
499 Threat to Commissioner/Deputy Commissioner/family.

86020.3.6 Type III, Burglary - Major

505 Burglary 1st degree (includes inhabited dwelling whether occupants present or not).
507 Attempted burglary 1st.
513 Burglary while armed with firearm or other weapon.
540 Burglary with use of explosives.

86020.3.7 Type III, Drug Violations – Major Large Scale or to Minors

700 Sale of heroin to a minor.
704 Possession of heroin for sale.
706 Manufacture/sale of heroin.
710 Sale of cocaine to a minor.
714 Possession of cocaine for sale.
716 Manufacture/sale of cocaine.
720 Sale of marijuana to a minor.
724 Possession of marijuana for sale.
726 Sale of marijuana.
730 Sale of PCP to a minor.
734 Possession of PCP for sale.
736 Manufacture/sale of PCP.
740 Sale of other illicit drugs to a minor.
744 Possession of other drugs for sale.
746 Manufacture/sale of other illicit drugs.
770 Sale of amphetamine/methamphetamine to a minor.
775 Possession of amphetamine/methamphetamine for sale.
777 Manufacture/sale of amphetamine/methamphetamine.
797 Other controlled substance offenses (specify statute and section violated).

86020.3.8 Type III, Weapon Offenses

815 Possession of a deadly weapon (PC 12020).
822 Use of a deadly weapon.
823 Use of deadly weapon in the commission of a felony.
825 Possession of a firearm.
827 Use of a firearm.
830 Bringing firearm or weapon into prison or jail.
831 Possession of a concealable firearm (PC 12021).
832 Possession of any firearm with prior firearm use conviction (PC 12560).
833 Possession of a non-concealable firearm without prior firearm use conviction.
834 Armed with a firearm in the commission of a felony.
836 Possession of cross bow.
837 Use of stun or taser.
843 Use of tear gas gun or dispenser.
847 Brandishing a firearm.
848 Other offenses involving the use of or possession of a firearm or deadly weapon (specify statute and section violated).

86020.3.9 Type III, Driving Violations - Major

855 Driving under the influence of alcohol/drugs (with injury).
867 Reckless driving (situation posed extreme risk to others).
869 Reckless driving (injury).

875 Vehicular manslaughter.

86020.3.10 Type III, Miscellaneous Major Crimes

900 Child stealing.
907 Hostage taking.
911 Kidnapping.
926 Arson-inhabited dwelling.
928 Arson - other structure, property or forest lands.
943 Escape from jail/prison with force.
963 Inciting another to participate in a riot.
985 Conspiracy to commit a violent crime.
986 Attempt to commit a violent crime.
987 Accessory to a violent crime.
988 Soliciting another to commit a violent crime.
990 Possession of caustic chemicals with intent to harm others.
991 Carjacking.
992 Terrorist threats.
993 Stalking.
998 Other violent crimes not listed (specify statute and section violated).

86020.5 Revisions

The Deputy Director, P&CSD, shall be responsible for ensuring that this section is up-to-date and accurate.

86020.6 References

PC.

H&SC.

VC.

W&I.

ARTICLE 48 — GLOSSARY OF PAROLE TERMS

Effective September 12, 1989

86030.1 Rules of Construction

Enumeration of some for making a discretionary decision does not prohibit application of other reasonably related criteria.

Order in which criteria are listed does not indicate relative weight or importance.

"Inmate", "prisoner" or "parolee" apply to any person who is or has been committed to the custody of the Director, including inmates, parolees, and dischargees, regardless of person's present status.

"Resident", "inpatient", "releasee", "outpatient" or "civil addict parolee" apply to any person who has been committed to the Civil Addict Program.

Responsibilities specified for a particular level of supervision or administration may be delegated within any limits specified unless expressly prohibited.

"Shall" is mandatory; "should" is advisory; and "may" is permissive.

Unless otherwise indicated, reference to part or section refers to the DOM.

86030.2 Definitions

"A's"

ABSCONDER: Any parolee, outpatient or civil addict parolee whose whereabouts are unknown (whether suspended by BPT or NAEA action or not suspended), or any parolee, outpatient or civil addict who is not available for supervision, whether whereabouts are known or not known. A parolee, outpatient or civil addict parolee in custody in another jurisdiction who is not available for supervision falls into this category.

ADDENDA: Files containing information regarding an individual case presented to the NAEA.

ADVERSE WITNESS: A person whose expected testimony supports the violation charged. The primary adverse witness (victim, on-the-scene police officer, complaining person, etc.) should be present at the hearing.

ANNUAL REVIEW: Hearing conducted by NAEA to determine advisability of release to outpatient or civil addict parole status of an inpatient who has not been certified for release consideration by the Director within the preceding 12 months (see W&I 3151).

AUTHORITY: NAEA .

"B's"

BOARD ACTION: Official decision of NAEA or BPT in an individual case.

BPT : Administrative board responsible for setting parole dates, establishing parole length and conditions, and discharging sentences for certain felon prisoners and parolees; granting, rescinding, suspending, postponing, or revoking paroles; conducting disparate sentence reviews; advising on clemency matters; and handling miscellaneous other statutory duties. Persons under BPT jurisdiction are adult felons committed by superior courts to the Director under PC 1168 and 1170.

BPT CENTRAL OFFICE CALENDAR REVIEW: A review of a Board Report submitted to the BPT. This is a non-appearance hearing.

CI&I: The SSCH from DOJ containing the arrest and disposition information defined in PC 11105 or FBI report containing arrest history.

"C's"

CALENDAR: A list of those individuals whose cases are scheduled to be heard by the BPT.

CALPU: Civil Addict LPU.

CALIFORNIA ADULT COMPACT ADMINISTRATOR: The Regional Administrator, Region I.

CALIFORNIA INTERSTATE PAROLEE: A person convicted and sentenced to prison in California but under parole supervision in another state according to the provisions of the Interstate Compact.

CALIFORNIA PAROLEE: A person convicted and sentenced to prison in California and under parole supervision in California.

CAP: Civil Addict Program.

CASE SUMMARY: Written summation of a case at specified points in the parole period.

C-FILE: Master file maintained by CDC containing records regarding each person committed to its jurisdiction. This file is maintained by the institution or parole region to which person is assigned.

COLLATERAL CONTACT: Any communication with another person concerning a parolee.

CONCURRENT PAROLEE: A person convicted and sentenced to prison both in California and another state and under parole supervision on both commitments in either California or the other state.

CONDITIONS OF PAROLE (Civil Addict): The conditions under which a person who has spent a maximum period of confinement (excluding any time spent on outpatient status) or who has reached the expiration of commitment to the Civil Addict Program is released to parole supervision under the jurisdiction of the NAEA.

CONDITIONS OF PAROLE (Felon): Specific conditions regarding behavior required or prohibited during parole.

CONDITIONS OF RELEASE: Conditions under which a resident is released from the California Rehabilitation Center to outpatient supervision.

CONFIDENTIAL WITNESS: An informant whose identity is unknown to the parolee and who could be subject to harm if the informant's identity were known.

CONFINEMENT PURSUANT TO REVOCATION: Continuous time in custody, under a parole hold in local custody or in a CDC institution in the absence of a new commitment to prison. Limited to no more than six months for a parolee whose crime was committed on or before December 31, 1978, or to no more than 12 months for a parolee whose crime was committed on or after January 1, 1979. The six or 12 months are considered to begin at the placement of a parole hold.

CONTINUE ON PAROLE: Final action in response to a parole violation that allows a parolee to remain in the community rather than be returned to prison. Once this action is taken parolee may not be charged again with the same violation.

CUMULATIVE CASE SUMMARY: Permanent and specific summary of portions of the record maintained by CDC regarding each prisoner from reception to discharge.

COUNSELOR: Caseworker of the CDC who is assigned to supervise and provide counseling for inmates, civil addicts or parolees confined in a CDC facility.

"D's"

DAYS: Unless otherwise specified "days" refers to calendar days when used in specifying time limits. When due date falls on a weekend or holiday, report will be deemed due on next working day.

DETERMINATE SENTENCE LAW (DSL) RELEASE DATE: Date a prisoner sentenced under PC 1170 is released to parole or discharge; or, Date a prisoner sentenced prior to July 1, 1977, (and whose sentence was recalculated by BPT under the provisions of PC 1170.2) is released to parole or discharge.

DIFFERENCE OF OPINION: Difference of opinion regarding a prisoner's or parolee's case.

DIRECTOR: Director of Corrections. Executive/Administrative head of the Department appointed by the Governor. (See PC 5050 and 5051).

"E's"

EXPIRATION OF PAROLE: Date on which specified parole period expires.

"F's"

FEARFUL WITNESS: A person who has given adverse information against the parolee and, because of fear, is unwilling to appear personally at the hearing. Both identity of the fearful witness and adverse information are known by the parolee. However, the witness fear and potential trauma due to facing the parolee outweigh the parolee's right to confrontation.

FIELD CONTACT: Face-to-face contact with a parolee away from the parole office or office parking area.

FIELD FILE: Working file that is maintained in parole unit office which contains information about a parolee.

FRIENDLY WITNESS: A person who’s expected testimony tends to support the parolee's arguments.

"G's"

GOOD CAUSE: Finding by a neutral hearing officer (based upon a preponderance of the evidence) that there is a factual basis and good reason for the decision made.

GOOD TIME CREDITS: Credits for PC 1170 prisoner's good behavior and participation in prison programs earned pursuant to PC 2930, et seq. Earned good time credits advance parole date of PC 1170 prisoners.

GOOD TIME RELEASE DATE: Determinate Sentence Law (DSL) release date as advanced by good behavior and participation credits.

"H's"

HEADQUARTERS (Central Office) CALENDAR: The Headquarters Calendar is composed of BPT commissioners or deputy commissioners as designated by the Chairman of the BPT. They are authorized to make decisions on matters reported to the BPT.

HEARING OFFICER: Any neutral person who is authorized to conduct a hearing.

HOLD: A request that a releasee or parolee be held in custody until further notice. A person under a hold is not eligible for release on bail.

HOME CONTACT: Face-to-face contact with a parolee at the parolee's residence.

"I's"

INDETERMINATE SENTENCE LAW (ISL): Refers to sections of the Penal Code and other codes as they were operative prior to July 1, 1977.

INDETERMINATE SENTENCE LAW (ISL) RELEASE DATE: Date on which an ISL prisoner may be released from confinement pursuant to the ISL. Release may be to parole or to discharge.

INSTITUTIONAL APPEARANCE EVALUATION SHEET: Form used to provide a summary of the content and decisions made during release hearings, rescission hearings and annual reviews. Also known as CDC Form 279.

INTERSTATE COMPACT: Agreement by which all 50 states, District of Columbia, Virgin Islands and Puerto Rico function cooperatively in supervision of probationers and parolees.

INTERSTATE (COOPERATIVE) PAROLEE: Person convicted and sentenced to prison in a state other than California but under parole supervision in California according to provisions of Interstate Compact.

INTERSTATE UNIT (ISU): Unit at Region I Headquarters that coordinates functions of Interstate Compact.

"L's"

LIFE PRISONER: Prisoner serving sentence of life with possibility of parole. Parole date is determined by the BPT.

LIFE PRISONER (INDETERMINATE SENTENCE LAW) RELEASE DATE: A prisoner serving a sentence of life with the possibility of parole. Parole date is determined by the BPT.

LOCATED: A suspended parolee-at-large (PAL) is located when parole staff have reestablished face-to-face contact with the parolee in the State of California, or know parolee's whereabouts in another state's jurisdiction, and verify parolee is available for supervision.

"N's"

NARCOTIC ADDICT EVALUATION AUTHORITY : Releasing authority for persons committed to custody of Director for treatment of narcotic addiction pursuant to W&I 3150, et seq.

"O's"

OFFICE CONTACT: Face-to-face contact with a parolee at parole unit office.

OPTIONAL WAIVER: Parolee who is undergoing criminal prosecution may conditionally waive revocation hearing. Upon receipt of an optional waiver, the BPT will determine whether there is good cause to revoke parole. This is a non-appearance hearing. A revocation hearing may be requested later.

ORAL ORDER: Verbal order obtained from single member of NAEA which results in suspension of outpatient status or parole and authorizes person to be retaken. (See W&I 3151 and 3201[c]).

"P's"

PAL (Parolee-at-Large): Legal status of a parolee whose parole time has been suspended by BPT action and a WANT issued for arrest and detention; or a parolee under jurisdiction of NAEA who has absconded from civil addict parole supervision and whose parole has been suspended by an official act of the NAEA.

PAROLE AGENT: Each outpatient and parolee will be assigned to a Parole Agent. The assigned Parole Agent shall be responsible for the delivery, or referral for delivery, of all services and controls contained in the parole plan, including legal requirements that may be unique to an outpatient or parolee by operation of law or policy as specified by the BPT, NAEA or P&CSD .

PAROLE AGENT AUTHORITY: A Parole Agent's authority to arrest extends to any person committed to CDC or being supervised under the Interstate Parole Compact. A Parole Agent's peace officer status extends to enforcement of the conditions of parole, to apprehension of an escapee from a CDC institution, to the transportation of inmates or parolees, and to any violation of law that arises or is discovered in the course of employment. A Parole Agent shall not preempt another law enforcement agency in enforcing the law.

PAROLE HOLD: Authorization by departmental employee to hold a parolee in custody pursuant to PC 3056.

PAROLE VIOLATION: Conduct by a parolee that violates the conditions of parole.

OHO (Our Hold Only): Parolee in custody under a PC 3056 parole hold who has no other charges or detainers pending.

P&CSD HEARING: Hearing conducted by the BPT or NAEA to consider the cases of individuals on outpatient status or parole.

PEACE OFFICER STATUS: Any Parole Agent employed by CDC is a peace officer pursuant to the provisions of PC 830.5.

PHONE CONTACT: Telephone call to a parolee.

PRE-RESCISSION HEARING: Hearing conducted for the purpose of determining whether there is probable cause to believe an outpatient or parolee has violated the conditions of release or parole.

PRE-RETURN HEARING: Hearing conducted for the purpose of determining whether there is probable cause to believe an outpatient or parolee has violated the conditions of release or parole.

PRE-REVOCATION HEARING: A hearing to determine if there is probable cause that a parole violation has occurred.

PROBABLE CAUSE: Statement of facts that would lead a person of ordinary caution and prudence to believe and conscientiously entertain a strong suspicion that the charges are true.

PV-RTC (Parole Violator-Return-to-Custody): The status of a parole violator who has been convicted of a new crime and sentenced to a new prison term by a court of law.

"R's"

RAL (Releasee-at-Large): An outpatient who has absconded from outpatient supervision and who has had outpatient status suspended by an official act of the NAEA.

RECEIVING STATE: The state that supervises interstate (cooperative) or concurrent parolee.

REGIONAL ADMINISTRATOR: Administrator of a geographical region in the P&CSD.

RELEASE HEARING: BPT or NAEA hearing conducted to consider advisability of releasing person to outpatient status or parole.

RELEASE ON PAROLE: Actual transfer of an inmate incarcerated in a CDC institution, or a re-entry facility, or one housed temporarily in a county or city jail, to the supervision of the P&CSD on a date established by operation of law (PC 1170) or by the BPT (PC 1168).

RESCISSION HEARING: Hearing conducted by the NAEA to determine whether new information warrants rescission of release.

RESIDENT: Parolee who was an actual inhabitant of California continuously for a year or more before going to the sending state and who was not a resident of the sending state for six continuous months immediately preceding the current commitment offense.

RETURN HEARING: Hearing conducted following an outpatient's return to the California Rehabilitation Center (or branch thereof) to determine whether there is good cause to believe an individual has violated the conditions of release or parole. In addition, the hearing officer shall consider any mitigating circumstances and make a recommendation to the NAEA regarding disposition if good cause is found.

REVOCATION HEARING: Hearing to determine if there is good cause to believe that a parole violation has occurred. If it is determined that a parole violation has occurred, the panel will also make determination as to the penalty. Revocation hearings are administrative proceedings at which preponderance of evidence is sufficient for finding good cause. Courtroom standards of evidence and burden of proof do not apply. All relevant evidence is admissible, including hearsay.

REVOCATION RELEASE DATE (RRD): The date on which a parolee is to be released from custody as specified by BPT in an order of revocation.

REVOCATION SCREENING CALENDAR (RSC): Review of certain criminal acts and parole violations to determine if there is good cause to believe that a parole violation has occurred and to decide on an appropriate revocation assessment term to offer a parolee. A revocation hearing is not held if parolee accepts the offer.

REVOCATION TERM EXTENSION HEARING: Hearing to determine if there is good cause to believe that a parolee serving a revocation term has committed a new crime or has violated a jail regulation or has violated CCR. This decision is made upon review of a Report of In-Custody Misconduct.

RPS (Release Program Study): CDC Form 611, Release Program Study. An informational document that describes inmate's proposed residence and employment, institutional adjustment, and gives a prognosis for parole adjustment.

RUAP: Release upon approved plans.

"S's"

SCHEDULE FOR REVOCATION-PSYCHIATRIC ATTENTION: Hearing to determine if a parolee is unable to maintain self in the community; or is a danger to self or others; or has a disorder which cannot be treated in the community.

SENDING STATE: State in which an interstate (cooperative) or concurrent parolee was convicted.

SLOUGH FILE: File supplemental to C-File containing bulky or seldom needed records.

SPECIAL CONDITION OF RELEASE OR PAROLE: Condition placed by the BPT or NAEA and restricted to the individual.

SUBJECT TO PC 1168.

- All persons sentenced to prison for a life term or for a term of not more than one year-and-a-day for a crime committed on or after July 1, 1977.
- All persons sentenced to prison for a crime committed on or before June 30, 1977, who are not released on a parole date recalculated by the BPT under PC 1170.2.
- All persons released on parole prior to July 1, 1977.

SUBJECT TO PC 1170

- All persons sentenced to prison under PC 1170 for a crime committed on or after July 1, 1977, except for persons sentenced to a life term or to a term of less than one year-and-a-day.
- All persons sentenced to prison for a crime committed on or before June 30, 1977, who are released on a parole date recalculated by the BPT under PC 1170.2.

SUMMARY PRE-RETURN HEARING: Hearing conducted to determine whether a conviction of a crime occurred, whether conviction constitutes a violation of conditions of release or conditions of parole, and whether individual was the person convicted of the crime.

86030.3 Revisions

The Deputy Director, P&CSD shall ensure that this section is kept accurate and current.

86030.4 References

PC.

W&I

ARTICLE 49 — RISK ASSESSMENT

Effective August 31, 1989

86040.1 Policy

The parole process starts with an assessment of the parolee's or outpatient's probable risks to the community and the parolee's need for assistance to make a successful transition to the community.

The Risks and Needs Assessment is completed after prerelease materials have been received and the unit supervisor has determined that the unit assignment is appropriate. A Risks and Needs Assessment for a reentry case will be completed by the Parole Agent during the last month of the reentry phase.

86040.2 Risk Assessment

The Risks Assessment is designed to evaluate the type, frequency, and severity of criminal behavior and provide indicators of the probability of further criminal involvement. The Parole Agent shall include a brief statement of the inmate's or outpatient's case history and experience for each category and factor within the categories. If unknown or not applicable, so state. Assign each category a score of zero to ten, with higher scores representing more serious crimes, circumstances and risks.

Complete the heading on the form (last name, first name, middle initial, age as of the parole or release date, and CDC number).

Latest Commitment Offense(s)

This category is intended to assess the dimensions and severity of the commitment offense as indicated on the legal status sheet, the POR, and the first page of the Cumulative Case Summary.

List only active offenses for which the inmate was sentenced to prison, including concurrent commitments for offenses committed prior to this incarceration. Omit commitment offenses listed but since discharged.

Enter brief comment on nature of the offense (injury to victim, crime against person, property crime, narcotics, etc.).

Aggravating/Mitigating Circumstances: Describe any action during the crime that resulted in physical injury to victim or resulted in the victim's fear of harm or physical violence. Note the use of firearms or other weapons in a crime. Note the original or real behavior in the original charges filed by the DA against the offender.

Other relevant information: Include information that allows a more accurate judgment of the severity of the commitment offense such as a peculiar modus operandi or series of events leading to or related to the crime.

Considering all factors of the commitment offense and using the Risks Assessment Guide (revised February, 1986), assign a score from zero to ten that best fits the seriousness of the offense(s).

Criminal Behavior Pattern

This category is intended to assess the dimensions and severity of past criminal behavior, other than the commitment offense(s). The primary sources of information will be the Cumulative Case Summary, POR and the CI&I.

Include a concise statement identifying patterns, trends, frequency, and severity of prior criminal behavior for appropriate offense types.

Refer to the scoring ranges in the Risks Assessment Guide for indications of severity, and score this category zero to ten based on the following:

8.0 to 10.0	Long history of predatory or violent crimes.
5.0 to 7.99	Long history of non-violent crimes or brief history of predatory or violent crimes.
0.0 to 4.99	Brief history of non-violent crimes.

Prior Patterns

This category is intended to assess the frequency and severity of behavior that is related to the inmate's or outpatient's criminal behavior pattern. The primary sources of information will be the Cumulative Case Summary, social and psychological evaluations, and the POR.

Indicate incidence and degree of drug use or alcohol use directly related to criminal behavior (moderate/severe/ occasional/frequent) and describe the type of substance and the relationship to criminal behavior.

Describe any documented history of crime-related psychological problems, the duration of the condition, and present status.

Indicate any associations with undesirable persons that tend to lead to criminal behavior.

Score this category from zero to ten depending on the presence and degree of seriousness of any problem which may result in renewed criminal involvement based on the following guidelines:

Frequent or severe incidents in three or more areas.	8.0 to 10.00
Frequent or severe incidents in one or two areas.	5.0 to 07.99
Moderate or occasional incidents.	0.0 to 04.99

Prior Patterns of Response to Custody and Supervision

This category is intended to determine how the inmate or resident has performed when in custody and how the parolee or outpatient has adjusted when under supervision in the community; e.g., probation, CYA or prior adult parole. The primary sources of information are the Cumulative Case Summary and the POR.

Briefly describe incidents or crimes committed during any incarceration that required either court, BPT or NAEA or Disciplinary Committee action and, if the inmate or resident has been under prior community supervision, list negative behavior and parole or outpatient adjustment and violations.

Score this section from zero to ten depending on the seriousness of prior behavior and the expected adjustment to parole/outpatient status based on the following guidelines:

Frequent or severe incidents (escapes, gang affiliations, altercation, new crimes, major parole violations).	8.0 to 10.00
Moderately frequent or severe incidents (suspension and reinstatement, minor parole violations, etc.).	5.0 to 07.99
Minor or infrequent incidents (nuisance).	0.0 to 04.99

The process for developing the Base Risks Score is as follows:

- The Raw Score is the sum of the scores for the four Risk Assessment categories divided by four. Enter this sum at the right-hand margin.
- The Base Score is the Raw Score ± override/underride.
- Override/Underride: The Base Score is on a scale of zero to ten. If the Base Score appears too high or too low based on your case assessment, you may override or underride the score without limit within the range of the scale, provided that the reasons of your override/underride are documented. Enter a score of zero to ten, assigned as the override/underride in the space provided on the right-hand margin.
- Add/subtract your override/underride score from the Raw Score to fix your Base Risks Score. This final number will be on a scale of zero to ten and shall be entered in the space provided at the bottom of the right-hand margin.
- The Risks Assessment preparer shall legibly sign and date the assessment.
- The Risk Assessment Score and Needs Assessment Score, coordinated on the classification/work allocation grid, determine the level of supervision to which the case is assigned. A small grid is in the upper right-hand corner of each side of the form for quick reference. Put a check in the grid cell that reflects the level of supervision assigned. This check should be in the same grid cell on both sides of the form; e.g., High Control, High Service, Control/Service Emphasis, or Minimum Supervision.

86040.3 Needs Assessment

The Needs Assessment is designed to evaluate the parolee's or outpatient's past patterns of community adjustment and to determine the type or severity of problems that may affect the parolee's or out-patient's ability to succeed on parole, . The Parole Agent shall include a brief statement of past patterns, noting the type and severity of any problems or deficiencies. Assign each category a score from zero to ten based on the severity of problems encountered in each of the categories. If the information requested for any factor is unknown, so state and assign a score of five to that factor.

Complete the headings on the form (last name, first name, middle initial, and CDC number).

Residence

Past Pattern: Describe parolee's or outpatient's past residential patterns (e.g., lives alone, with others, with parents, legal or common-law spouse, friends, etc). Note whether the pattern has been nomadic, transient or stable.

Suitability: Indicate whether past residential pattern has been a positive, marginal, or negative aspect of the parolee's adjustment and if the pattern is related to the parolee's criminal involvement.

Make any other comments that will contribute to assessing the type and severity of problems with living arrangements.

Score from zero to ten based on the following:

8.0 to 10.00	Negative pattern (major problems).
5.0 to 07.99	Marginal pattern (moderate problems).
0.0 to 04.99	Positive pattern (minimal problems)

Means of Support

Describe how the parolee or outpatient has met financial needs in the past. Note whether the parolee has relied on criminal activity or on employment earnings for money, or relied on family or public agency stipends.

Describe specific employment skills the parolee or outpatient has developed and prior job experiences.

Identify vocational training received while incarcerated, whether the training was completed, and whether parolee is employable in that field.

Identify any income parolee or outpatient receives such as Supplemental Security Income (SSI), trust funds, wife and children on Aid to Families with Dependent Children (AFDC), etc.

Include other comments regarding parolee's or outpatient's employability and type and severity of past or present problems with means of support.

Score from zero to ten based on the following:

8.0 to 10.00	No work history/no skills.
5.0 to 07.99	Moderate work history/skills.

0.0 to 04.99	Good work history/skills/training.

Health

Describe the presence and degree of any physical, psychological, mental, or emotional problems.

Include other comments that will contribute to an assessment of the type and severity of any health problems. For example, any prescribed medications or recommendations for POC shall be indicated.

Score from zero to ten based on the following guidelines:

8.0 to 10.00	Serious problems detrimental to adjustment.
5.0 to 07.99	Moderate problems.
0.0 to 04.99	Slight problem or no problems.

Transportation

Indicate if the parolee or outpatient will rely on public transportation, have a car available or rely on others for transportation, and whether transportation difficulties will contribute to other community adjustment problems.

Score from zero to ten based on the following:

8.0 to 10.00	Major transportation problems.
5.0 to 07.99	Moderate transportation problems.
0.0 to 04.99	Minor problem or no transportation problems.

Community Survival Skills

Indicate whether the parolee or outpatient was previously able to fulfill his basic needs in the community such as food, clothing, shelter, employment, transportation and social outlets. Include specific deficiencies such as low education, non-reader, language barriers, poor self-image or physical disfigurement.

Score from zero to ten based on the following guidelines:

8.0 to 10.00	Major problems.
5.0 to 07.99	Moderate problems.
0.0 to 04.99	Minor problem or no problems.

Patterns of Social Activity

Describe the parolee's or outpatient's social activities, associations, and leisure time activities and indicate whether the activities are satisfactory, delinquent, or contribute to other community adjustment problems.

Score from zero to ten based on the following guidelines:

8.0 to 10.00	Major problems.
5.0 to 07.99	Moderate problems.
0.0 to 04.99	Slight problem or no problems.

The process for developing the Base Needs Score is as follows:

- Raw Score: The sum of the scores for the six Needs Assessment categories above divided by six. Enter this sum at the right-hand margin.
- Base Score: The Raw Score ± override/underride score.
- Override/Underride: The Base Score, as determined above, is on a scale of zero to ten. If this relative score appears to be too high or too low, based on case factors, you may override or underride that score within the range of the scale (zero to ten) provided that the reasons are documented. Enter the score you have assigned as the override/underride in the space provided on the right-hand margin.
- Add/subtract your override/underride score from the Raw Score. This final number will be on a scale of zero to ten and shall be entered in the space provided at the bottom of the right-hand margin.
- The preparer of the Needs Assessment will legibly sign and date the assessment.
- The Risks Assessment Score and Needs Assessment Score, coordinated on the classification/work allocation grid, determine the level of supervision to which the case is assigned. A small grid is in the upper right-hand corner of each side of the form for quick reference. Put a check in the grid cell that reflects the level of supervision assigned. This check should be in the same grid cell on both sides of the form; e.g., High Control, High Service, Control/Service Emphasis, or Minimum Supervision.

86040.4 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

86040.5 References

Not Applicable.

ARTICLE 50 — INFORMATION PRACTICES

Effective August 31, 1989

86050.1 General

CDC is authorized by statute to collect, maintain and utilize information on individuals (including current and former inmates, parolees and releasees, employees and other individuals) necessary to accomplish its statutory purpose and function.

Information collected and maintained by the P&CSD and CDC will generally consist of three categories by content:

- Exempt.
- Personal.
- Non-personal.

All information will be maintained by the P&CSD with integrity, timeliness, accuracy and security. Persons or agencies to whom the P&CSD discloses information will be requested to maintain similar standards. Departmental policy and procedures set forth in this Article and other departmental regulations and directives are intended to safeguard the privacy and the right of review of information under CDC's control and are established pursuant to existing statutory and case law requirements.

No record or file containing personal or exempt information on an individual or individuals will be established or maintained by any division, section, unit, institution or field operation unless the authority for same is found in CDC's approved procedural manuals, directives or bulletins, or has been specifically approved in writing by the Director.

Procedures in this Article will apply to any authorized departmental records, files, system of records or files containing information on present or former inmates, parolees, residents, releasees and employees where such information is retrievable by the subject's name, identification number or other identifiable means.

Any employee who intentionally violates any provisions of the CCR or any departmental procedural requirement relating to information practices may be subject to adverse action, including termination of employment.

Civil action may be brought against CDC for failure to comply with an individual's lawful request for record review, including failure to respond within specified time limits, for failure to maintain recorded information with accuracy, timeliness, completeness and security, and for failure to comply with any provisions of the IPA which adversely affects the individual.

Any person who willfully requests or obtains any record containing personal or exempt information from an agency under false pretenses will be guilty of a misdemeanor and may be fined for not more than $5,000 or imprisoned for not more than one year, or both.

P&CSD, Headquarters staff will submit an Information Practices Report to the Departmental Information Practices Coordinator, on June 1st each year.

86050.2 Definitions

The following definitions will apply in this Article to personnel and parolee records:

Confidential Information

Information which is classified as confidential by the CDC under the authority of statute and case law, and depending on the contents, may be withheld from the data subject and any other unauthorized person, agency and entity. Confidential information includes but is not limited to information which, if disclosed, would:

- Endanger the health and/or safety of the subject or other persons (may include medical and/or psychiatric information which, if known to the subject of the information, would prove detrimental).
- Endanger the security of any departmental facility.
- Disclose personal or confidential information pertaining to a person other than the subject of the information when the information would not reasonably be a part of the subject's knowledge or experience.
- Impede an investigation or preclude CDC from accomplishing its statutory purpose and function in criminal, civil or administrative matters.
- Compromise the objectivity or fairness of the testing, appointment or promotion process.
- Release information required by statute to be withheld from the individual to whom it pertains.

Personal Information

Information which any person could assume the data subject would not want released to persons and entities who are not authorized and who do not have need-to-know. Personal information includes but is not limited to education information, financial transactions, and medical or employment history and excludes that information designated as confidential or non-personal by departmental standards.

Non-Personal Information

Information contained in a record that, if disclosed, would not detrimentally or adversely affect the subject of the information or other individuals. Non-personal information may be released to a member of the general public in response to specific inquiry on a need-to-know basis or to the news media covering a newsworthy event involving the individual. The distinction between personal and non-personal information is not always clear and care should be taken in making any disclosure.

Access

An individual’s request to see his/her own records. (Any review of information contained in a record by the subject of that information or any other person reviewing the information on behalf of or as an agent of the data subject.)

Disclose

To divulge, reveal, release, transmit, transfer, disseminate, or communicate all or any part of any record orally, in writing, electronically, or by any other means, to the data subject or any other person, agency or entity by CDC.

Need-to-Know

Refers to a person having both a legitimate right and a reason to have information from a file.

Data Subject

Any person about whom CDC maintains a record or file and includes current and former inmates, parolees, residents, current and former employees, whether they are permanent, part-time, temporary or contractual; and any other person without regard to the individual's current status.

Record or File

The terms “record” or “file” are synonymous and mean any collection of confidential or personal information regarding an individual which is maintained or retrieved by name or other identifying particular assigned to the subject of that information.

Information Practices Coordinator

The person designated as the departmental official responsible for ensuring that CDC and its various components comply with all the provisions of this Article.

86050.3 Training

All departmental employees will be provided training regarding departmental policy, procedures and regulations governing the use of departmental records and/or record information as a part of their orientation, as well as ongoing training during the period of their employment.

Any employee designated as an authorized discloser of departmental record information will be provided specialized training in departmental information practices prior to actively disclosing information. Training for designated employees will be provided on a semiannual basis and as changes in policy, procedures or staffing may require.

86050.4 Handling and Processing of Information

Only authorized persons will be permitted to handle and/or process personal or confidential information relating to personnel or parolees. Authorized individuals are employees of CDC for whom a criminal records check has been completed. CDC employees include those full-time, civil service and exempt positions, part-time employees, student assistants, aides, contractual personnel and consultants whose duties with the P&CSD or departmental section require access to files and records.

86050.5 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

86050.6 References

DOM § 13030.

ARTICLE 51 — DISCLOSURE OF INFORMATION

Effective August 31, 1989

86060.1 General

Information about a parolee is usually not public information. The procedures in this Article govern any disclosure of information about a parolee.

Parole Records

Parolee records maintained by CDC include the following:

- Field file.
- C-File.
- Methadone clinic patient record.
- POC record.

86060.2 Responsibilities for Disclosure Determination

Field File

Field staff will disclose information only to persons permitted to have the information.

C-File

The regional records staff will disclose information only to persons permitted to have the information.

POC File

Only the chief psychiatrist or designee may disclose information maintained in the POC file.

P&CSD employees authorized to disclose parolee field file and C-File information to departmental and non-departmental persons are designated by the respective Regional Administrator.

With the exception of designated employees, no other P&CSD employee will disclose any personal or confidential information from any parolee/outpatient record to anyone not employed by CDC, BPT or NAEA.

86060.3 Authorized Disclosures

The disclosure of parolee record or file information by oral or written means will be made only when a definitive need-to-know has been ascertained and the identity of the requester has been verified. Only those departmental employees who have been trained and specifically designated may disclose information contained in any departmental parolee record. Disclosures of information may be made to:

Departmental Employees

- To those officials, employees, contractual employees, and authorized volunteers of CDC if such disclosure is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was acquired.

Public Agencies

- To a person or to another agency where the transfer is necessary for CDC to perform its constitutional or statutory duties, and such use is compatible with a purpose for which the information was collected.
- To a governmental entity when required by state or federal law.
- To another law enforcement agency when required for an investigation of unlawful activity, unless such disclosure is otherwise prohibited by law.
- To another person or governmental organization when necessary to obtain information for an investigation by CDC of a failure to comply with a specific state law which CDC is responsible for enforcing.
- To the state Archives as a record which has sufficient historical or other value to warrant its continued preservation by the state or for evaluation by the director of General Services or the archivist or his designee to determine whether the record has such value.
- To a committee or a member of the Legislature, or to a member of a legislator's staff when authorized in writing by the legislator, where the subject of information has given his or her permission for such disclosure, or where the legislator provides reasonable assurance that he or she is acting in behalf of the subject to whom the information pertains.

Statistical and Scientific Researchers

To a person who has provided CDC with adequate written assurance that the information will be used solely for statistical research or reporting purposes, but only if the information to be disclosed is in a form that will not identify any individual.

To the University of California or a non-profit educational institution conducting scientific research, provided the request for information includes assurances of the need for personal or confidential information and assurances that the personal identity of the subject shall not be further disclosed in individually identifiable form.

Persons Under Compelling Circumstances

Pursuant to a determination by CDC that compelling circumstances exist which affect the health or safety of an individual, if upon such disclosure notification is transmitted to the individual to whom the information pertains at his or her last known address. Disclosure will not be made if it is in conflict with other state or federal law.

Other Persons

With prior written voluntary consent of the individual to whom the record pertains, but only if such consent has been obtained not more than 30 days before the disclosure, or in the time limit specified by the individual in the written consent.

Courts

If a court orders disclosure of a file or issues an order to show cause why a file should not be disclosed, or pursuant to a subpoena or other compulsory legal process, the staff person responsible for the file will contact departmental counsel before responding to the order.

CDC must reasonably attempt to notify the parolee, if such notification is not prohibited by law.

86060.4 Notification to Director

All news media inquiries will be reported through the immediate supervisor to the Regional Administrator or designee. If an employee has any doubt regarding the proper response, the matter shall first be discussed with or referred to the employee's immediate supervisor.

The supervisor will immediately notify the Regional Administrator and the Deputy Director, P&CSD, of any occurrence or situation of unusual public interest that involves a parolee, work furloughee, parole operations, or staff. The Deputy Director, P&CSD, will notify the Director or the Assistant Director, Communications.

86060.5 Information That may be Released to the Public or News Media

CDC records and files pertaining to any individual are not public records and will not at any time or under any circumstances be made accessible to the general public or the public news media. Non-personal information obtained from such records and files may be disclosed to individual members of the general public and to representatives of the public news media. Information will be disclosed only by those departmental employees who have been trained and specifically designated to disclose this type of information.

When responding to written or verbal requests from the general public, the identity of the requester will be determined and an identifiable need-to-know must exist.

When responding to a request from the news media, the identity of the requester shall be determined and the information disclosed must be related to a current newsworthy event.

The following non-personal information may be released pursuant to the above criteria: name; age; photograph; date of birth; race; birthplace; CDC number; commitment offense(s) for current term of imprisonment and any prior commitments to prison; the county(s) from which committed; any pending court action of record; institution or field office having jurisdiction of the case; transfer information (after the fact); anticipated date of release to parole or discharge; BPT and NAEA hearing schedules and actions; general state of health; and nature of injury.

Criminal History

By law, information on the SSCH may not be used to furnish information concerning an inmate or parolee to an agency or person not authorized to receive it.

Adult Probation Report

PC 1203.05 prohibits disclosure of this report to the general public.

86060.6 Accounting of Parolee Record Disclosure

Revised November 28, 1990

Except for those disclosures made to departmental personnel, every unit of the P&CSD that maintains records on parolees will also maintain, as part of each record, a CDC Form 819, Personal/Confidential Information Disclosure Access Log. Entry on the form will be made regarding any disclosure of information from the record.

The accounting will be retained in the record or file for at least three years after the disclosure is made or until the record is destroyed, whichever is shorter.

The P&CSD must inform any individual or agency to whom personal or confidential record information has been disclosed within the previous three years of any amendment, correction of error, or notation of dispute, if:

- An accounting of that disclosure is available.
- The accounting contains the name of the person or agency to whom the disclosure was made.
- The subject of the information provides the name of the person or agency to whom the disclosure was made.
- Exceptions.
  - An accounting (entry on log) is not required for copies routinely routed to the data subject; e.g., board reports, etc.
  - An accounting is not required when disclosures are made to agencies authorized by PC 1105a to receive state criminal history information or when disclosures are made between law enforcement officers on field duty.
  - 86060.7 Collection of Information

Revised November 28, 1990

Personal and confidential information will be collected to the greatest extent possible directly from the individual who is the subject of the information rather than from other sources.

Exception: CDC is required by PC 2081.5 to collect and maintain information on parolees obtained from any interested agencies or persons.

When information is collected from other than the parolee, the sources of the information shall be maintained in the information or clearly referenced to another section of the file/record.

All parolees from whom information is collected will be notified per departmental procedures. For the purpose of meeting this requirement:

- Parolees will be notified by the CCR. Prior to issuance of the CCR written and/or verbal notification will be given. Upon issuance of the CCR, it will serve as continuing notification.
- Individuals other than personnel and parolees will be provided notification, with the CDC Form, or form letter, used to collect the information.
- Notification requirements are met if the individual from whom information is collected received notice within one year of the last request.

86060.8 Revisions

The Deputy Director, P&CSD, shall ensure that this section is current and accurate.

86060.9 References

Revised November 28, 1990

DOM §§ 13010 and 13030.

PC §§ 2081.5, 1203.05, 1105a.

CCR (15) (3).

ARTICLE 52 — ACCESS TO INMATE RECORDS

Effective August 31, 1989

86070.1 General

While all departmental case record information is designated as confidential and not accessible for general inspection, case law (In re Olson) and CC 1798 provide access to the parolee and to other specific individuals with written consent of the parolee.

86070.2 Levels of Decision

Field File

A written request to examine a parolee's Field File will be referred to the unit supervisor for approval.

C-File

A written request to examine a parolee's C-File will be referred to the Regional Administrator (or designee) for approval.

POC File

A written request to examine a parolee's POC File will be referred to the Chief Psychiatrist (or designee) for approval.

Time Limits

Within seven days of receiving a request to examine a parolee file, the person (or designee) specified in above paragraphs will notify the person requesting the examination whether the request is denied or approved.

Scheduling an Examination of Parolee File

The record or file will be made available as soon as possible for review, but no later than the following limits from the date of request.

- Active records, 30 days.
- Inactive records, 60 days.

86070.3 Persons Permitted Access

Departmental, BPT and NAEA staff have access to all information about a parolee.

Parolee

A parolee has access only to information in the parolee's own file that is not classified as confidential.

Attorney

An attorney has access to a parolee's file only if authorized by the parolee. Access is limited to information that is not classified as confidential.

Designated Person

This term refers only to an attorney or the investigator for the attorney who is designated and authorized by a parolee to examine that parolee's records. A designated person may not be a parolee or an inmate in any jail, prison, or similar institution. A designated person has access only to information that is not classified as confidential. Additionally, information received from another agency that is classified as confidential by that agency shall not be disclosed to a designated person. (The parolee or designated persons may be referred to the agency that originated the document.)

CI&I Report

A parolee and/or parolee's attorney may examine the parolee's CI&I report. If the CI&I transcript is the only document needed, the parole staff will refer the parolee and/or parolee's attorney to State DOJ, local police department or sheriff's office to file an application to request a SSCH pursuant to PC 11122.

86070.4 Approved Request

If the person specified above approves a request to examine a parolee file, that person or designee will:

- Notify the person requesting the examination of time and place scheduled for the file examination.
- Designate a reviewer with casework experience who will screen the file for confidential material or determine what, if any, material will be disclosed on the basis of the person's need-to-know. The person designated to review the file will also supervise the examination of the file.

86070.5 Denied Request

The person denying a request to examine a file will document the denial and the reasons in a letter to the person making the request. A copy of the letter will be placed in the C-File and field file.

- A parolee who is denied permission to review the file will be given written notification of the right to appeal.

86070.6 Scheduling an Examination of Parolee File

Date

The examination will be scheduled as soon as possible but no later than ten days from the date the request is approved.

Place

Examination of a parolee file will take place where the file is usually maintained with the following exceptions:

- If a court orders a file to be examined at another location, the order will be complied with.
- If an attorney requests to examine a file at a location near the attorney's office, the request may be granted provided the examination is supervised by a P&CSD staff person.
- The person approving a request for examination may also approve an alternate site for the examination.

86070.7 Charges for Staff Services

There will be no charge for staff services in supervising examination of a file by a parolee, a parolee's attorney or any person designated by a parolee during regular business hours. The person requesting to examine a file outside these hours will be advised that a fee established by CDC will be charged for supervising the examination.

86070.8 Screening a Parolee File

The reviewer will screen all material in the file prior to examination by a parolee, a parolee's attorney or a designated person. The existence of a Confidential Material Folder or a Confidential Case Records Form will not preclude a thorough screening of all material in the file. The purpose of the screening is:

- To locate material already classified as confidential.
- To classify other material as confidential according to the guidelines and procedures contained in this Article.
- To prepare the list of confidential material.
- To ensure that all confidential material is placed in the Confidential Material Folder.

86070.9 Preparation of Confidential Information

If a parolee, a parolee's attorney or a designated person is permitted access to a file, the following procedure will apply:

- If an entire document is classified as confidential, it will be marked "confidential," noted on the Confidential Case Records Form, and placed in the Confidential Material Folder and not disclosed.
- If a document contains a mixture of confidential and non-confidential information, it will be marked "contains confidential information," the confidential portions will be covered, and a photocopy made which will be included in the non-confidential portion of the file to be disclosed. Reference to the confidential information will be made on the Confidential Case Records Form. The original document will be placed in the Confidential Material Folder and will not be disclosed.

86070.10 Authorization for Attorney or Designated Persons

The person approving examination of a file by a parolee's attorney will notify the attorney of the following requirements for the examination:

- The attorney must provide written and signed acknowledgement that the attorney is acting on the parolee's behalf.
- The parolee must give written consent for the attorney to examine the file.

Designated Person

A designated person (parolee's attorney or the investigator for the attorney) must obtain an authorization signed and dated by the parolee before being given access to the parolee's file.

86070.11 Supervising Examination of a File

Supervision by Reviewer

Generally, the person designated by the Regional Administrator or unit supervisor to review the file will supervise the examination.

Purpose

A departmental staff person will maintain the file under direct observation during the entire examination to prevent loss, destruction, mutilation or alteration of the file's contents and to ensure compliance with the examination procedures contained in this Article.

Confidential

The folder will be removed from the file and not disclosed to the person examining the file.

List of Confidential Information

The person examining a file will be given a copy of the Confidential Case Records Form and will acknowledge receipt by signing another copy. If the examiner refuses to sign, the person supervising the examination will so note on the form.

Answering Questions

The staff person supervising the examination may give non-confidential information in response to questions during the examination or refer the questioner to the person who approved examination of the file. Debates and justifications of departmental actions will be avoided.

Notes

The person examining the file may take notes but may not copy verbatim information from the CI&I record. Only the parolee or the parolee's attorney may review the CI&I record.

Copies of Documents

A copy of an arrest report or the CI&I record will only be given to the requesting party pursuant to PC 11124. Copies of other non-confidential information may be given as follows:

- If the parolee needs them for a hearing, appeal or application.
- If the parolee's attorney requests them.

86070.12 Accounting of Parolee Record Access

Entry on the CDC Form 8l9, Personnel/Confidential Information Disclosure Access Log, will be made regarding any access to information to the parolee or a designated representative.

Note: Exception. An accounting (entry on form) will not be required for copies routinely routed to the parolee.

86070.13 Requests to Amend Records

Subsequent to examination of file or record information, the parolee will be permitted to request, in writing, an amendment of the information contained in the file. Such requests will be directed to the originator of the contested information, if the originator is an official or employee of CDC. The departmental employee will, within 30 days of receipt of the request to amend, either:

- Make each correction as requested by the parolee (or the designated representative) of any portion of a record which the individual believes is not accurate, relevant, timely or complete.
- Inform the parolee (or designated representative) of the denial to amend the record and the reasons for the denial. Also to be included in the notification is the right to appeal and the procedures for filing an appeal.

86070.14 Appeals Procedure

A parolee who is denied permission to review a file or to amend record information will be given written notification of the right to appeal.

86070.15 Statement of Disagreement

If after the appeal process is completed, including the Director's level review, and the individual's request to amend the record is denied, the individual shall be permitted to file a statement of disagreement of reasonable length setting forth the reasons for the individual's disagreement. Specifically exempt from the provisions of this section are decisions, determinations and findings arrived at in judicial and administrative hearings relating to the disputed information, as well as other disputed information which includes and adequately reflects the individual's views, beliefs or positions relative to the disputed information.

When a statement of disagreement is submitted, a concise statement of CDC's reason(s) for not making the requested amendment(s) will be prepared. Copies of both statements shall be filed in the record or file that contains the disputed information. The disputed information shall be annotated with a cross-reference to the individual's statement of disagreement.

86070.16 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

86070.17 References

CC § 1798

In re Olson.

PC §§ 11122 and 11124.

ARTICLE 53 – *UNASSIGNED*

ARTICLE 54 — CONFIDENTIAL MATERIAL

Revised March 6, 1995

86080.1 Responsibility and Occasions for Classifying Information as Confidential

Classifying information in a parolee's record as confidential will be done as follows:

When a File is Reviewed Prior to Examination

At any time a parolee, an attorney, or a designated person is given approval to examine a file, a reviewer will be designated to screen the file and classify as confidential all information meeting the criteria.

When a Document is Written

Departmental staff who write or review a document that is included in a parolee's file may classify the document as confidential.

When a Document is Received

The staff person who receives a document from a source outside the Department may classify it as confidential when placing it in a parolee's file.

86080.2 Marking of Confidential Information

Any document designated as containing confidential information, either in total or in part shall be conspicuously stamped at its top and bottom with the word confidential in red ink. If the document consists of more than one page, each page shall be so marked.

86080.3 Basis for Classifying Material as Confidential

Material will be classified as confidential according to the information that it contains and not according to its title, label, or origin. The following criteria will apply to classifying material as confidential:

Confidential by Statute

Access to CI&I SSCH is restricted to the parolee, the parolee's attorney, and persons and agencies listed in PC 11105.

Medical, Psychological, and Psychiatric Reports

A report prepared by departmental medical or psychiatric staff will be classified as confidential only if it meets the criteria below. Possible disturbance to the parolee or impairment of the treatment relationship is not a valid reason for classifying material as confidential unless disclosure might result in suicide attempts by the parolee. A report classified as confidential will contain a statement of the reason for the classification.

Victim/Witness Notification

All victim/witness/next-of-kin/immediate family member requests for notification/special condition of parole and responses to such requests shall be classified as confidential and filed in the confidential section of the inmate's/parolee's file. (Refer to DOM 72060, Notices.)

Threatens the Safety of a Person

Information which, if disclosed, might lead to retaliation against any person will be classified as confidential.

Another Person's SSCH

Information regarding another person's criminal history, which is not a matter of public record (e.g., a crime partner's cumulative case summary), will be classified as confidential.

Promised or Implied Confidentiality

Information should be classified as confidential only if it is judged to be highly sensitive and there was a promise of confidentiality.

Threatens The Security of a Facility

Information that, if disclosed, might threaten the security of any jail, prison, or similar facility will be classified as confidential.

Information Classified as Confidential by Other Agencies

If departmental staff retains a confidential classification imposed by the agency that originated the information, the parolee may be referred to that agency for disclosure.

Department of Health

Information classified as confidential by the Department of Health may be declassified only if a departmental staff physician determines that its content does not warrant classification as confidential. If it is decided that the confidential classification will remain, the physician will note the reason on the report.

CYA

Information classified as confidential by the CYA will be reviewed and classified by departmental staff according to its content. The reviewer should contact the originator of the document or the CYA's Central Office before declassifying it.

Reports of Other Law Enforcement Agencies

Reports of other law enforcement agencies, which are classified as confidential by the originating agency, will retain that classification. The parolee, attorney, or designated person may be referred to the originating agency.

Departmental Staff Correspondence with Legal Counsel

If a parolee's record contains correspondence between departmental staff and legal counsel, the correspondence will be classified as confidential if it discloses CDC's position in potential or pending litigation. This criterion applies to correspondence that discusses the issue or facts of a case, requests an action that is not routine, suggests the outcome of a case, or recommends legal strategy.

86080.4 List of Confidential Case Records

The person designated to review a parolee's file will complete the Confidential Case Records Form listing all material classified as confidential.

The list will include the following information:

- The title and location of the file.
- The parolee's name and number.
- The name of the person who requested to examine the file.
- The general nature of each document classified as confidential, stated in such a way as to prevent the examiner from deducing the confidential information.
- A reason for the classification.
- The signature of the reviewer.
- The date the file was reviewed.

The information will be typed on the form, and a copy of the form placed in a Confidential Material Folder in both the C-File and the field file. A copy of the form will also be given to the parolee, the parolee's attorney, or a designated person when examining the non-confidential portion of the file.

Prior to any examination, the file will be reviewed and the list of confidential material updated. A copy of the updated list will be placed in both the C-File and field file to ensure that information contained in both files will not be classified as confidential in one and not the other.

86080.5 Confidential Material Folder

All documents which are classified as confidential or which contain confidential information will be placed in a folder attached to the inside of the back cover of the file.

The C-File and the field file will each contain a Confidential Material Folder if information in either file is classified as confidential. If the C-File contains information classified as confidential when the parolee is released to parole, the Regional Case Records Manager will prepare a Confidential Case Records Form, and a Confidential Material Folder. A copy of the Confidential Case Records Form will be sent to the Parole Agent for inclusion in the field file.

The Parole Agent will mark as confidential any information listed on the Confidential Case Records Form that is in the field file and place it in the Confidential Material Folder in the field file.

The P&CSD staff person who classifies a document as confidential will place it in the Confidential Material Folder, replace it in the file with a completed Notice Form, and update the Confidential Case Records Form.

A copy of the most recent Confidential Case Records Form will be placed in both the C-File and field file.

The P&CSD staff person who classifies a document as confidential will ensure that all copies of it are also classified as confidential and placed in the Confidential Material Folder whether in the central, field, or any other file.

86080.6 Declassification

The person designated to review a file prior to its being examined may declassify information previously classified as confidential.

The reviewer should discuss the intended declassification with the person who originally classified the information as confidential.

A difference of opinion regarding the need for classification as confidential will be referred to the RPA for a final decision.

86080.7 Correcting Erroneous Information in a Parolee File

The validity and accuracy of file information is the responsibility of all P&CSD staff. The staff person discovering any erroneous or misleading information will mark it as such and attach a correction or explanation.

Only the RPA may authorize removal of erroneous or misleading information from the C-File. Approval will be granted only under the following conditions:

- The information is clearly shown to be erroneous or misleading.
- The information has not been considered in any deliberation, determination, or action affecting the parolee.
- If the information has been considered as indicated above, the information may not be removed, but an explanation or correction will be attached.

86080.8 CI&I SSCH Limited Access

PC 11105 lists the persons and agencies allowed access to CI&I SSCH. P&CSD staff will not provide copies of SSCHs and will not provide information directly from the SSCH to any person or agency not specified in PC 11105. If P&CSD staff believe a person or agency not listed in PC 11105 has a legitimate reason to know information about a parolee, that information must be derived from records other than the CI&I Record or the POR.

Access on the Basis of a Need-to-Know

Access to the SSCH by persons and agencies listed in PC 11105 is on the basis of their need-to-know related to the official function of that person or agency. These persons and agencies may obtain copies of SSCH through the Regional Case Records Manager or from the Parole Agent.

Other Agencies' SSCH

Disclosure of SSCH from agencies other than State DOJ is not limited by statue. P&CSD staff will observe the confidentiality policies of agencies from which information or documents are received, especially other law enforcement agencies.

86080.9 Safekeeping and Storage of Confidential Parolee Material

Confidential parolee record information will be kept in the Confidential Material Folder and attached to the inside of the back cover of the field file or C-File.

An authorized person reviewing confidential material is responsible for it while it is in that person's control.

Preliminary drafts, carbon sheets, stenographic notes, worksheets, etc., and any item containing confidential information will be destroyed by the individual responsible for their preparation immediately after having served their purpose.

86080.10 Revisions

The Deputy Director, P&CSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

86080.11 References

PC § 11105.

DOM § 72060.

ARTICLE 55 — DISCLOSURE TO AGENCY OR PERSONS

Effective August 31, 1989

86090.1 General Guidelines for Disclosure to Other Agencies and Persons

With Consent

If the patient gives prior written consent, designated clinic staff may disclose necessary patient information, whether recorded or not, to the following persons:

- Medical personnel or to treatment or rehabilitation programs when the disclosure is needed to furnish services to the patient.
- Medical personnel able to provide continued methadone maintenance when the patient is traveling, incarcerated or hospitalized. Any such disclosure must be documented with the name of the patient, or assigned program case number, the date and time of the disclosure, the information disclosed and the names of the individuals by whom and to whom it was disclosed; and the purpose for the disclosure.
- The patient's attorney.
- The patient's family or close personal relations, unless the person responsible for treatment believes the disclosure would be harmful to the patient.
- Employers and employment agencies, when it is believed that the information may assist in the patient's rehabilitation.
- A criminal justice agency which requires methadone maintenance as a condition of release, probation or parole, or as the disposition or status of any criminal proceedings against an individual, or pursuant to the execution or suspension of any sentence imposed upon him or her. Consent may not be revoked for 60 days or until the condition for which it was given has terminated, whichever is later.

Without Consent

Without the patient's written consent, designated clinic staff may disclose necessary information to the following persons:

- Medical personnel to the extent necessary to meet a bona fide medical emergency.
- To qualified persons conducting authorized scientific research, management audits, financial audits or program evaluation. The identity of individual patients may not be disclosed, either directly or indirectly, in any resulting report.
- Persons or agencies authorized by a court order to receive such information.

86090.2 Revisions

The Deputy Director, P&CSD shall ensure that this section is current and accurate.

86090.3 References

DOM § 13030.