

OFFICE OF THE SECRETARY

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March 23, 2010

The Honorable Hector De La Torre, Chair
Assembly Committee on Accountability and Administrative Review
1020 N Street, Room 357
Sacramento, CA 95814

Dear Assembly Member De La Torre:

This letter is in response to your inquiry on March 11, 2010, regarding the California Department of Corrections and Rehabilitation's (CDCR) policies related to the retention of parolee records after an offender's discharge. Please find responses to some of your specific questions below.

- **Please provide the Committee with any documentation related to the development of the current DOM 81090.8. We are particularly interested in how CDCR determined that one year after discharge was the appropriate retention period for parolee field files.**

In 2008, the CDCR revised its policy related to the retention of the parolee field file by extending the period of retention after a parolee's discharge from 120 days to one year. This change was in response to audits conducted by CDCR's Office of Audits and Compliance as well as the Bureau of State Audits regarding documentation relative to discharged parolees. Attached is the 2008 policy memorandum 08-36, which implemented the retention change. Non-sex offender parolee documents retained after the field file is destroyed include 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.

- **Once CDCR destroys the parolee field file, what records – if any – does CDCR retain pertaining to an offender's parole?**

On March 11, 2010, CDCR revised its field file retention policy (see 2010 policy memorandum 10-07 attached) for parolees required to register as a sex offender pursuant to the provisions of Penal Code Section 290 et seq. These field files are retained in their entirety and incorporated into the parolee's central file. Neither the field file or the central file for a sex offender will ever be destroyed.

- **Does CDCR plan to review or revise its field file retention policy in light of recent developments?**

The CDCR revised its field file retention policy as of March 11, 2010, pursuant to the attached policy memorandum 10-07.

The Department appreciates the Committee's interest in this issue. CDCR is constantly reviewing and revising its policies in order to improve our commitment of providing the best public safety to the State's communities.

We look forward to the Committee's hearing on March 24, 2010 to provide additional information and answer any additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Matthew L. Cate".

MATTHEW L. CATE
Secretary

Attachments

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.



ROBERT AMBROSELLI
Director
Division of Adult Parole Operations

Attachment

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.

Left Side of File	Right Side of File
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.



THOMAS G. HOFFMAN
Director
Division of Adult Parole Operations

cc: Bill Dunkak