

## CHAPTER 8—ADULT 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*

*Updated August 27, 2007*

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 in Section 3000 of the Title 15 as the parolee's legal spouse, registered domestic partner, 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 placement 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 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 parole 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 parole 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.

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 forwarded 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 March 8, 1990*

#### **81080.1 Policy**

*Revised July 23, 2002*

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 term with no prior convictions.

- 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 CDCR 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 BPHs 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).
- CDCR 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 Form 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.
- DAPO actions.
- Official Board Minutes.
- CDC Form 1244, Parole Violation Dispositions (including BPH).
- 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 (DAPO), 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 Director, DAPO, or his/her designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

#### 81090.11 References

BPH Rules.

DOM §§ 84100, 84110, 86050, and 86

### 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 furlougees, 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 will immediately 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.

# Memorandum

Date : September 22, 2008

To : All Division of Adult Parole Operations Staff

Policy No.: 08-36

Subject: **FIELD FILE COMPOSITION, MAINTENANCE, RETENTION, AND DISPOSITION POLICY AND PROCEDURES**

This memorandum represents the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) policy and procedures relative to the parolee Field File. The contents of this memorandum will be incorporated into the Department Operations Manual (DOM) and will supersede current DOM Sections 81090.6 through 81090.8.

## Policy

The parolee Field File was established to provide field Parole Units with copies of pertinent information extracted from the Central File, along with a chronological history of documents obtained during the parole period. Field Files shall continue to be maintained for all parolees. Upon discharge, pertinent information shall be retained in the Parole Unit and the remaining information from the file shall be destroyed.

## Field File Composition

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 File	Right Side of File
One copy of the most recent Face Sheet. Older copies may be purged.	Parole Violation Disposition Log, CDCR form 1244.
The most current Gang, Sex, Arson, and/or Narcotic Registration Receipt(s).	Legal Status Summary Sheet, CDCR form 188. Only the most recent version is required to be maintained.
Notice and Conditions of Parole, CDCR form 1515. Only the most current signed canary copy, with any attached addendums shall be required to be maintained.	Arrest Report(s) from commitment offense(s) and subsequent violations of parole.
Parolee Initial Interview, CDCR Form 1650B. This includes the initial release from prison and any subsequent release(s). Must be signed and dated by the interviewing agent.	Probation Officer Report.

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<b>Left Side of File</b>	<b>Right Side of File</b>
All Record(s) of Supervision, CDCR form 1650D.	Release Program Study, CDCR Forms 611.
Parolee Monthly Report, CDCR form 1508.	Board of Parole Hearings actions, in chronological order, with corresponding report(s), i.e., Violation, At-Large, Miscellaneous Decisions, Discharge, etc.
Parole Assessment, CDCR form 1659.	Activity Reports (violation, program referrals, case reviews, suspend/reinstate, etc.)
Referral and transfer material.	Parole Outpatient Clinic Evaluations.
Anti-narcotic and alcohol testing records.	Reentry materials. (Chronos, summaries, Report of Rules Violation, CDC forms 115.)
Special instructions, reporting instructions, etc.	Confidential Folder shall be attached to the inside back cover of file.
Other letters, memoranda, and miscellaneous documents with regard to the parolee.	Disability documents.
	Any other legal forms.

**Discharged Parolee Field File Retention**

Upon confirmation of discharge from parole supervision, Parole Unit Support Staff shall set aside the following documents for retention.

- The most recent Face Sheet.
- Parole Violation Disposition Log, CDCR form 1244.
- Board Reports (Violation, At-Large, Miscellaneous Decisions, Discharge, etc).
- Activity Reports (Violation, program referrals, case reviews, suspend/reinstate, etc).
- Parole Outpatient Clinic Evaluations.
- Arrest Report(s) from commitment offense(s) and subsequent violations of parole.
- Confidential Folder shall be attached to the inside back cover of the Field File.
- Parolee Initial Interview(s), CDCR form 1650B.
- Parole Assessment, CDCR form 1659.
- The most current Gang, Sex, Arson, and/or Narcotic Registration Receipt(s).
- All Record(s) of Supervision, CDCR form 1650D.
- Other letters, memoranda, or miscellaneous documents with regard to the parolee.

These documents shall be maintained in the Field File. The front cover of the Field File shall be marked with the discharge date and retained in the Parole Unit for one year from the date of discharge. Boxed storage is appropriate. ✱

**Field File Disposition Policy**

Once the aforementioned documents have been retained, the remaining documents from the Field File shall be purged and destroyed by burning or shredding through a State-approved local contractor who is authorized to destroy original documents.

**Parole Violators With a New Term**

If a parolee is returned to prison with a new term, the assigned Parole Unit may elect to retain the Field File intact in a designated area. Information which should be considered when making this determination includes:

- The parolee will likely be released to the same county and Unit assignment.
- The release date is within a short period of time.

The existing Field File contains significant and valuable information that would assist the Unit in determining the most appropriate supervision of the parolee upon release that would otherwise not be available in a preparole packet

If the Parole Unit elects to save the Field File, a preparole packet must still be completed in accordance with existing policy and procedures.

It is expected that this form of file retention will be modified in the near future, as the Division is currently exploring alternative methods of retaining this critical information. However, in the interim, your cooperation is essential.

If you have any questions, please contact Bill Dunkak, Parole Agent III, Policy and Procedures Unit, DAPO, at (916) 327-1136, or via e-mail, at [ParolePolicyandProcedureUnit@cdcr.ca.gov](mailto:ParolePolicyandProcedureUnit@cdcr.ca.gov).



THOMAS G. HOFFMAN  
Director  
Division of Adult Parole Operations

cc: Bill Dunkak

# Memorandum

Date : March 11, 2010

To : Regional Parole Administrators  
District Administrators  
Unit Supervisors  
Parole Agents

Policy No: 10-07  
Amendment to Policy No. 08-36

Subject : **FIELD FILE RETENTION AND DISPOSITION OF POLICY AND PROCEDURES**

This memorandum amends Policy Number 08-36, Field File Composition, Maintenance, Retention, and Disposition policy and procedures released by the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO). This amendment specifies the retention and disposition of the parolee Field File. The contents of this memorandum will be incorporated into the Department Operations Manual.

## Policy

Upon discharge from parole, for any offender required to register as a sex offender pursuant to the provisions of Penal Code (PC) Section 290 et seq., the Field File shall be immediately forwarded to Case Records North (CRN) or Case Records South (CRS) for inclusion in the Central File.

For all remaining offenders (Non-PC Section 290s), any CDCR Form 1676, Charge Sheet/Revocation Tracking/Scheduling Request, CDCR Form 1500, Parole Violation Decision Making Instrument, and CDCR Form 1502, Activity Reports, inclusive of any attachments associated with those forms, shall be immediately forwarded to CRN or CRS for inclusion in the Central File. The remaining documents in the Field File shall be retained in the parole unit for one year.

A parolee is considered discharged when any of the following occur:

- Discharge by operation of law.
- Discharge by reaching the Controlling Discharge Date.
- Discharge by death.
- Closed due to receiving a new term (Parolee With a New Term).

## Procedures – PC Section 290 Registrants

Upon discharge, the Parole Unit shall close interest in the case by completing a CDCR Form 1502. The CDCR Form 1502 shall be attached to the Field File, which shall include all documents associated with the offender, and the Field File shall be immediately sent to CRN

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or CRS for inclusion in the Central File. This shall be logged onto the CDCR Form 2205, Parole Unit Field File Disposition Log (attached).

#### **Non-PC Section 290 Registrants**

Upon discharge, the Parole Unit shall close interest in the case by completing a CDCR Form 1502. Support staff shall remove the following documents, if applicable, from the Field File:

- CDCR Form 1676, inclusive of any attachments.
- CDCR Form 1500, inclusive of any attachments.
- CDCR Form 1502. This includes any Activity Reports completed regardless of the reason.

The closure report (CDCR Form 1502) shall be attached to the above-referenced documents and shall be immediately sent to CRN or CRS for inclusion in the Central File. This shall be logged onto the CDCR Form 2205.

The remainder of the Field File shall be retained in the Parole Unit for one year. Upon conclusion of the one-year period, the Field Files shall be purged and destroyed by burning or shredding through a State-approved local contractor who is authorized to destroy original documents.

#### **Case Records**

Upon receipt of the closure report and applicable attachments, all items received shall be incorporated into the Central File.

#### **Field File Disposition Log**

The Unit Supervisor shall ensure that the disposition for every Field File assigned to the parole unit be logged on the CDCR Form 2205. The log captures the following information:

- The month and year.
- CDC number and name of the parolee.
- PC Section 290 registration required (yes or no).
- Discharge or case closure date.
- Date the Field File was transferred to Case Records (PC Section 290s only).

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- Date the applicable documents were pulled from the Field File and transferred to Case Records (Non-PC Section 290s).
- Date the Field File was destroyed (Non-PC Section 290s).
- Name of the staff member who completed the task.

Completed CDCR Form 2205's shall be retained in the Parole Units indefinitely.

It is expected that the schedule for file retention and disposition will be modified in the near future as the Division is currently exploring alternative criteria and methods of retaining this critical information. However, in the interim, your cooperation is essential.

If you have any questions, please submit your inquiry to the Policy and Procedures Unit, DAPO, via e-mail, at [ParolePolicyandProcedureUnit@cdcr.ca.gov](mailto:ParolePolicyandProcedureUnit@cdcr.ca.gov).



ROBERT AMBROSELLI  
Director  
Division of Adult Parole Operations

Attachment

