



**Special Review:
Assessment of Electronic
Monitoring of Sex Offenders on
Parole and the Impact of
Residency Restrictions**

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Special Review: Assessment of Electronic Monitoring of Sex Offenders on Parole and the Impact of Residency Restrictions



Robert A. Barton
Inspector General

Roy W. Wesley
Chief Deputy Inspector General

Shaun R. Spillane
Public Information Officer

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FOREWORD

At the request of the Senate Rules Committee, the Office of the Inspector General (OIG) conducted a review and assessment of electronic monitoring of sex offenders on parole and the impact of residency restrictions on this same population. This report addresses the Committee's specific requests, which were:

Pursuant to Penal Code section 6126(b), the California Senate Rules Committee requests that the Office of the Inspector General conduct an immediate review and assessment of the California Department of Corrections and Rehabilitation's use of electronic monitoring of sex offender parolees and the impact residency restrictions have on sex offender parolees.

The Senate Rules Committee requests a review of practical applications of Jessica's Law, enacted by the electorate in 2006, on the management of sex offenders on parole in California. Specifically, we ask that you review [and] address the following questions:

- *How have the residency requirements of Jessica's Law impacted the number of homeless or transient sex offender state parolees in California's communities?*
- *How has the transiency of sex offender state parolees impacted the ability of parole agents to effectively monitor and supervise them?*
- *What are the annual costs of GPS monitoring operations, including vendor contracts for state parole?*
- *Are there any tangible indicators of GPS function and effectiveness to deter or prevent crime?*
- *What has been the impact of GPS monitoring on state parole agent's workload?*

During the course of your review, we ask that the Office of the Inspector General specifically report on the current number and proportion of sex offender state parolees registered as transient sex offenders; the number and proportion of sex offender state parolees who were transient prior to the enactment of Jessica's Law in 2006; whether there are any readily discoverable indicators that transient sex offender parolees are more or less likely to be in violation of the sex offender registration laws or of GPS monitoring rules; and the impact of local residency restrictions on transient sex offender parolees.

Finally, we ask that your office assess the impact of the California Sex Offender Management Board's recommendations and findings on the state's practice for GPS monitoring of sex offenders.

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OBJECTIVE, SCOPE, AND METHODOLOGY

The objective of this report is to answer the Senate Rules Committee’s inquiries related to the electronic monitoring of sex offenders on parole and the impact of residency restrictions on this same population. To do so, the Office of the Inspector General reviewed applicable statutes governing monitoring requirements and residency restrictions imposed upon sex offenders on parole; performed a review of past reports and studies concerning restrictions imposed on sex offenders; and visited selected parole field offices to conduct interviews with management representatives of CDCR’s Division of Adult Parole Operations, sex offenders currently on parole, and parole agents. The OIG also interviewed local law enforcement officials and members of the California Sex Offender Management Board.

In addition, the OIG obtained and analyzed statistical and demographic data about paroled sex offenders for five fiscal years from 2009–10 through 2013–14 from CDCR, and conducted written surveys of selected district parole administrators throughout the State.

Robert A. Barton, Inspector General

EXECUTIVE SUMMARY

Proposition 83 (“Jessica’s Law”), passed by California voters in 2006, requires that all convicted sex offenders paroled from prison and required by law to register with local law enforcement shall be subjected to monitoring by global positioning technology (GPS) and to restrictions on where they may reside.

The Office of the Inspector General conducted a review of the California Department of Corrections and Rehabilitation’s electronic monitoring of sex offender parolees and the impact of residency restrictions on sex offender parolees at the request of the Senate Rules Committee. The review found:

- The annual costs of GPS tracking has decreased over the past five fiscal years. In fiscal year 2009–10, the department spent \$12.4 million to monitor sex offender parolees with GPS. By fiscal year 2013–14, these costs were \$7.9 million.
- There exists little objective evidence to determine to what extent, if any, GPS tracking is a crime deterrent, although a small 2012 study funded by the National Institute of Justice of 516 high-risk sex offenders found that offenders who were not subjected to GPS monitoring had nearly three times more sex-related parole violations than those who were monitored by GPS technology. Despite the rarity of studies defending GPS as a crime deterrent, the OIG’s interviews with parole agents and local law enforcement personnel found that they value GPS technology as a tool for its ability to locate parolees, track their movements, and provide valuable information in solving crimes.
- GPS technology adds to parole agents’ workloads in certain aspects, while affording time-savings in others. For example, agents spend approximately two hours reviewing and analyzing parolees’ tracks for a single-day period. On the other hand, GPS facilitates mandatory face-to-face contacts between parole agents and parolees by allowing the agent to locate parolees more quickly than might be the case in locating a non-GPS parolee.
- Over 60 percent of parole agents who supervise sex-offender parolees have caseloads exceeding established departmental ratios (parolee-to-agent) when taking into consideration the mix of high-risk vs low-risk parolees per caseload. In addition, the department has a disparity of caseloads across its parole units, with 14 of the 37 parole units that supervise sex offenders reporting caseload sizes exceeding the department’s established ratios for all agents assigned to those units. Simultaneously, five other parole units report caseload sizes below the department’s established ratios for all of their parole agents.
- Field agents whom the OIG interviewed consistently expressed their concerns that the department-issued laptops used for tracking parolee movements in the field should be replaced by smaller hand-held devices such as smart phones, stating that the laptops were not only cumbersome, but may inhibit officer safety in certain situations. Many agents the OIG

encountered were using their personal smart phones for GPS mapping and tracking in the field.

- The residency restrictions imposed by Jessica’s Law, which prohibit paroled sex offenders from living within 2,000 feet of a school or park where children congregate, contribute to homelessness among paroled sex offenders. According to the California Sex Offender Management Board, there were only 88 sex offenders on parole statewide who were registered as transient when Proposition 83 was passed in November 2006. As of June 2014, there were 1,556 sex offender parolees identified as transient by the California Department of Corrections and Rehabilitation. While this represents 3.38 percent of all parolees, the incidence of homelessness is 19.95 percent (approximately one in five) among the subset of parolees who are sex offenders.
- Transient sex offender parolees are more “labor intensive” than are parolees who have a permanent residence. The OIG interviewed parole administrators in 12 parole districts, who said that because transient sex offenders are moving frequently, monitoring their movement is time consuming. Transient sex offenders must register with local law enforcement monthly (as opposed to yearly for those with permanent residences), thus requiring more frequent registration compliance tracking by parole agents. Adding further to the workload associated with monitoring transients, agents are required to conduct weekly face-to-face contacts with them.
- Transient sex offender parolees are more likely to violate the terms of their parole than those who have a permanent residence. Transient sex offenders have committed a majority of parole violations (which include technical violations as well as new crimes) among parolee sex offenders over a recent five-year period. Less than 1 percent of those violations were for sex-related crimes. In the most recently completed fiscal year (2013–14), over 76 percent of the sex offender parolees whom the department charged with violating their parole terms were transient.
- While Jessica’s Law leaves open the option for local governments to impose their own restrictions on paroled sex offenders, parolees are finding relief from residency restrictions through the courts. Several counties have issued stays suspending the blanket enforcement of residency restrictions to those who petition the local court, and San Diego County has issued a stay suspending the blanket enforcement of residency restrictions on sex offenders pending the outcome of the California Supreme Court’s decision of the matter *In re Taylor* (2012) 209 Cal.App.4th 210, review granted January 3, 2013, S206143.
- The California Sex Offender Management Board’s findings and recommendations remain largely unaddressed. While some of the board’s recommendations have been implemented, most recently with CDCR’s implementation of the sex offender containment model, major recommendations, such as tiering registration requirements, reevaluating residency restrictions, and applying best practices for GPS monitoring, have not.

BACKGROUND

Proposition 83 was passed by the voters of California as a ballot initiative in November 2006. This ballot initiative was known as Jessica’s Law in tribute to Jessica Lunsford, a 9-year-old girl who was murdered by a convicted sex offender in Florida. Proposition 83 added a provision to Section 3004 of the California Penal Code to monitor paroled sex offenders through use of GPS:

Every inmate who has been convicted for any felony violation of a “registerable sex offense” . . .or any attempt to commit any of the above-mentioned offenses and who is committed to prison and released on parole . . .shall be monitored by a global positioning system for life.

Global positioning satellite technology (GPS) is a space-based global navigation system that provides location and time information using a constellation of satellites orbiting the earth. A GPS device worn by a parolee transmits the parolee’s location, speed of movement, and direction of travel to a receiver, allowing parole agents to track the parolee’s current location as well as recent movements.

Parole agents may also establish geographic zones within the monitoring system to determine if parolees adhere to travel or time restrictions. Using the GPS monitoring software, parole agents can draw map boundaries, thereby creating zones that a parolee must avoid or remain within. Parole agents can draw boundaries around a school, or the residence and workplace of a victim, to keep the parolee out; and draw boundaries around the perimeters of the parolee’s house and surrounding property to keep the parolee in. Parole agents can also establish larger zones, like a 25-mile radius from a parolee’s house beyond which the parolee may not travel without permission, and time frames during which a parolee must be at a certain location. The GPS monitoring device worn by the parolee transmits a signal every minute, tracking the parolee’s location. The system sends alerts to the parole agent if the parolee travels outside of a permitted zone, crosses an off-limits boundary, violates a curfew, or tampers with or removes his or her GPS device.

In addition to requiring GPS monitoring of sex offenders, Jessica’s Law also imposes residency restrictions on offenders, prohibiting them from residing within 2000 feet of any public or private school or park where children regularly gather.

ELECTRONIC MONITORING OF SEX OFFENDERS ON PAROLE

What are the annual costs of GPS monitoring operations, including vendor contracts, for State parole?

The department's costs of monitoring sex offender parolees with GPS have decreased over the past five fiscal years. In fiscal year 2009–10, the department spent \$12.4 million to monitor sex offender parolees with GPS. For fiscal year 2013–14, the department spent \$7.9 million.

To determine the costs the department incurs to monitor sex offender parolees with GPS, the OIG reviewed a March 2012 report by Development Services Group, Inc. entitled *Monitoring High-Risk Sex Offenders With GPS Technology: An Evaluation of California Supervision Program, Final Report*. In this report, the authors identified the 2008 costs that the department incurred supervising parolees both with and without GPS. From this analysis and from discussions with department staff, the OIG determined that the costs associated with using GPS to monitor sex offender parolees fall within five categories: vendor contracts, contract management, parole agent laptops, parole agent training, and parole agent cell phones. Each of these categories represents services or equipment that would not be otherwise necessary to supervise sex offender parolees if the department did not use GPS.

As shown in the following table, the majority of the costs relate to payments the department makes to the vendor(s) who provides, operates, and maintains the GPS devices. Although the department has used multiple vendors in the past, its current contract is with a single vendor, Satellite Tracking of People, LLC, which provides GPS services to parole offices throughout the State.

Services under the current contract began in February 2013, and came at a significantly reduced rate than previous contracts. The current contract provides that the department pays the contractor \$2.95 per day, per parolee who is monitored using GPS. This amount is a per diem fee, which includes all equipment and services to provide and support the GPS service. The current per diem amount represents a 24 percent reduction from the previous contract per diem rate of \$3.90 per day, per parolee.

Figure 1: Costs of Monitoring Sex Offenders with GPS

	FY 09–10	FY 10–11	FY 11–12	FY 12–13	FY 13–14
Sex Offender GPS Contract	11,291,681.32	10,406,879.61	10,794,203.15	9,255,378.30	6,863,102.01
Contract Management *	200,000.00	200,000.00	200,000.00	200,000.00	200,000.00
Laptops *	129,938.00	129,938.00	129,938.00	129,938.00	129,938.00
Training *	522,000.00	522,000.00	522,000.00	522,000.00	522,000.00
Cell Phones *	216,000.00	216,000.00	216,000.00	216,000.00	216,000.00
Total Costs	12,359,619.32	11,474,817.61	11,862,141.15	10,323,316.30	7,931,040.01

* Amounts for these categories are estimates presented in the March 2012 report by Development Services Group, Inc. entitled *Monitoring High-Risk Sex Offenders With GPS Technology: An Evaluation of California Supervision Program, Final Report.*

California Penal Code Section 290.3 directs that an amount equal to \$100 for every fine imposed by the courts on sex offenders shall be directed to CDCR to defray the cost of parolee GPS supervision. California Penal Code Section 3000.07(b) requires offenders to pay for the cost of GPS monitoring to CDCR, if financially able to pay. According to CDCR, funding collected under these two statutes has not come close to covering the costs of GPS. Total revenue of \$14,397.31 was generated in fiscal year 2013–14 related to CDCR’s portion of California Penal Code Section 290.3. Of that total, \$13,734.41 is for first conviction fines and \$662.90 is for second conviction fines.

Are there any tangible indicators of GPS function and effectiveness to deter or prevent crime?

While it may be tempting to think of CDCR’s use of GPS technology as a crime-prevention tool, it is more accurate to categorize it as a monitoring tool. Although GPS may prevent criminal activity in the same way the presence of a marked police vehicle can deter speeding by motorists, the extent of GPS’ preventive ability can be difficult to measure objectively. For its part, CDCR representatives told the OIG that the department has never represented GPS tracking or monitoring of offenders as anything other than a parole supervision tool.

The OIG is unaware of any large-scale studies on the effectiveness of GPS as a crime deterrent. One small study of California parolees found that those monitored by GPS had a lower incidence of re-offending than a similar group of parolees who were not subjected to GPS monitoring. In 2012, the Developmental Services Group, Inc. (DSG),¹ operating under a federal grant from the

¹ According to its website, DSG is a small business in Maryland that “works extensively with Federal, State, and local agencies, especially in health, justice, and other human services.” They “conduct surveys, program evaluations, studies, field research, focus groups, and in-person interviewing for program outcome evaluations, public opinion research, needs assessments, and market research on key health, social service, juvenile and criminal justice issues.”

National Institute of Justice, released a report on its study of 516 high-risk sex offenders released from prison between January 2009 and March 2009. Half of this group was subjected to GPS monitoring, while the other half was not. Both groups shared similar demographics in terms of age, gender, race, criminal history, and custody experience.

The DSG study found that sex-related parole violations were nearly three times as great for subjects receiving traditional parole supervision than for subjects receiving GPS supervision. Similarly, for both parole revocations and any event requiring a parolee's return to custody, the study found that these events were about 38 percent higher among the subjects who received traditional parole supervision.²

The DSG study did not explore the effect GPS monitoring may have on an offender's ability to obtain a job or housing, and the OIG is unaware of any large-scale outcome evaluation and cost effectiveness analysis of GPS monitoring.

For this report, the OIG interviewed parole administrators from the CDCR's Division of Adult Parole Operations (DAPO) in 12 districts that supervise sex offenders with GPS tracking. According to these administrators, among the primary benefits of using GPS technology as a part of parole supervision are:

- The ability to locate parolees to conduct unannounced inspections and thereby gain insight into the parolee's activities.
- Access to historical location and movement data to either identify or eliminate a parolee as a suspect in criminal activity.
- Enhanced ability to monitor and enforce special conditions of parole such as prohibitions against entering specific locations.

These advantages, according to DAPO, come at the expense of creating tasks that divert agents from direct in-person supervision of parolees. Agents are required to review GPS tracks for each working day for all GPS-monitored offenders, log their tracking reviews daily, and respond to after-hours alerts from the GPS monitoring center.

DAPO reports that it continues to research evolving GPS and related software technologies, some of which may have analytical and intuitive capabilities which could potentially allow parole agents to allocate more of their time to direct supervision of their parolees in the field.

Current GPS capabilities are shared with other law enforcement agencies. According to DAPO, any law enforcement agency that is interested may access their Crime Scene Correlation component, which matches time and location data of crimes against the locations of GPS-monitored parolees. DAPO reported to the OIG that this ability has been used to successfully

² Developmental Services Group, Inc., *Monitoring High-Risk Sex Offenders with GPS Technology: An Evaluation of the California Supervision Program*. 2012, U.S. Department of Justice, National Institute of Justice.

identify and prosecute parolees, and that over 80 law enforcement agencies currently have access to it (refer to Appendix 1).

The OIG also interviewed 65 parolees in 12 districts throughout the State. Thirty-five of the parolees stated that knowing a parole agent was watching and could learn where they had been was a factor in the behavioral decisions they made and in their activities. Thirty other parolees stated that wearing a GPS device had no impact on their activities. Most of these parolees claimed that they were motivated to be compliant and that GPS monitoring was not the primary factor preventing them from committing a new crime.

Thus, while there may be limited objective evidence that GPS monitoring can prevent or deter crime, or that GPS monitoring should be applied to all sex offenders, anecdotal information from OIG interviews indicates that there is a certain deterrent effect to be gained by utilizing GPS monitoring as a supervision tool. Apart from any deterrent effect there may be, the additional crime-intelligence benefits provided by GPS are cited by law enforcement sources in expressing their opinion that GPS programs are worthwhile as a part of offender supervision.

What has been the impact of GPS monitoring on State parole agents' workload?

GPS monitoring of sex offender parolees has increased parole agents' workload by requiring parole agents to review and analyze the parolees' daily GPS tracks, to log the results of their review in the parolees' supervision records, and to respond to after-hours alerts generated by the GPS system.

Department policy³ requires parole agents to conduct a track review each working day for all GPS-monitored parolees assigned to their caseloads by displaying the GPS location points, starting from the last GPS point previously viewed, up to the start of the current day. Therefore, on most days, a GPS parole agent is responsible for reviewing the GPS tracks of each of his or her assigned parolees for the preceding day. On a workday following a weekend or a holiday, the parole agent is responsible for reviewing tracks for each day that elapsed since the previous workday.

Parole administrators told the OIG that a typical parole agent spends approximately two hours reviewing a parolee's GPS tracks for a single-day period. During the course of a GPS track review, a parole agent is expected to thoroughly investigate all points of interest and alerts, using the various viewing capabilities of the department's GPS system. These capabilities include point-by-point playback, where the parole agent views each individual GPS track collected by the GPS system; point-pattern analysis, where the agent views groups of GPS points to identify and assess the parolee's patterns; zoom levels, which allow the parole agent to adjust the view of the GPS points; and mapping tools, which allow parole agents to superimpose the GPS tracks on a map.

³ See Appendix 2 for CDCR's GPS policy.

Department policy requires parole agents to document the completion of their GPS review in parole supervision records. The parole agent documents the date and time range of the tracks reviewed as well as the findings observed and any further investigation needed as a result of the review. If the parole agent discovers during the review that a parolee violated the conditions of parole—such as travelling outside of his or her residence during curfew hours—the parole agent would document the violation and take the appropriate enforcement actions.

Parole agents assigned to GPS duties also receive and respond to alerts generated by the GPS system. The department's GPS vendor monitors the information generated by the GPS devices and notifies the parole agent when the system identifies a condition that requires review. Less urgent alerts (such as low-battery notices) are communicated to the parole agent by email, while more urgent alerts (such as notices regarding tampering with or removing GPS devices) are sent by text message or telephone call. Department policy requires parole agents to resolve all alerts within six business days and to document in the GPS system their actions taken, in addition to making appropriate entries into the parolee's report of supervision.

While there are workload increases associated with GPS monitoring, the department points out that GPS monitoring has also reduced the parole agents' workloads in certain areas. GPS facilitates the mandatory face-to-face contacts between parole agents and parolees by allowing the parole agent to locate parolees more quickly than is the case when supervising non-GPS parolees. The department also notes that it established ratios (see Figure 2) for GPS caseloads at a range from 20 parolees per agent to 40 parolees per agent, with the average GPS parole agent caseload at approximately 30 parolees.

However, one agent told the OIG that GPS caseloads are too large. The agent pointed to recommendations made by a department-convened task force in 2010 to develop a comprehensive approach to sex offender parolee supervision. Although the department has implemented many of the task force's recommendations—such as eliminating passive GPS monitoring⁴—it has not implemented a recommendation to reduce GPS caseloads to no more than 20 parolees to one agent. The agent stated that the department has not implemented the reduced caseload size due to funding constraints.

Furthermore, the agent stated that there is disparity in caseload sizes among GPS parole agents due to the department's failure to fill vacant positions. He stated that there are more than 200 vacant positions within the department's parole division, and, as a result, many parole agents carry caseloads exceeding the department's caseload specifications.

According to information obtained from the Management Information Retrieval System maintained by the State Controller's Office, the department has 149 vacant Parole Agent I

⁴ Under "passive monitoring," transmissions from parolees' monitoring devices were uploaded at set intervals and alerts sent to the agent the next day. Currently, transmissions from parolees' monitoring device are uploaded in near real-time and parole agents are notified immediately of unusual activity.

positions (the classification primarily responsible for conducting GPS monitoring), 41 vacant Parole Agent II Specialist positions, and 25 vacant Parole Service Associate positions, for a total of 215 vacant positions as of June 2014. However, the department advised the OIG that most of these vacant positions were either pending elimination by the Department of Finance, or were vacant because the employee associated with the position was on long-term sick or disability leave. Accordingly, the department asserts that many of the positions listed on the Controller's report are unavailable to be filled, and reported that it had no current vacancies in its Parole Agent II Specialist and Parole Agent I classifications.

Nevertheless, the review found that the concerns raised by the agent who spoke with the OIG regarding disparate parole agent caseload sizes had merit. Specifically, the OIG's analysis of caseload sizes disclosed that more than 60 percent of the department's parole agents had caseloads that exceeded policy.

Department policy states that a GPS caseload will consist of 20 high-risk or 40 non-high-risk cases, or an equitable combination of both. Accordingly, the department included in its policy the following matrix for its managers to follow in assigning caseloads of high-risk and non-high-risk sex offenders.⁵

However, when comparing actual parole agent caseloads with the department's caseload matrix, the OIG found that 145 of its 231 parole agents (63 percent) carried caseloads exceeding the matrix limits. Although the average caseload size for the 231 parole agents was just over 30 parolees per agent, when the OIG factored in the mix of high-risk and non-high-risk parolees in the caseloads, most parole agents exceeded the matrix limits. For example, a parole agent in the Riverside GPS parole office had a caseload of 22 high-risk and 37 non-high-risk sex offenders. In this example, the parole agent's caseload of high-risk sex offenders alone (22) exceed the department's caseload matrix maximum of 20.

The department also has disparity of caseloads across its parole units. Fourteen of the department's 37 parole units that supervise sex offenders reported caseload sizes exceeding the department's caseload matrix parameters for all of the agents assigned to those units. At the same time, five other parole units reported caseload sizes below the department's caseload matrix parameters for all of their assigned parole agents. This suggests that opportunities may exist for the department to better balance its staff or caseloads among its parole units.

⁵ Risk is based on the parolee's score on the California Static Risk Assessment, an evaluation tool that measures the risk of re-offending based on various social, criminological, and demographic attributes.

Figure 2: CDCR Sex Offender Caseload Matrix		
High-Risk Cases	Non-High-Risk Cases	Total Caseload
20	0	20
19	2	21
18	4	22
17	6	23
16	8	24
15	10	25
14	12	26
13	14	27
12	16	28
11	18	29
10	20	30
9	22	31
8	24	32
7	26	33
6	28	34
5	30	35
4	32	36
3	34	37
2	36	38
1	38	39
0	40	40

Parole Agents’ Concerns

The OIG visited parole field offices throughout the State and accompanied several agents during their field operations. A common concern held by parole agents is that their department-issued laptop computers are too cumbersome for field use. One agent cited the difficulty of walking through an apartment complex while balancing his laptop with one hand and typing entries with the other to track a parolee in the complex. The agent said that this was a necessary but potentially dangerous practice should the need arise to use appropriate force suddenly develop.

Agents told the OIG that they knew of fellow agents who brought their own personal smartphones or tablet devices for use in tracking parolees in the field, since the GPS tracking program is web-based. In fact, the OIG witnessed agents during field visits using their personal devices in lieu of their State-issued laptops.

RESIDENCY RESTRICTIONS FOR SEX OFFENDERS ON PAROLE

In addition to requiring GPS monitoring of sex offenders on parole, the provisions of Jessica’s Law also include restrictions on where certain sex offenders can reside. Specifically, the law added Section 3003.5(b) to the California Penal Code, stating “Notwithstanding any other provision of law, it is unlawful for *any person for whom registration is required pursuant to Section 290* to reside within 2000 feet of any public or private school, or park where children regularly gather [emphasis added].”

When these restrictions are applied, the available remaining “compliant” areas in which sex offenders may live are very limited. These limitations drive many sex offenders to become homeless. In practice, homelessness among the sex offender population creates additional work for parole agents and for local law enforcement. It also may create barriers to effective rehabilitation.

For example, homeless sex offenders are required to re-register with local law enforcement monthly rather than annually, as would be the case if they were not homeless. One local law enforcement source told the OIG that his municipality has 270 homeless offenders that register monthly, and that it takes about 30 minutes to perform the registration process for each of them. Given those factors, the municipality spends over 130 hours per month, the equivalent of over three weeks’ time for a full-time employee, solely to conduct registration activities for homeless sex offenders.

How have the residency requirements of Jessica’s Law affected the number of homeless or transient sex offender State parolees in California’s communities?

The registration under California Penal Code Section 290 referenced above applies to any person who is convicted of any of a broad array of sex offenses, and is required “for the rest of his or her life while residing in California,”⁶ thereby also making the residency restrictions of Jessica’s Law a lifetime condition applying to a broad spectrum of sex offenders, without regard to the type or severity of their controlling offense. This spectrum includes offenders with serious or violent crimes, some against young victims, but it also includes those whose controlling offense may have been an isolated incident occurring decades ago with no repeat offenses in the interim.

The prohibition from residing within 2,000 feet of a school or park creates large prohibition zones, severely limiting the areas in which sex offenders may reside, particularly in urban areas (refer to the map at Appendix 3). Many sex offenders are driven to homelessness, or resort to creative means by which to comply with the residency restrictions.

⁶ California Penal Code Section 290(b).

Underlying the statutory residency restriction of Jessica's Law is a premise that a sex offender's residence has a direct relationship to crimes he or she may commit. While this premise might seem reasonable, research studies have found no connection between offenders' residences and the commission of new crimes. Researchers have found reasons to challenge the residency restrictions on the basis that it is neither efficacious nor practical for anyone.

For example, a study released in 2007 by the Minnesota Department of Corrections analyzed the sexual re-offense patterns of 224 recidivists released between 1990 and 2002 who were re-incarcerated for a sex crime prior to 2006.⁷ To determine if any of these 224 cases might have been affected by residency restrictions, the researchers looked for four factors: the offenders had to establish direct contact with their victims; contact had to have occurred within one mile of the offender's residence; first contact had to have been near a park, school, or daycare center; and the victim had to be under 18 years of age. In other words, the researchers were looking for those offense patterns that the residency restrictions of Jessica's Law are intended to deter.

The Minnesota Department of Corrections' study concluded that "not one of the 224 sex offenses would likely have been deterred by a residency restrictions law." Half of the offenders contacted their victims indirectly (through a girlfriend, co-worker, etc.) while another 14 percent of the offenders were related biologically to their victims. Eighty-five percent of the studied offenses took place in a residential location, and 79 percent of the offenders victimized someone they knew.

The study concluded that "Although it is possible that a residency restriction law could avert a sex offender from recidivating sexually, the chances that it would have a deterrent effect are slim because the types of offenses it is designed to prevent are exceptionally rare."

Another study, released in 2008, focused on 165 registered sex offenders in Florida who were rearrested for a new sex crime from 2004 to 2006.⁸ These were matched against a group of 165 registered offenders with comparable risk factors (prior convictions, age, predator status, marital status). After mapping the residences of these subjects and noting the residences' proximity to schools and daycare centers using buffers of 1,000 and 2,500 feet, the researchers found that "Offenders who lived within 1,000, 1,500, or 2,500 feet of schools or daycare centers were no more likely to reoffend sexually than those who lived farther away."

The Florida study further concluded:

Proximity to schools and daycares, with other risk factors being comparable, explains virtually none of the variation in sexual recidivism. Sex offenders who lived within closer proximity to schools and daycare centers did not reoffend more frequently than those who lived farther away. These data do not justify the widespread enactment of residential restrictions for sexual offenders. The time that police and probation officers spend addressing housing issues is likely to divert law enforcement resources away from behaviors

⁷ Minnesota Department of Corrections, *Residential Proximity & Sex Offense Recidivism in Minnesota*, April 2007.

⁸ Levinson, J., et al., *Residential Proximity to Schools and Daycare Centers: Influence on Sex Offense Recidivism*, December 2008.

that truly threaten our communities in order to attend to a problem that simply does not exist. Residence restrictions greatly diminish housing options for sex offenders, resulting in increased homelessness, transience, and instability, undermining the very purpose of registries and exacerbating known risk factors for criminal recidivism. Residence restrictions decisions should be made on an individualized risk management basis and not legislated.

The OIG's interviews with parole agents and parolees over a broad geographic area of California tend to support these studies' findings. One Central Valley parole agent told the OIG that residency restrictions create challenges to parolee supervision because many parolees can be denied the ability to live within a support structure offered by family members, and that such support is important to a parolee's success. Instead, this agent told the OIG that he has had to advise parolees to "buy a tent and find a compliant area to set up camp."

Another agent estimated that 90 percent of the homeless parolees assigned to his caseload would have a place to reside if not for residency restrictions, and another cited the example of a parolee on his caseload who owns his own home but cannot live in it because of its location.

The OIG also encountered many homeless parolees who asserted that they had family members with whom they could live, but whose residences were located in areas prohibited by residency restrictions. A number of these parolees had jobs or other economic means by which to support themselves, but could not find compliant housing.

How has the transiency of sex offender State parolees affected the ability of parole agents to effectively monitor and supervise them?

The OIG interviewed parole administrators in 12 districts. In response to this question, they noted that because transient sex offenders do not have a consistent location where they sleep at night, and move around to varying locations during the day, monitoring their movement is time consuming. Transient sex offenders must register with local law enforcement monthly, thus requiring more frequent registration compliance tracking by parole agents. Adding further to the workload associated with monitoring transients, agents are required to conduct weekly face-to-face contacts with them.

Supervision challenges cited by the administrators include the fact that rehabilitation efforts are hampered because transients often live in group camps with other homeless offenders where they might be negatively influenced, and homelessness is a significant barrier to parolees seeking employment. The combination of these and other factors associated with transience makes the goal of preparing parolees for post-parole life all the more difficult.

What is the current number and proportion of sex offender State parolees registered as transient sex offenders?

As of June 2014, there were 1,556 sex offender parolees identified as transient, or 3.38 percent of the total parolee population. While this percentage of homelessness is relatively small when compared to the total parolee population, the incidence of homelessness is 19.95 percent (approximately one in five) among parolees who are sex offenders.

Figure 3: Residency Demographics of Sex Offender Parolees, as of June 2014

	Transient Parolees	Parolees in a Permanent Residence	Total
Sex Offender Parolees	1,556	6,244	7,800
All Other Parolees	1,577	36,668	38,245
Totals	3,133	42,912	46,045
Percent of Sex Offenders Who Are Transient			19.95%
Percent of All Other Parolees (Non-Sex-Offenders) Who Are Transient			4.12%
Percent of Parolees Who Are Transient			6.80%
Percent of Parolees Who Are Transient Sex Offenders			3.38%
[Source: Parole Data Nexus system]			

What is the number and proportion of sex offender State parolees who were transient prior to the enactment of Jessica’s Law in 2006?

According to a report by the California Sex Offender Management Board:

When Proposition 83 was passed on November 7, 2006, there were only 88 sex offenders on parole statewide who were registered as transient. In August of 2007, CDCR put in place a set of policies to implement the provisions of the law as they applied to parolee living locations. In September of 2007, about the time that the residence restrictions of Prop 83 began to be enforced by the Parole Division of CDCR and the grace period for finding compliant housing was ending, there were 178 paroled sex offenders identified as transient. The law was interpreted as applying to parolees released from prison after November 7, 2006. The number of sex offenders released on parole after that date has, of course, gradually grown that now nearly all paroled sex offenders are subject to the residence restrictions. As the number has grown, so has the proportion of transient/homeless sex offender parolees.⁹

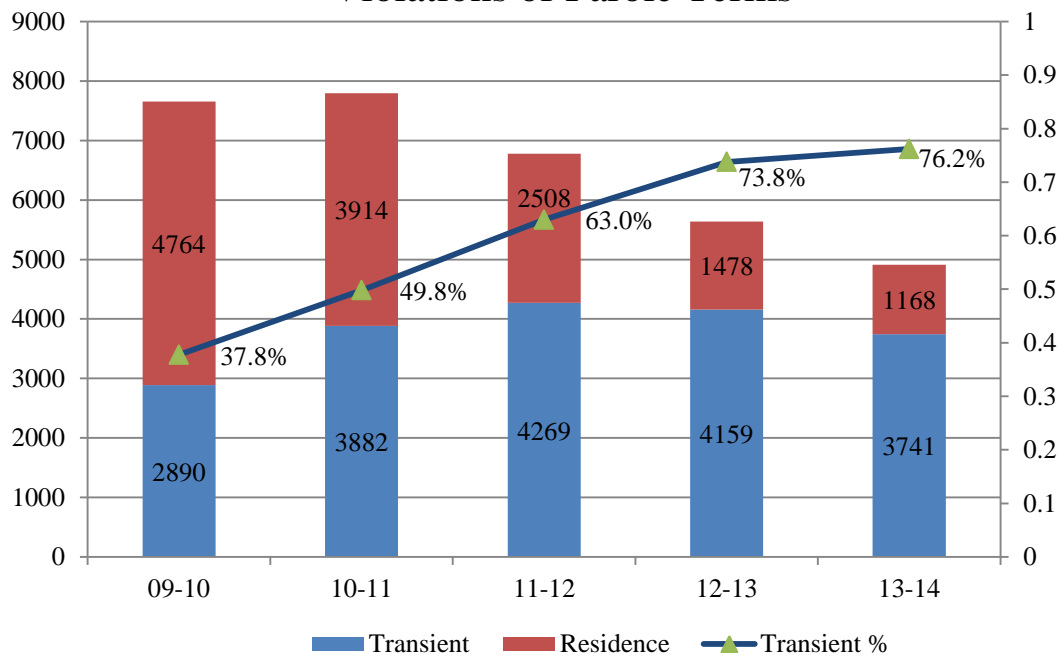
⁹ California Sex Offender Management Board, *Homelessness Among California’s Registered Sex Offenders, An Update: Reconsidering California’s Sex Offender Residence Restrictions Policies*, September 2011

Are there any readily discoverable indicators that transient sex offender parolees are more or less likely to be in violation of GPS monitoring rules?

To answer this question, the OIG obtained parolee violation data from two systems the department uses to track violations prior to and after the implementation of Assembly Bill 109 reforms for the last five fiscal years. For purposes of this report, the OIG uses the term “parole violation” to include any activity that violates parole terms. Such activity ranges from new crimes (whether or not sex-related) to technical violations of parole terms, such as failing to appear for meetings with a parole agent. The OIG then compared this data with data obtained from the department’s Cal Parole system, which contains, among other information, parolee residency information.

The data, as presented in Figure 4, shows that transient sex offenders have committed a majority of parole violations among parolee sex offenders over the five year period. In fact, in the most recently completed fiscal year (2013–14), over 76 percent of the sex offender parolees whom the department charged with violating their parole terms were transient.

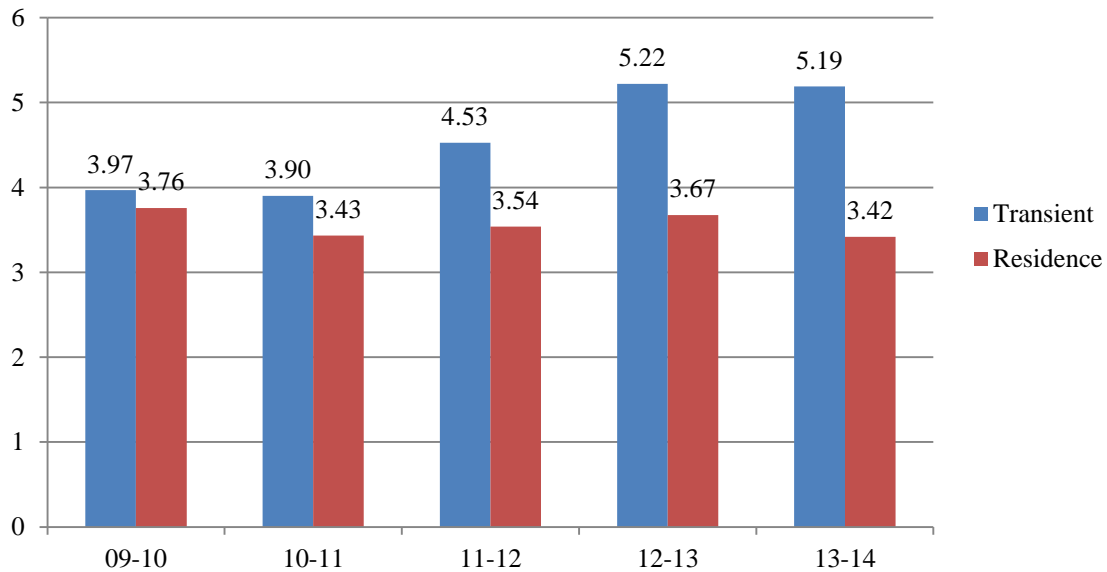
Figure 4: Number of Parolee Sex Offenders with Violations of Parole Terms



Additionally, transient sex offender parolees had a higher per-parolee rate of parole violations and other offenses during the OIG’s five-year review period than sex offender parolees who had a residence. As shown in Figure 5, transient sex offender parolees who violated the conditions of their parole (including commitment of new offenses) did so an average of more than five times per parolee in fiscal year 2013–14.

Figure 5 provides additional detail for violations committed by sex offender parolees during this five year period, and illustrates a trend in which transient offenders are responsible for an increasingly larger proportion of the violations as compared to their counterparts who have permanent residences.

Figure 5: Average Number of Violations per Sex Offender Parolee



According to the parole administrators the OIG talked to, there are various reasons transient sex offenders violate the conditions of their parole more often than those with a residence. Among the reasons voiced were increased prevalence of mental health issues, lack of a stable support network, increased exposure to drugs and prostitution on the streets, and challenges finding employment.

Figure 6: Number of Violations by Type and Parolee Residency Status

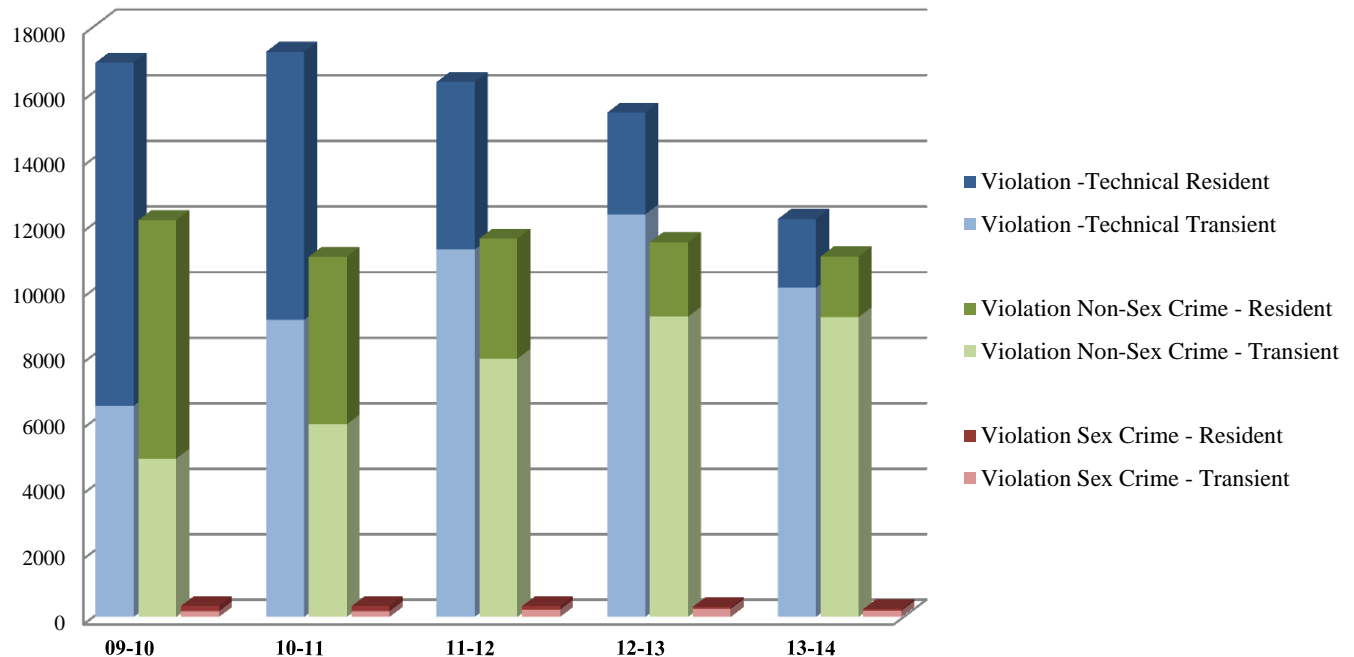


Figure 6 above illustrates the OIG’s analysis of CDCR’s records of violations by sex offender parolees, which reveals that a very low proportion of violations—roughly 1 percent—over the five-year period were for sex-related crimes. This runs contrary to the popular belief that sex offenders have a high rate of recidivism compared to other types of felons, an underlying premise to placing Proposition 83 (Jessica’s Law) on the California ballot.¹⁰ It also reflects the findings of studies released by the U.S. Department of Justice in 2003 and by CDCR in 2012.

A 2003 study of over 9,000 male sex offenders released from State prisons in 14 different states conducted by the U.S. Department of Justice¹¹ provides some objective evidence as to recidivism rates of sex offenders. The study found that “Compared to non-sex offenders released from State prison, sex offenders had a lower overall re-arrest rate” for *any* type of crime (not just sex crimes)—43 percent for sex offenders as compared to 68 percent for non-sex offenders. However, a more telling statistic concerns reconvictions for a sex crime; the study found that “of the 9,691 released sex offenders, 3.5 percent (339 of 9,691) were reconvicted of a sex crime within the three-year follow up period.”

¹⁰ “Findings and Declarations” section to Proposition 83 (“Jessica’s Law”)

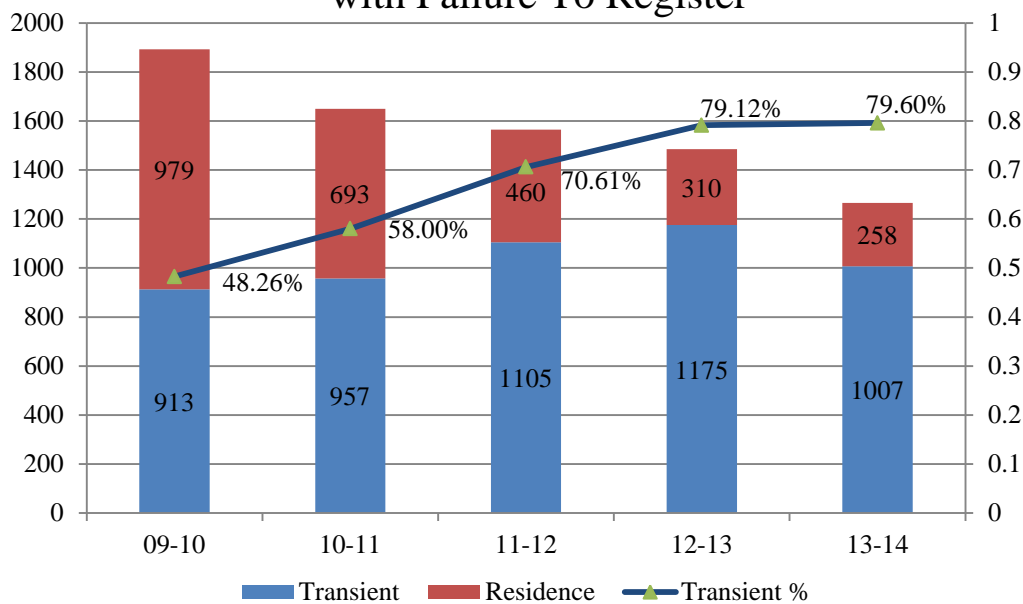
¹¹ Langan, et al., *Recidivism of Sex Offenders Released From Prison in 1994*, U.S. Department of Justice, Bureau of Justice Statistics, 2003

A study released by CDCR’s Office of Research in October 2012 provides further context to sex offenders’ recidivism rate in California.¹² Based on its study of inmates released three years earlier, the recidivism rate of sex offenders required to register under California Penal Code Section 290 was just over 69 percent. However, the study’s deeper analysis of the recidivist group found that nearly 87 percent were returned to prison for technical parole violations unrelated to sex crimes. Only 1.9 percent (111 offenders out of 8,490 studied) were returned to prison for new sex crimes.

Are there any readily discoverable indicators that transient sex offender parolees are more or less likely to be in violation of sex offender registration laws?

We found that transients failed to register as sex offenders more often than did sex offenders with residences. As shown in Figure 7, in fiscal year 2013–14, almost 80 percent of the sex offenders whom the department charged with failing to register were transient.

Figure 7: Individual Sex Offender Parolees Charged with Failure To Register



The parole administrators the OIG spoke to pointed out that transient sex offenders are required by law to register each month with the local law enforcement agency, whereas a sex offender with a residence must register only once a year unless they change residences. There are more opportunities, therefore, for transient sex offenders to violate the registration requirements than for sex offenders with a residence. Additionally, and as noted above, transient parolees suffer from a greater incidence of mental health issues, lack of a stable support network, increased exposure to drugs and prostitution on the streets, and challenges finding employment.

¹² 2012 Outcome Evaluation Report, California Department of Corrections and Rehabilitation, Office of Research, October 2012

The data obtained and analyzed in Figure 7 focuses narrowly on the propensity for transient sex offenders to violate the terms of their parole by failing to register with local authorities. It is important to distinguish these violations from acts that constitute new crimes (recidivism).

What is the effect of local residency restrictions on transient sex offender parolees?

The language of Jessica's Law leaves open the option for local governments to impose their own restrictions:

Nothing in this section shall prohibit municipal jurisdictions from enacting local ordinances that further restrict the residency of any person for whom registration is required pursuant to Section 290.

Various local jurisdictions in California have, in fact, imposed additional restrictions, but many of these local ordinances are not currently being enforced due to a pending challenge to the constitutionality of the blanket 2,000-foot residency restriction imposed on all sex offender registrants under Jessica's Law. In early 2013, the California Supreme Court accepted review of a case that challenges the constitutionality of residency restrictions imposed by local ordinances and State law. In *In re Taylor* (2012) 209 Cal.App.4th 210, review granted January 3, 2013, S206143, a group of registered sex offenders in San Diego County sought a court order enjoining the CDCR's blanket enforcement of the residency restrictions of Jessica's Law. The trial court held that the blanket enforcement of the residency restrictions on all registered sex offenders was unconstitutional because it did not take into consideration the circumstances or history of each individual offender's case. The CDCR appealed, and the Fourth District Court of Appeal affirmed the lower court's order. The California Supreme Court granted the CDCR's petition for review of the appellate court's decision.

Pending the California Supreme Court's decision in *Taylor*, many municipalities have repealed or modified their local ordinances. In addition, the San Diego County Superior Court has stayed the blanket enforcement of the residency restrictions of Jessica's Law pending the California Supreme Court's decision. Meanwhile, several other counties' superior courts, including those in San Bernardino, San Francisco, Contra Costa, and Sacramento, are issuing stays to all parolees who file petitions challenging Jessica's Law as applied to their circumstances (see Appendix 4).

The CDCR's Office of Legal Affairs tracks such petitions filed by parolees for the purpose of assuring that court orders, including stays of enforcement of law, are appropriately carried out by CDCR. As of June 2014, CDCR was aware of approximately 50 closed cases and over 5,400 open cases statewide.

In practical terms, for seven of California's nine most populous counties, blanket enforcement of the residency restrictions of Jessica's Law is suspended pending the California Supreme Court's decision in *Taylor*. At the time of this report, the court had been fully briefed by all parties in the

Taylor case, but the court had not yet scheduled oral argument. The court will issue an opinion within 90 days after oral argument.

The OIG's interviews with local law enforcement representatives suggest that the popular perception of a "lifetime" residency restriction under Jessica's Law is a practical illusion. One officer from a major metropolitan agency told the OIG that his agency does not enforce the residency restrictions, but focuses primarily on ensuring that sex offenders register the address at which they actually reside. Another officer at a different metropolitan agency told the OIG that his agency does not enforce residency restrictions because it lacks the resources to do so.

The OIG interviewed parole administrators in 12 districts. All 12 related that local residency restrictions currently have no impact on transient sex offender parolees in their districts. The OIG also surveyed parole district administrators representing the supervision of sex offenders in all 58 counties. Parole administrators were aware of some local area restrictions; however, all reported to the OIG that there are no homeless sex offender parolees in any county whose homelessness is due solely to locally imposed residency restrictions.

CALIFORNIA SEX OFFENDER MANAGEMENT BOARD FINDINGS AND RECOMMENDATIONS

What has been the effect of the California Sex Offender Management Board's recommendations and findings on the State's practice for GPS monitoring of sex offenders?

Assembly Bill 1015 (Chapter 338, Statutes of 2006) created the California Sex Offender Management Board (CASOMB). The board has been tasked with both assessing the current State of California sex offender management practices and recommending evidence-based practices to improve public safety. Since its inception, the board has published 16 reports¹³ and made myriad findings and recommendations related to the management of sex offenders. During its review, the OIG found several reports containing findings and recommendations related to GPS monitoring of sex offenders. These findings and recommendations are listed below (from newest to oldest), along with the current status of each, and an assessment of each recommendation's impact on the State's current practices for GPS monitoring of sex offender parolees.

Text in *italics* represents direct quotes from CASOMB's reports.

¹³ All of CASOMB's reports can be found at: <http://www.casomb.org/index.cfm?pid=231#>.

CASOMB Finding/Recommendation 1: GPS should be used as part of the Containment Model.

GPS is only one tool in managing sex offenders and must be used in conjunction with other tools that are effective in preventing recidivism. The most important thing California can do to reduce sexual recidivism is to implement the full Containment Model, requiring communication between an approved treatment provider, a supervising parole or probation officer, and a polygraph examiner. This approach would be victim-centered, guided by policy that protects victims and prevents future victimization. (CASOMB: April 2010)

Public safety would be increased if the Containment Model were required throughout the State for all sex offenders, whether on parole or probation. Supervision alone is not as effective as the full Containment Model. CDCR does not use the Containment Model; there is no treatment being funded and no polygraph testing being conducted. (CASOMB: January 2010)

Status of CASOMB Finding/Recommendation 1:

Probation:
Partially
Implemented

Assembly Bill 1844 (Chapter 219, Statutes of 2010) mandated that after July 1, 2012, the terms of probation or parole for all registered sex offenders under probation or parole supervision must include a requirement to participate in and complete an approved sex offender management program. In its February 2013 Report, CASOMB noted that strategies need to be identified to address the financial obstacles prohibiting sex offenders on probation from participating in treatment programs.

Parole:
Substantially
Implemented

Pursuant to California Penal Code Section 3008, CDCR must implement a sex offender management and containment program developed in accordance with the standards established under California Penal Code Section 9003. On September 15, 2014, CDCR announced the implementation of its Sex Offender Management Program (SOMP), a comprehensive program consisting of enhanced supervision, sex-offender-specific treatment, polygraph use, and victim advocacy. The SOMP is intended for the management of all parolees required to register with law enforcement pursuant to California Penal Code Section 290. Full implementation is expected by the end of 2014. A copy of the SOMP policies and procedures can be found in Appendix 5.

CASOMB Finding/Recommendation 2: GPS should not be required for all sex offenders.

GPS tracking does not prevent crimes and should be used only in conjunction with extended parole supervision periods for higher risk offenders. Effective use of state resources requires reallocation of funding now being used for sex offender management in California. Since it is impossible to fund both lifetime GPS and lifetime supervision for all sex offenders, resources should be reallocated to use GPS only for appropriate offenders at higher risk of reoffending. The funding now being used on GPS monitoring for lower risk offenders should be used for the other critical components of sex offender management, discussed herein, many of which are now missing under California law. CASOMB believes that GPS tracking is an effective crime-solving tool that should be used in appropriate cases. (CASOMB: April 2010)

GPS monitoring should only be utilized in conjunction with some form of community supervision, with the understanding that some high-risk offenders may need to be subject to extended supervision (including lifetime supervision for exceptionally high-risk offenders). (CASOMB: January 2010)

Based on the results of previous studies, offenders who are determined to be low-risk should not be placed on electronic monitoring for extended periods, or at all. With the cost of GPS tracking and the amount of time devoted to supervising offenders on GPS taken into consideration, only high-risk offenders should be considered for placement on GPS tracking. Additionally, GPS officers recommended that those offenders who have completed GPS supervision without incident should be removed from GPS and placed on a lower level of supervision (Tennessee Board of Probation and Parole, 2007). This method frees up the unit for another offender to use, delineates a goal for offenders to work towards, and builds trust between the formerly tracked offenders and the criminal justice system. (CASOMB: January 2008)

Status of CASOMB Finding/Recommendation 2:

Remains
Unaddressed

With regard to GPS monitoring, Jessica’s Law has not been amended, and California Penal Code Section 3004(b) continues to require every inmate who has been convicted for any felony violation (or attempt) of a “registerable sex offense” who is released on parole to be monitored by a global positioning system for life.

CASOMB Finding/Recommendation 3: Sex offender registration requirements should be tiered.

Tiering the state’s 90,000 registered sex offenders in a way that allows law enforcement to identify and monitor the most dangerous and those at highest risk of re-offense is also of vital importance. Because state resources are finite, CASOMB recommends re-prioritizing and re-deploying our available resources to accomplish the goals discussed. (CASOMB: April 2010)

Status of CASOMB Finding/Recommendation 3:

Remains
Unaddressed

CASOMB continuously recommends: *A new system for assigning registered sex offenders to “tiers” based on assessed risk rather than on a crime-of-commitment classification system— such as California now uses. The new availability of dynamic risk assessment information should prompt another review of the most effective and most cost-effective approaches to registration. Lifetime registration for very low risk offenders may not make good fiscal or public policy sense. Higher risk offenders, once they are identified using actuarial risk instruments, should be allocated the greatest proportion of attention and the longest lasting attention by those who monitor registrants. Such a strategy conforms to the “Risk Principal,” which recommends that the most resources should be devoted to those who present the highest risk. (CASOMB: February 2013)*

CASOMB Finding/Recommendation 4: A large scale outcome evaluation and cost effectiveness analysis of GPS should be conducted.

California should conduct an analysis of the true recidivism rate (arrest or conviction) for sex offenders released from custody after serving a sentence in a CDCR prison. Such an analysis could look at recidivism over three-year, five-year and ten-year periods. To be meaningful, it would need to account for actual time at risk in the community and not include time when the individual had been returned to custody and so was not actually at risk to re-offend – a method of analysis not readily accomplished with data currently available. The presence or absence of certain management practices should be noted as well, including supervision, Containment, treatment, GPS tracking and others. Since the state is expending substantial resources on GPS for sex offenders, a large scale outcome evaluation and cost effectiveness analysis of GPS should be conducted. Such a study should include both CDCR and county probation and should take into account the risk level of the sex offenders included in the study. The effectiveness and cost effectiveness of widespread use of GPS with sex offenders in California has not been evaluated. California should develop an accurate analysis of the projected total costs for GPS tracking if lifetime supervision were implemented. (CASOMB: January 2010)

Existing research and recommended practice from pilot programs are consistent in asserting that GPS is a useful tool of supervision. The value GPS has in monitoring sex offenders outside of a supervision context has yet to be determined. The CASOMB recommends that there be further research and evaluation conducted to determine the benefit of post-supervision GPS monitoring of sex offenders in communities across California. (CASOMB: December 2007)

Status of CASOMB Finding/Recommendation 4:

Remains
Largely
Unaddressed

See pages 6 and 7 for a detailed discussion of one small scale study of California parolees, which found that those monitored by GPS had a lower incidence of re-offending than a similar group of parolees who were not subjected to GPS monitoring. The 2012 report by the Developmental Services Group, Inc. (DSG), operating under a federal grant from the National Institute of Justice, studied 516 high-risk sex offenders released from prison between January 2009 and March 2009.

Although many states are now reporting the use of GPS technology to monitor sex offenders, there are still very few evaluations of their usefulness in providing public safety and lowering of recidivism rates. (CASOMB: January 2010)

The use of GPS, while potentially helpful, is limited largely to enforcement of residency restrictions, enforcement of sex offender registration requirements specified in PC Section 290, and potential crime scene correlation. (CASOMB: January 2008)

CASOMB Finding/Recommendation 5: Transience poses significant challenges for sex offender supervision.

Transience poses significant challenges for supervision. Even with GPS monitoring, without a stable residence it is difficult to ensure that offenders are complying with their terms of supervision. (CASOMB: January 2010)

Analysis of the situation in California shows that residence restrictions have led to dramatically escalating levels of homelessness among sex offenders, particularly those on parole, of whom nearly one in three are now homeless. In addition, sex offender homelessness is likely to be exacerbated by local ordinances, which continue to proliferate. It is extremely difficult to keep track of these ordinances and to evaluate their contribution to the problem. CASOMB strongly recommends, once again, that policy makers take action to review this situation and revise the state's residence restriction policies. (CASOMB: September 2011)

Status of CASOMB Finding/Recommendation 5:

Partially
Addressed

A number of laws and policies control where sex offenders may live in this State, but the greatest impact has come from the residency restrictions imposed by Jessica's Law. The restriction forbids those affected from living within 2,000 feet of any public or private school or park where children regularly gather.

Jessica's Law also contains the option for local governments to impose further residency restrictions.

However, in early 2013, the California Supreme Court accepted review of the *Taylor* decision from the Fourth District Court of Appeal, which found unconstitutional the blanket 2,000-foot residency restriction imposed on all sex offender registrants. Pending the California Supreme Court's decision in *Taylor*, many municipalities have repealed or modified their local ordinances. In addition, the San Diego County Superior Court stayed blanket enforcement of the residency restrictions pending the California Supreme Court's review of the *Taylor* decision. Meanwhile, several other counties' superior courts, including those in Los Angeles, San Bernardino, San Francisco, Contra Costa, and Sacramento, are issuing stays to any parolee who files a petition challenging the residency restrictions in Jessica's Law, as applied to their individualized circumstances.

CASOMB Finding/Recommendation 6: CDCR should continue to send notification letters when sex offenders are released from parole.

Until such time as new legislation can be passed that will clarify the role, obligation and funding for post-supervision GPS monitoring of sex offenders, CASOMB recommends that CDCR continue to send notification letters when sex offenders are released from community supervision status (parole). It is important to note, that the notification letters are a useful informational tool for the local governments but should in no way imply that this notification directs or delegates local entities to supervise, monitor or assume liability for the post-supervision GPS monitoring of sex offenders. (CASOMB: December 2007)

Status of CASOMB Finding/Recommendation 6:

Fully
Implemented

CDCR continues to mail a *Notice of Pending Discharge Letter* to the respective PC Section 290 registering law enforcement agency no later than 60 days, and no sooner than 90 days, prior to the parolee's discharge from parole.

CONCLUSION

There exists little objective evidence to determine to what extent, if any, GPS tracking serves as a crime deterrent. Despite the rarity of studies defending GPS as a crime deterrent, the OIG's interviews with parole agents and local law enforcement personnel found that they value GPS technology as a supervision tool for its ability to locate parolees, track their movements, and provide valuable information in solving crimes.

While the annual cost of GPS tracking has decreased over the past five fiscal years, it is still a costly endeavor— \$7.9 million for fiscal year 2013–14. GPS technology adds to parole agents' workloads in certain aspects, while affording time-savings in others. Over 60 percent of parole agents who supervise sex-offender parolees have caseloads exceeding established departmental ratios (parolee to agent). In addition, the department has a disparity of caseloads across its parole units, with 14 of the 37 parole units that supervise sex offenders reporting caseload sizes exceeding the department's established ratios for all agents assigned to those units, while five other parole units report caseload sizes below the department's established ratios for all of their parole agents. Field agents whom the OIG interviewed consistently expressed their concerns that the department-issued laptops used for tracking parolee movements in the field should be replaced by smaller hand-held devices such as smart phones, stating that the laptops not only were cumbersome, but may inhibit officer safety in certain situations.

The residency restrictions imposed by Jessica's Law contribute to homelessness among paroled sex offenders. Transient sex offender parolees are more "labor intensive" than are parolees who have a permanent residence. Because transient sex offenders move frequently, monitoring their movement is time consuming. Transient sex offenders must register with local law enforcement monthly (as opposed to yearly for those with permanent residences), thus requiring more frequent registration compliance tracking by parole agents. Adding further to the workload associated with monitoring transients, agents are required to conduct weekly face-to-face contacts with them. Transient sex offender parolees are more likely to violate the terms of their parole than those who have a permanent residence, often for technical reasons like failing to register monthly due to obstacles created by homelessness. It should be noted that less than 1 percent of these violations are for new sex crimes. Transience also creates an unstable environment that is not conducive to rehabilitation, and diminishes parolees' ability to find employment.

While Jessica's Law leaves open the option for local governments to impose their own restrictions on paroled sex offenders, parolees are finding relief from residency restrictions through the courts. Several counties currently issue stays suspending the enforcement of residency restrictions to those who petition the local court, and San Diego County has issued a blanket stay suspending enforcement of residency restrictions on sex offenders pending the outcome of the California Supreme Court's decision in *Taylor*.

Several of the California Sex Offender Management Board's findings and recommendations remain unaddressed. While some of the board's recommendations have been implemented, most recently with CDCR's implementation of the sex offender containment model, major recommendations, such as tiering registration requirements, reevaluating residency restrictions and lifetime monitoring, and applying best practices for GPS monitoring, have not.

FINDINGS AND RECOMMENDATIONS

1. Over 60 percent of the department's parole agents assigned to monitor sex offenders had caseloads exceeding levels established by policy.

Department policy states that a GPS caseload will consist of 20 high-risk or 40 non high-risk cases, or an equitable combination of both. When these ratios are exceeded, the efficacy and efficiency of parolees' supervision is diminished.

Recommendation:

The department should take measures to bring parole agents' caseloads into alignment with established policy. This can be achieved, for example, by reallocating caseloads among agents based on parolee risk-levels, and redistributing caseloads among parole offices where appropriate and practical.

2. Laptop computers issued to field parole agents are too cumbersome for efficient field use.

A common concern expressed by parole agents is that their department-issued laptop computers are too cumbersome for field use. One agent, for example, cited the difficulty of walking through an apartment complex while balancing his laptop with one hand and typing entries with the other to track a parolee in the complex. The agent said that this was a necessary but potentially dangerous practice should the need to use appropriate force suddenly develop.

Recommendation:

The department should consider replacing the bulky laptop computers issued to field parole agents with lighter, more mobile equipment such as smartphones or tablet devices. This would give agents greater mobility on the street and allow greater freedom of movement in critical situations when interacting with parolees.

3. The California Sex Offender Management Board's findings and recommendations on the State's current practices for GPS monitoring of sex offenders remain largely unaddressed.

As noted in this report, the California Sex Offender Management Board was statutorily created specifically to address any issues, concerns, and problems related to the community management of adult sex offenders, with the board's main objective being achieving safer communities by reducing victimization. The board is made up of members with substantial prior knowledge of issues related to sex offenders and represent both urban and rural areas of northern, central, and southern California. Since its statutory formation in September 2006, the board has diligently met and discussed issues and best practices related to sex offender management. The board has published 16 reports covering the full spectrum of sex offender management, including findings

and recommendations on risk assessment, supervision, treatment, residency restrictions, and registration, frequently reiterating the same recommendations from year to year.

Yet, while some of the board's findings and recommendations have been addressed, most recently with CDCR's implementation of the sex offender containment model, California has yet to implement or address most of CASOMB's major recommendations, such as tiering registration requirements, reevaluating the need for residency restrictions for all offenders, and applying best practices to whom and for how long GPS monitoring should be required.

Recommendation:

The statutes enacted under Proposition 83 contain an amendment clause stating that “the provisions of this act shall not be amended by the Legislature except by a statute passed in each house by roll call vote entered in the journal, two-thirds of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.”

Nonetheless, the frequently-repeated findings of the California Sex Offender Management Board deserve consideration and the Governor, Legislature, and the department should work together to review and address the Board's findings and seek out ways to implement the recommendations deemed appropriate.

APPENDICES

Appendix 1 – Agencies currently trained in the Satellite Tracking of People (STOP) VeriTracks software

Appendix 2 – CDCR Policy and Procedures for the Use of Global Positioning System Monitoring as a Parole Supervision Tool

Appendix 3 – Map of Exclusion Zones Under the Residency Restrictions of Jessica’s Law

Appendix 4 – Counties Granting Stays Suspending Enforcement of the Residency Restrictions of Jessica’s Law

Appendix 5 – CDCR Sex Offender Management Program Policies and Procedure

Agencies currently trained in the Satellite Tracking of People (STOP) VeriTracks software:

1. Alameda County Sheriff Department
2. Alhambra Police Department
3. Anaheim Police Department
4. Antioch Police Department
5. Auburn Police Department
6. Bakersfield Police Department
7. Berkeley Police Department
8. Brentwood Police Department
9. CDCR/DAPO - CA Parole Apprehension Team (CPAT)
10. California Department of Justice
11. California Highway Patrol
12. CDCR - Office of Correctional Safety (OCS)
13. Chino Police Department
14. Citrus Heights Police Department
15. Clovis Police Department
16. Concord Police Department
17. DHS ICE Department of Investigations
18. Dixon Police Department
19. El Cajon Police Department
20. El Cerrito Police Department
21. Escondido Police Department
22. Fairfield Police Department
23. CDCR Fugitive Apprehension Team
24. Fontana Police Department
25. Fresno County Sheriff Department
26. Fresno Police Department
27. Fullerton Police Department
28. Garden Grove Police Department
29. Glendora Police Department
30. Hawthorne Police Department
31. Hayward Police Department
32. Huntington Beach Police Department
33. Irvine Police Department
34. Livermore Police Department
35. Lodi Police Department
36. Long Beach Police Department
37. Los Angeles County Sheriff Department
38. Los Angeles Police Department
39. Marin Co Sheriff Department
40. Monrovia Police Department

41. National City Police Department
42. Oakland Police Department
43. Oceanside Police Department
44. Ontario Police Department
45. Orange County Sheriff Department
46. Orange Police Department
47. Oxnard Police Department
48. Pasadena Police Department
49. Pittsburg Police Department
50. Placer County Sheriff Department
51. Pleasanton Police Department
52. Pomona Police Department
53. Redlands Police Department
54. Redondo Beach Police Department
55. Richmond Police Department
56. Ripon Police Department
57. Riverside Police Department
58. Riverside SAFE Team
59. Riverside Sheriff Department
60. Roseville Police Department
61. Sacramento County Probation Department
62. Sacramento County Sheriff Department
63. Sacramento Police Department
64. Salinas Police Department
65. San Bernardino Sheriff Department
66. San Bruno Police Department
67. San Diego County Sheriff Department
68. San Diego Police Department
69. San Diego SAFE Team
70. San Francisco Police Department
71. San Jose Police Department
72. San Leandro Police Department
73. San Mateo Police Department
74. Santa Clara Police Department
75. Santa Clara Sheriff Department
76. Santa Monica Police Department
77. Santa Rosa Police Department
78. Solano County Sheriff Department
79. South San Francisco Police Department
80. Stallion Springs Police Department
81. Stockton Police Department
82. Torrance Police Department
83. Tustin Police Department

84. UCLA Police Department
85. Vacaville Police Department
86. Ventura County Sheriff Department
87. Ventura Police Department

Agencies that have requested training and are in the scheduling process for VeriTracks:

1. Dublin Police Department
2. Fremont Police Department
3. Monterey County Sheriff Department
4. Mountain View Police Department
5. Newark Police Department
6. Sunnyvale Police Department

Memorandum

Date : September 21, 2012

To : Regional Parole Administrators
District Administrators
Unit Supervisors
Parole Agents

Policy No.: 12-15
Supersedes Policy No.: 10-08 Revised
(GPS Components Only)

Subject: **POLICY AND PROCEDURES FOR THE USE OF GLOBAL POSITIONING SYSTEM MONITORING AS A PAROLE SUPERVISION TOOL**

Policy

This policy shall become effective October 1, 2012.

This policy memorandum establishes the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) policy and procedures for the use of Global Positioning System (GPS) technology as a parole supervision tool. **This policy memorandum supersedes the GPS components of Policy No. 10-08 Revised.**

Statutory Authority

California Penal Code (PC) Section 3010 through 3010.9 provides the statutory foundation to mandate all parolees to be supervised utilizing GPS technology. PC Section 3010 reads in part:

Notwithstanding any other provisions of law, the Department of Corrections and Rehabilitation may utilize continuous electronic monitoring to electronically monitor the whereabouts of persons on parole, as provided by this article.

The provisions outlined in PC Section 3004(b) apply to sex offenders released to parole on or after November 8, 2006. PC Section 3004(b) reads in part:

Every inmate who has been convicted for any felony violation of a "registerable sex offense" described in subdivision (c) of Section 290 or any attempt to commit any of the above-mentioned offenses and who is committed to prison and released on parole pursuant to Section 3000 or 3000.1 shall be monitored by a global positioning system for life.

For non sex offenders assigned to a GPS specialized caseload, the tenants contained within this policy shall apply.

General Criteria for GPS Specialized Caseloads

- The two types of cases supervised on GPS specialized caseloads are either sex offenders or gang offenders. The only exception shall be special circumstance cases; i.e., Administrative Placement, High Notoriety, Public Interest Cases, etc., approved by the Director or designee to use GPS as a tool to enhance supervision.
- Special circumstance cases may be approved for supervision on either a GPS sex offender or GPS gang offender specialized caseload.
- With the exception of special circumstance cases approved by the Director, at no time shall a Parole Agent (PA) assigned to a GPS sex offender specialized caseload supervise a non sex offender parolee, or a case designated for non-specialized caseload supervision. At no time shall a GPS-monitored case be assigned to a PA assigned to a non-specialized caseload for supervision, unless the case is being supervised by a PA II, Assistant Unit Supervisor (AUS), assigned to a GPS parole unit. The sex offender caseload matrix as outlined in the sex offender supervision policy shall be adhered to when determining the appropriate case count for GPS sex offender specialized caseloads.
- A GPS gang offender specialized caseload shall consist of gang parolees who meet GPS Monitoring Gang Eligibility Assessment Criteria.
- GPS sex offender and GPS gang offender cases shall not be mixed by consolidating them into a single specialized caseload.
- All parolees who are required to register pursuant to PC Section 290, who also meet the gang eligibility assessment criteria, shall be supervised on a GPS sex offender specialized caseload. At no time shall a PA assigned to a GPS gang offender specialized caseload be assigned supervision of a PC Section 290 registrant.
- The only exception to using GPS to monitor sex offenders are those who meet the exclusionary criteria to GPS monitoring.
- At no time shall a probationary PA assume the supervision of a GPS caseload.

Management of GPS Monitored Caseloads

All GPS caseloads within a multi-unit parole complex shall be assigned to one specialized GPS parole unit. If warranted, excess GPS cases within the multi-unit parole complex shall be assigned to a second parole unit. However, GPS cases within the second parole unit shall only be assigned to a GPS specialized caseload. In areas where there are not enough GPS caseloads to justify staffing an entire specialized GPS parole unit, when feasible, those caseloads shall be consolidated with other GPS specialized caseloads in nearby parole units to create one multi-location GPS parole unit within the same district. The multi-location GPS parole unit shall be supervised by one Unit Supervisor (US). The only exception to establishing a GPS specialized parole unit is where there are insufficient gang or sex offender caseloads within a geographical area to warrant such a unit; i.e., rural locations.

Staff Lines of Responsibility of GPS Monitored Caseloads

Electronic Monitoring Unit

The Electronic Monitoring Unit (EMU) shall have the overall responsibility for the development and implementation of the DAPO statewide Electronic Monitoring and GPS Programs, as well as related policies and procedures associated with the programs. The EMU shall be responsible for direct contact and coordination with the GPS vendor. The Parole Administrator of the EMU shall be considered the DAPO Program Manager.

- All PA Is, PA IIs, and PA IIIs associated with the GPS Program shall be trained by EMU staff. This training will emphasize the use of GPS technology as a parole supervision monitoring tool.
- All PAs must complete the specialized GPS training prior to supervising GPS-monitored parolees. The training shall include detailed instruction on the requirements associated with GPS policies, procedures, and protocols.

Electronic Monitoring Unit Coordinator

Under the direction and supervision of an EMU PA III, the EMU GPS Coordinator PA II shall be responsible for the statewide standardization of the DAPO GPS Program, to include:

- Serving as a subject matter expert with GPS technology, equipment, and software.
- Training staff throughout the Region and State to understand and operate the GPS system.
- Serving as a liaison to DAPO headquarters, field agents, and local law enforcement agencies.
- Providing GPS program technology training updates to field staff.

Parole Agent

The PA shall perform all GPS enrollment, activation, supervision, and deactivation tasks.

Enrollment

When enrolling a parolee into the database for GPS supervision, either prior to, or upon his or her release from custody, the PA shall do the following:

- Prepare the GPS device for use: Fully charge the GPS device, and prepare for installation.

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- Enter/Update the parolee's profile information into the GPS database: The PA shall be required to use a computer with internet access to populate and update the parolee's profile information in the GPS database to include all available information, such as personal descriptors, addresses, employment, and identification numbers.
 - Whenever the parolee profile information is updated in the CalParole database, the information shall also be updated in the GPS database to ensure accuracy between the two databases.
- Enter/Place inclusion/exclusion zones into the GPS database: Enter all mandatory inclusion and exclusion zones that must be manually applied by CDCR into the GPS database no later than the completion of the first contact following release, and the issuance of special conditions of parole.

Zones

The application of inclusion and/or exclusion zones enables the PA to be alerted to a parolee's movement in or out of a specific location. PAs shall utilize zones to enhance caseload supervision.

- Zones may include, but are not limited to, the parolee's residence of record, employment, treatment locations, victim's residence, areas of known narcotic activity, prior arrest locations, known gang activity areas, and areas of restricted travel.
- Zones may also be utilized for informational purposes, or as tools for monitoring compliance with special conditions of parole. Informational zones and alerts may or may not result in a parole violation, depending on the circumstances.
- A review of case factors, prior criminal history, and offender typology shall be considered when creating zones.
- All inclusion and exclusion zones with immediate phone call notification alerts to the PA shall require prior US approval.

After entering a zone into the GPS database, the PA shall:

- Verify the zone is accurately placed no later than the first working day following the activation of the parolee on GPS monitoring.
- Adjust the zone criteria to reflect any necessary changes; i.e., schedule, physical location, etc.

Mandatory Zones

PAs shall assign the following mandatory zones as appropriate:

- Home Inclusion Zone: Place an inclusion zone around the parolee's residence of record. If created as an informational zone that does not have an associated curfew special condition of parole, the schedule shall have a minimum of a four-hour time frame.
- Transient Inclusion Zone: For transient parolees, place a ten-mile zone around the city/county center in which the parolee registers as a sex offender, or around the locations where the parolee discloses he or she intends to sleep/stay during the day and/or night. If created as an informational zone that does not have an associated curfew special condition of parole, the schedule shall have a minimum of a four-hour time frame.
- 25/50-Mile Travel Restriction Inclusion Zone: Place either a 25- or 50-mile inclusion zone in accordance with his or her specific conditions of parole. Travel restriction zones shall be a 24/7 time frame, unless travel has been approved by the US.
- Victim Exclusion Zone (PC Section 3003(h) cases): Any parolee with a special condition of parole, pursuant to PC Section 3003(h), who cannot be within 35 miles of his or her victim, shall have an appropriate exclusion zone established.
- Victim Exclusion Zone: Place an exclusion zone around any known victim's residence/work locations.

Global Zones

Upon activation of the GPS device, the vendor's database will automatically apply zones to the California border and the State and Federal prisons located in California.

Activation

To activate the GPS device, the PA shall do the following:

- Install the GPS device on the parolee: The device shall be installed on the parolee, as instructed in training, during the first face-to-face contact. Verify the fit of the device on the parolee's ankle, attach, and activate for GPS monitoring.
- Verify the GPS device's functionality: At the time of GPS device installation, review the GPS device status in the vendor's database to ensure the GPS location, current cellular transmission, and battery level are all working properly.
- Clear any previously unresolved GPS events: At the time of GPS device activation, review the GPS database to ensure no unresolved events occurred prior to current installation. If prior events are discovered, resolve the events, and note any available information relative to the event in the GPS database.

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Supervision

Upon GPS supervision of a parolee, the PA shall do the following:

- **Serve GPS special conditions of parole:** During the pre-parole process or initial interview, advise the parolee of the CDCR Form 1515 Addendum (Rev. 12/10), Special Conditions of Parole, outlining the special conditions of parole related to GPS supervision and monitoring. The justification and/or nexus shall be, "*Pursuant to PC Sections 3010 and/or 3004(b) and California Code of Regulations, Title 15, Sections 3540 and 3560.*"
- **Provide instructions to the parolee:** Upon the parolee's release, familiarize him or her with the GPS components, CDCR-mandated procedures, and specific behaviors constituting GPS program noncompliance. The instructions shall be incorporated into the CDCR Form 1515 (Rev. 07/12), Notice of Conditions of Parole. Issue a copy of the CDCR Forms 1515 and 1515 Addendum to the parolee, in accordance with current CDCR policy, and also place a copy of each form into the Field File.
- **Effectively communicate:** When appropriate, effectively communicate prohibited area(s) and/or curfew zone restrictions in writing via the CDCR Form 1515 Addendum.
- **Inspect the GPS device and accessory equipment:** At each face-to-face contact, physically inspect the device, strap, and any additional components for evidence of tampers or defects.
- Document all actions taken on the CDCR Form 1650-D (Rev. 06/12), Record of Supervision.

GPS Track Review

When reviewing and analyzing GPS track data, the PA shall do the following:

- Conduct a track review each working day for all GPS-monitored parolees assigned to his or her caseload by displaying the points from the last GPS point viewed, up to the start of the most current day, using Point Pattern Analysis and/or Point-by-Point playback methods as defined in current GPS training.
- Following a weekend, holiday, or scheduled day off, conduct the GPS track review by displaying points from the last GPS point viewed, up to the start of the most current day, in no more than 24-hour track analysis increments.
- During the course of the track analysis, thoroughly investigate all points of interest and notifications/alerts, utilizing the most appropriate system options, including Point-by-Point track playback, Point Pattern Analysis, zoom levels, and mapping tools. In some cases, both methods of track review must be utilized in order to get a clear view of a parolee's daily activities. Select the most appropriate method for accurate and thorough GPS track review based on knowledge of the individual case factors.

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- Upon completion of the track review, document the date/time the review was started and completed, and the date/time range of the GPS tracks that were reviewed onto the CDCR Form 1650-D. For weekend track reviews, one CDCR Form 1650-D entry may be used to document all findings for the weekend review session.
- Document on the CDCR Form 1650-D any findings that require further investigation, as well as parole violations that were discovered through the track review process or system alerts.
- Sex offender cases approved for exclusion from GPS monitoring shall have the supervision requirements modified to exclude required GPS track review. In lieu of the GPS track review requirement, the PA shall conduct a significant collateral contact at a minimum of once every week. This requirement shall replace the sex offender caseload supervision collateral contact requirements until such time that the parolee returns to traditional or modified GPS monitoring.
- If exigent circumstances prevent the GPS track review from being completed on a particular working day, obtain approval from the US or AUS to complete the track review the next working day.

Vendor Monitoring Center

The Vendor Monitoring Center (VMC) will assist GPS PAs in the monitoring of GPS alerts. The VMC will follow pre-established protocols to triage GPS alert information. For less urgent alerts, the VMC will attempt to resolve alerts directly with the parolee prior to PA involvement. In the event the alert cannot be resolved with the parolee, the alert will be escalated to the PA. For more urgent GPS alerts, the VMC will provide immediate notification utilizing the PA in accordance with established GPS alert notification protocols.

Alerts and Daily E-Mail Reports

The PA shall receive notifications via text message and/or telephone call for alerts that may require immediate or additional investigation. The PA will also receive the GPS activities and events of the previous day via e-mail on a cumulative daily summary report that may also require additional investigation. Upon a review of the daily report, or after receiving an alert notification, the PA shall do the following:

- Immediately investigate all alerts as deemed appropriate and in accordance with the GPS Alert Notification Protocols.
- When investigating alerts, utilize GPS technology, when applicable, and document any and all possible parole violations in accordance with current CDCR policy.
- Resolve all GPS alerts to clear the event, noting actions taken for resolution in the GPS database.

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- All GPS notifications of alerts shall be resolved in the GPS database no later than six business days from discovery of the alert.
- If a GPS device has ongoing loss of communication, and the VMC and/or PA are unable to contact the parolee, or the parolee's whereabouts are unknown, the PA shall case-conference with the US or AUS for appropriate action to bring the parolee back under parole supervision.

Sharing of GPS Data and the Subpoena Process

The sharing of GPS printed or recorded data shall be restricted to identified law enforcement personnel. Such law enforcement oriented GPS collaboration shall only occur for the purposes of investigating incidents, assisting the prosecution, or when responding to a subpoena in accordance with the process reference here within. Whenever a Subpoena Duces Tecum requiring production of GPS documentation or data is received at a parole unit, the subpoena shall be forwarded as soon as operationally possible to the Regional Litigation Coordinator (RLC) for appropriate disposition. The RLC shall request the GPS documentation or data from the GPS vendor via the EMU Program Manager or designee. At no time shall GPS data or GPS protocols be released to any other entity without prior approval of the EMU Program Manager. At no time shall a GPS PA share computer log-in and password information.

Olsonization of GPS Documents and Maps

GPS supporting documentation may be required as part of the violation report submission process. The PA shall ensure that all confidential information contained within the documents or maps has been redacted in accordance with established DAPO policy and procedures.

Media Contacts

All contacts from the media regarding the use of GPS as a parole supervision tool shall be forwarded to the respective Regional Public Information Officer (PIO). The Regional PIO shall liaison with the DAPO EMU Program Manager and the CDCR Office of Communications regarding specific policy requests or GPS supervision protocols. GPS data or other information that would jeopardize the safety of staff or parolees shall not be released to the media.

Crime Scene Correlation

Crime Scene Correlation (CSC) is available to GPS-trained agents and DAPO-trained law enforcement agencies. CSC serves as a critical investigative tool, and provides historical GPS data relative to specific search criteria. The PA may utilize CSC as an investigative tool on an

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as-needed basis to assist local law enforcements inquiries and provide GPS information in a timely manner.

Interstate Cases

Any out-of-state parolee who is being considered for transfer to California, who is otherwise eligible for GPS monitoring under this policy, shall be advised that failure to comply with the GPS program requirements shall result in the denial of his or her transfer request.

Any eligible parolee who elects to maintain his or her request to transfer to California shall be supervised via GPS monitoring. Upon arrival for supervision, the parolee retains the discretion to remain in California and participate in GPS monitoring, or to return to his or her sending state. Willful noncompliance with GPS monitoring shall result in the parolee being placed in local custody, and a Good Cause Hearing shall be scheduled to determine appropriate action.

For the CDCR PC Section 290 cases accepted for transfer out of California, the PA shall:

- Issue written instructions requiring the parolee to keep the GPS device attached to his or her ankle and the battery charged while traveling to the receiving state's supervising unit.
- Provide the parolee with a prepaid postage return envelope or box that shall be used to return the GPS equipment to California.
- While the parolee is in transit, the case shall continue to be monitored by the PA, and the GPS tracks shall be reviewed in accordance with existing GPS track review requirements.
- Upon arrival at the receiving state's supervising unit, while in the presence of the supervising officer or designee, the parolee shall be required to call the DAPO PA/Officer of the Day. The parolee shall be advised to remove the GPS device; place the device and charger in the postage paid envelope/box, and place it into the outgoing mail for return to CDCR.
- Review GPS tracks up to the time of removal of the GPS device, and resolve all alerts in the vendor's database.
- Document actions taken to close supervision on the CDCR Form 1650-D.

State Issued Equipment Control

Equipment inventory control is vital to the success of DAPO's GPS Program. Currently, GPS PAs are issued a State laptop, cellular telephone, wireless air card, and accessories. This equipment shall only be used to conduct State business. At no time shall this equipment be left in plain view within a vehicle. If assigned equipment is lost or damaged, the PA shall:

- Immediately notify his or her supervisor for immediate replacement, and submit a completed CDCR Form 1617 (03/89), Memorandum, describing the circumstances.

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- The US shall contact the EMU Program Manager or designee for immediate equipment replacement, and forward a copy of the CDCR Form 1617 as soon as practical to the EMU Support Unit mailbox at EMUSupport@cdcr.ca.gov.
- PAs may be required to reimburse the State for replacement cost of equipment loss due to negligence or employee culpability, as outlined in Department Operations Manual Section 85050.5, Equipment Responsibility Policy.
- State issued equipment shall remain with a GPS trained PA or US during a PA's vacation or extended leave.
- Equipment options may change based on program objectives.

GPS Vendor Equipment Control

For security reasons, all GPS equipment (consumables and GPS devices) shall be safely secured. At no time shall a parolee be left in an area with unsecured GPS equipment. At no time shall GPS equipment be left in plain view within a vehicle. Defective GPS devices shall be immediately returned to the vendor for replacement and/or disposal. Used or defective straps and installation pieces shall be destroyed by the PA by cutting them into unusable pieces.

GPS Equipment Lost, Destroyed, or Damaged by Parolee

If a parolee intentionally loses, destroys, or damages a GPS device, the PA shall confer with the US to determine if the case should be referred to the County District Attorney's Office for prosecution. Any completed violation report shall reflect this charge accordingly.

Transitioning Parolees Off of Departmental GPS Monitoring

In circumstances when the sex offender was released to parole on or after November 8, 2006, the US or designee shall complete the appropriate Notice of Pending Discharge letter (Attachment A). The Notice and Pending Discharge letter shall be mailed to the respective PC Section 290 registering law enforcement agency no later than 60 days, and no sooner than 90 days, prior to the parolee's discharge. A letter shall be completed for all qualified PC Section 290 registrants discharging from parole, regardless of their current status (active or revoked). A copy of the completed letter shall be retained in the Field File. Law enforcement agencies may elect to assume GPS monitoring of discharged sex offenders, and DAPO staff shall provide reasonable assistance to the respective law enforcement agency, if requested.

Deactivation

Parole Agent I

When deactivating a GPS device, the PA shall do the following:

- Perform all necessary unenrollment tasks associated with the removal of a GPS device.
- Inspect the device for evidence of tampers.
- Retain the device and prepare for future use, or return the device to the vendor for repair/replacement.
- Upon notification of a parolee's arrest, unenroll the parolee from the vendor's database within one working day.
- When a parolee is placed in local custody, retrieve the device from the facility no later than the third working day. Document all unsuccessful efforts to retrieve the device on the CDCR Form 1650-D, and notify the vendor that the device has been lost and unrecoverable, in order to maintain accurate equipment inventory.
- Upon discovery that a parolee has absconded from parole supervision, the PA may delay for up to three days to unenroll the parolee from the vendor's database to allow for possible additional GPS data collection and intelligence gathering. In the event the parolee cuts the strap and removes the GPS device from his or her ankle, and the location of the device is known, retrieve the device no later than the third working day following notification. Document all unsuccessful efforts to retrieve the device on the CDCR Form 1650-D, and notify the vendor that the device has been lost and unrecoverable, in order to maintain accurate equipment inventory.
- On the Controlling Discharge Date (CDD), remove the GPS equipment and unenroll the parolee from the GPS Database. If the CDD falls on a non business day, verify the CDD on the prior working day, and unenroll the parolee from the GPS database on the date of the CDD. The PA shall collect the GPS equipment on the next business day.

Parole Agent II

The PA II shall provide support to the US with administrative duties and GPS-related functions within the parole unit as outlined in current policy and procedures. The PA II assigned to a parole unit supervising GPS sex offender specialized caseloads may be assigned sex offender cases for supervision.

Administrative duties may include, but are not limited to, the following:

- Assisting the US in maintaining accurate GPS equipment inventory for their parole unit.
- Utilizing audit reports from the GPS database.

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- Assisting PAs with preparole zone application and profile enrollment into the GPS database.
- Analyzing and reviewing GPS tracks.
- Reviewing the GPS vendor daily report, and auditing for outstanding alerts.

Unit Supervisor

The US shall:

- Utilize the CalParole Unit Workload Summary Report to determine workload.
- Balance and maintain an equitable combination of cases as outlined in the sex offender caseload matrix.
- Ensure all GPS specialized caseloads include only parolees with GPS CalParole codes.
- Effectively utilize all available supervisor reports and case management tools in the vendor database to perform audits and ensure compliance with GPS track review requirements and duties of PAs assigned to GPS specialized caseloads.
- Review the daily summary report and GPS database to ensure alerts are addressed by the PA.
- Ensure special conditions of parole relating to GPS supervision reflect an appropriate nexus.
- Maintain accurate inventory of GPS equipment assigned to the respective parole unit.
- Ensure the GPS call trees remain current and up-to-date, with all pertinent information, by providing any changes to the EMU GPS Coordinator.
- Ensure a GPS-trained PA is available to complete daily GPS duties, to include GPS track reviews, investigation, and alerts, in the event the PA is unavailable; i.e., sick, vacation.
- During case reviews, ensure GPS events, violations, and alerts are being resolved and noted into the GPS database, and significant GPS events are documented onto the CDCR Form 1650-D; i.e., those that are deemed to require further investigation or action, including, but not limited to, immediate alerts/notifications.

District Administrator

Each District Administrator (DA) shall ensure that GPS caseloads within a parole district/complex/unit are created and managed in accordance with the mandates outlined in this policy. The DA shall liaison with the EMU Program Manager to ensure his or her respective district is maintaining compliance with this policy. Each DA shall utilize all available vendor supervisor reports and case management tools to perform audits and compliance checks within their respective district.

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Administrative Officer of the Day

GPS call trees will include the Administrative Officer of the Day (AOD) contact information. In situations where the VMC is unable to contact all PAs assigned to a specific call tree, the VMC will contact the AOD. The AOD schedule shall be utilized for after-hour alerts (1700 hours to 0800 hours during the normal business week), and all hours during weekends and State holidays. Each Regional Parole Administrator (RPA) or designee shall be responsible for providing a current AOD schedule to the EMU Program Manager or designee.

Temporary GPS Device Removal

When an instance arises necessitating temporary removal from traditional GPS monitoring, such as a medical procedure, the US may direct temporary removal of the GPS device as follows:

- The decision to temporarily remove the GPS device shall be documented onto the CDCR Form 1650-D.
- Temporary removal shall not exceed 12 hours.
- All steps shall be taken to minimize the time a parolee is in the community without traditional GPS monitoring. Mitigating actions such as transportation to and from a medical appointment, or having the parolee reschedule an appointment, may become necessary to minimize the temporary removal of the device.
- The parolee shall be required to carry an activated GPS device to the medical procedure, and shall remain within proximity of the device, unless being in proximity of the device would interfere with the medical equipment.
- For modifications or exclusion from GPS monitoring beyond 12 hours, a request for approved modification must be submitted as outlined below.

Exclusion or Modification Criteria from Traditional GPS Monitoring for Sex Offenders

Traditional GPS monitoring devices are designed to be secured to a person's ankle. In certain circumstances, such as a condition of mental illness and/or physical disability, traditional GPS monitoring may not be an appropriate consideration or option.

Modifications to traditional GPS monitoring are available, but shall only be used when absolutely necessary. If traditional or modified GPS monitoring is likely to cause serious injury or death to a parolee, a GPS monitoring exclusion shall be considered.

Extended exclusion or modification to traditional GPS monitoring that meet the temporary requirements outlined above shall be approved or disapproved in writing by the DAPO

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Director or designee via case conference, including the respective RPA and shall be documented on the CDCR Form 2193 (Rev. 03/12), Request for Residency Exclusion/Global Positioning System (GPS) Modification or Exclusion (Attachment B).

Mental Illness/Disability

For GPS-monitored disabled or mentally ill parolees, documentation clarifying the need for modification or exclusion from traditional GPS supervision is required if it is determined that participating in traditional or modified GPS monitoring will cause serious injury or death.

The CDCR Form 128-PMH3 (06/10), GPS Supervision of Mentally Ill Parolee Clinical Recommendation to Continue, Modify, or Exclude from Traditional Monitoring (Attachment C), shall be used when the PA suspects GPS monitoring may have an adverse affect on a parolee's mental health, and/or suspects a parolee's mental disorder prevents the parolee from compliance with traditional GPS monitoring. With this type of case, the following shall take place:

- The PA shall complete section 1 of the CDCR Form 128-PMH3, attach the CDCR Form 7385-A (06/10), Authorization For Release of Information-DAPO, and submit both forms to the Parole Outpatient Clinic (POC) Regional Headquarters Supervising Senior Psychologist per the listed instructions provided for completion of the CDCR 128-PMH3.
- Upon receipt of the CDCR Forms 128-PMH3 and 7385-A, not to exceed two business days, the POC Supervising Senior Psychologist shall assign a POC Clinical Psychologist or Clinical Social Worker to evaluate the parolee.
- No more than ten business days following clinical assignment, the Psychologist or Social Worker shall evaluate the parolee and conference the case with the PA to determine if there is or is not a need for modification or exclusion to traditional GPS monitoring. The evaluation and recommendation shall be documented on the CDCR Form 128-PMH3, with the completed CDCR Form 7385-A attached.
- Within one business day following the evaluation, the Psychologist or Social Worker shall provide the completed CDCR Forms 128-PMH3 and 7385-A to the Supervising Senior Psychologist. In an effort to ensure these forms are received timely, they shall be faxed when overnight delivery is unavailable.
- Within two business days after receipt of the completed CDCR Forms 128-PMH3 and 7385-A, the Supervising Senior Psychologist shall conference the case with the US and/or the DA, complete section 4 of the CDCR Form 128-PMH3, and provide both forms to the referring agent.

Parolees in a 24-hour licensed mental health facility will not require a POC clinician's report. In these cases, the parolee's licensed care provider; i.e., Doctor of Philosophy (PhD) or

Doctor of Medicine (MD), at the facility will be asked to prepare the report. The referring agent shall attach the provider's completed report to the CDCR Forms 128-PMH3 and 7385, and provide it to the POC Regional Headquarters Supervising Senior Psychologist.

Note: Parolees who have difficulty remembering to charge their GPS device because of a mental illness or disability do not meet the criteria for exclusion from GPS monitoring.

Physical Disability

If it is determined that a physical disability exists precluding the parolee from wearing a traditional GPS monitoring device, or if traditional GPS monitoring is likely to cause serious injury or death, modified supervision or exclusion from GPS monitoring may be considered.

Such physical disabilities may include, but are not limited to:

- Amputated limb(s) prohibiting traditional placement of a GPS device on parolee's ankle.
- Diabetes or other medical condition(s) causing severe swelling of limbs, potentially resulting in physical harm if a traditional GPS monitoring device is applied.
- Parolee's current and/or continued placement in a medical facility with diagnostic imaging equipment. Medical equipment may be adversely affected by GPS monitoring, or the increased potential for exposure to infection may exist (during surgery).
- Documentation is not necessary in cases where a parolee is a double leg amputee.
- The parolee must provide a letter to his or her PA from his or her licensed medical physician. Letters from physician assistants or other designees will not be accepted.

In the event that a physical disability exists, the physician's letter must provide the following information:

- Parolee's medical condition and clarification as to whether the condition is acute or chronic.
- Specifically how the parolee's condition limits traditional GPS monitoring.
- Specifically how wearing the GPS monitoring device is likely to cause serious injury or death relative to the parolee's current medical condition or location in a medical facility.

Approved Modifications to Traditional GPS Monitoring

Modifications to traditional GPS monitoring deviating from traditional placement of the GPS monitoring device may be authorized. These modifications include the following:

- If a modification to GPS monitoring is approved, the PA will contact the EMU Program Manager or designee to determine what equipment options are available for use.

- The parolee must carry the GPS monitoring device on his or her person at all times (fanny pack, back pack, belt, or alternative tracking device approved by the EMU Program Manager), and must be kept within reach when showering or sleeping.
- The GPS device can be attached to any device which enables a non-ambulatory parolee the ability to move around; i.e., a wheelchair.
- The PA shall serve the parolee with the CDCR Form 1515 Addendum, mandating GPS participation, with specific directives related to the requirements for the approved modification to GPS supervision and monitoring.

The following specific directives shall include, but are not be limited to:

“You shall maintain the GPS device on your person or ambulatory device 24 hours a day, 7 days a week, except when showering or sleeping. When showering or sleeping, you must keep the device within reach of your person.”

Requesting and/or Obtaining GPS Exclusion and/or Modification

Parole Agent

Exclusion or modification to traditional GPS monitoring relative to mental illness or disability requires the PA to obtain the CDCR Form 128-PMH3 from the Regional Supervising Senior Psychologist, as previously stated.

When requesting and/or obtaining GPS exclusion or modification, the PA shall do the following:

- Ensure any parolee requesting exclusion or modification from traditional GPS monitoring, due to a physical disability, has submitted a letter from a licensed medical physician, as well as the completed CDCR Form 7385-A. The recommendation must be in writing on the physician's letterhead, and must be signed by the actual physician.
- Review the letter to verify that the signing physician is currently licensed to practice medicine. This shall be done by accessing the Medical Board of California's website at www.medbd.ca.gov, and clicking the field titled “Check Your Doctor.”
- Contact the physician by telephone to verify the recommendation is true and correct, and that it displays the physician's own signature.
- Document the name of the person he or she spoke with, annotating the date and time on the CDCR Form 1650-D. Review and compile all supporting documents that pertain to the request for the modification or exclusion.
- Document the request for modification or exclusion, along with the recommendation for feasible alternatives, on the CDCR 1650-D, and submit the CDCR Form 1502 (Rev. 10/06), Activity Report, to the US.

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- The recommendation shall include feasible alternatives to GPS exclusion or modification.
- Any changes in the parolee's circumstances may void the GPS modification or exclusion decision, and shall be reported to the US the first working day following discovery.

Unit Supervisor

If it is determined a modification or exclusion appears appropriate, the US shall:

- Complete a CDCR Form 2193.
- When making a recommendation, the US shall clearly articulate all supporting modification or exclusion case factors. This form and all supporting documentation shall be forwarded to the DA for approval or denial.
- In some instances, the review process may include a case conference with the DA, treating physician and/or clinician, and the Sexually Violent Predator (SVP)/High Risk Sex Offender (HRSO) Unit.
- Once the modification or exclusion decision has been made, the US shall conduct a review every 90 days or immediately following a change in modification or exclusion circumstances. This review shall be documented via a CDCR Form 1650-D, and include the parolee's current medical/mental condition, and whether continued modification or exclusion is warranted.
- The modification or exclusion determination shall be provided to DAPO headquarters SVP/HRSO Unit via e-mail at ParoleSVPHRSO@cdcr.ca.gov, with a courtesy copy forwarded to the appropriate chain of command. This determination shall include a summary of the decision to continue or terminate the modification or exclusion.
- A decision to return the parolee to traditional GPS monitoring does not require approval from the Director.

District Administrator

The DA shall review the request for appropriateness. Approved requests shall be forwarded to the RPA for approval or denial. If the request is denied, the CDCR Form 2193 shall be returned to the requesting unit as soon as operationally possible, and shall be retained in the Field File.

Regional Parole Administrator

The RPA shall review the request for appropriateness. Approved requests shall be scanned and e-mailed to the Director via the SVP/HRSO Unit, for review. The e-mail must be addressed to the SVP/HRSO Unit at ParoleSVPHRSO@cdcr.ca.gov. If the Director approves the request, the SVP/HRSO Unit shall maintain and store the hard copy, and electronically distribute to the

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RPA, DA, and Regional Exclusion Tracking Coordinator. The RPA shall ensure the parolee's status is monitored every six months by the US and the DA. The review shall include documentation of changes that may impact the continued exclusion or modification from traditional GPS monitoring. Additionally, the RPA shall track all requests that have been forwarded to the Director.

Director

The Director or designee shall review all GPS monitoring modification or exclusion requests. The Director shall retain the discretion to approve a request as written, approve a request with modification, or to deny a request. The Director's decision shall be noted on the CDCR Form 2193, and shall be returned to the requesting unit via the respective Regional Headquarters Office. The decision by the Director is final. The CDCR Form 2193 shall be retained in the Field File.

If the parolee is approved for exclusion or modification to traditional GPS supervision, the case shall continue to be supervised on a GPS specialized caseload. Once the parolee's condition changes and the need for exclusion or modification is no longer deemed necessary, the parolee shall be immediately returned to traditional GPS monitoring.

If you have any questions, please contact the Policy and Procedures Unit, DAPO, via e-mail at ParolePolicyandProcedureUnit@cdcr.ca.gov.



MARGARITA E. PEREZ
Director (A)
Division of Adult Parole Operations

Attachments

DIVISION OF ADULT PAROLE OPERATIONS

Your Parole Unit
Your Parole Unit's Address
City, State, Zip Code



ATTACHMENT A

Date

Name of Local Law Enforcement Agency

Address

City, State, Zip Code

Dear Sir or Madame:

Please accept this letter providing information concerning the imminent discharge of the parolee listed below. This parolee will continue to be monitored by the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) with Global Positioning System monitoring until the discharge date. This correspondence replaces any previous notices distributed by CDCR, DAPO on this topic.

The relevant personal data on file for this parolee includes:

Parolee Name: _____

CDC Number: _____ Date of Birth: _____

Penal Code Section 290 Registered Address: _____

City, State, Zip Code _____

Penal Code Section 290 Offense: _____

Controlling Discharge Date: _____

If you have any questions or would like to make contact with this offender prior to discharge, please contact me directly at, (your telephone number).

Sincerely,

Your name
Unit Supervisor, Your Parole Unit
Division of Adult Parole Operations

ATTACHMENT B

Waiver Type	<input type="checkbox"/>	New
	<input type="checkbox"/>	Update

Date: _____

Region: _____

Parole Unit: _____

To: **Director**
Division of Adult Parole Operations

Via: **Regional Parole Administrator**
Division of Adult Parole Operations

CHECK BOX THAT APPLIES:

- PC 3003.5(b) Residency Exclusion, 2000 feet of any public or private school, (K-12 inclusive) or park where children regularly gather *(Complete Section I, II, and III)*
- PC 3003(g) Exclusion, One-half mile of any public or private school (K-12, inclusive) *(Complete Section I, II, and III)*
- GPS Monitoring Modification *(Complete Section I, II, IV, V, and VI)*
- GPS Monitoring Exclusion *(Complete Section I, II, IV, and V)* (GPS exclusions apply only if modified GPS would likely cause parolee serious injury or death)

Section I

Parolee's Name:	CDC Number	Agent of Record

CLASSIFICATION: HRSO Non-HRSO Other _____

Section II

Criminal History / Sex Offender History:

--

Section III

Proposed Facility Name, Address, and Synopsis/Reason for Residence Exclusion:
(Include distance from nearest Park, School).

--

Section IV

Type of GPS Modification Requested: (Include alternatives to traditional GPS and proposed language for revised special condition of parole).

STATE OF CALIFORNIA
REQUEST FOR RESIDENCY EXCLUSION GLOBAL POSITIONING
SYSTEM (GPS) MODIFICATION OR EXCLUSION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDCR 2193 (REV. 02/10)

ATTACHMENT B

<input type="checkbox"/> Housing Complaint	Date: _____	Chief Deputy Secretary, Operations	Date
<input type="checkbox"/> Other	Date: _____	Approved /Disapproved	
<input type="checkbox"/> Exclusion Waiver Terminated	Date: _____	Regional Parole Administrator	Date
		Division of Adult Parole Operations	
		Approved / Disapproved	

ATTACHMENT C

STATE OF CALIFORNIA
GPS SUPERVISION OF MENTALLY ILL PAROLEE-CLINICAL
RECOMMENDATION TO CONTINUE, MODIFY, OR EXCLUDE
FROM TRADITIONAL MONITORING
CDCR 128-PMH3 INSTRUCTIONS (Rev. 03/10)

DEPARTMENT OF CORRECTIONS AND REHABILITATION
DIVISION OF ADULT PAROLE OPERATIONS

INSTRUCTIONS FOR CDCR 128-PMH3 Global Positioning System Supervision of Mentally Ill Parolee-Clinical Recommendation to Continue, Modify, or Exclude from Traditional Monitoring

Purpose of Form: This form is to be used when the Parole Agent of Record suspects that Global Positioning System (GPS) monitoring may have an adverse affect on a parolee's mental health, and/or suspects that a parolee's mental disorder prevents the parolee's ability to comply with traditional GPS monitoring.

The referring Parole Agent shall complete identifying information at the top of each page of the form.

1. This section is to be completed by the referring Parole Agent.
2. This section is to be completed by the evaluating Clinical Psychologist or Clinical Social Worker, and is to include the recommendations of either:
 - a. Recommend continuing traditional GPS monitoring by selecting "No Adverse Affect," or
 - b. Recommended modification of traditional GPS monitoring by selecting "Minimal Adverse Affect," or
 - c. Recommend excluding parolee from GPS monitoring by selecting "Adversely Affects Parolee's Mental Health and/or Parolee's Mental Disorder which will result in serious injury or death."
3. This section is to be completed by the evaluating psychologist and is utilized for documenting parolee alerts regardless of the recommendation in section 2.
4. This section is to be completed by the evaluating supervising senior psychologist and is utilized for concurrence or modification of the recommendation.

Signatures: All forms must have the printed, legible name, signature, and date of the referring parole agent in section 1, the evaluating psychologist in section 3, and the reviewing supervising senior psychologist in section 4.

ATTACHMENT C

STATE OF CALIFORNIA
GPS SUPERVISION OF MENTALLY ILL PAROLEE-CLINICAL
RECOMMENDATION TO CONTINUE, MODIFY, OR EXCLUDE
FROM TRADITIONAL MONITORING
CDCR 128-PMH3 (Rev. 03/10)

DEPARTMENT OF CORRECTIONS AND REHABILITATION
DIVISION OF ADULT PAROLE OPERATIONS

CDC #	NAME (Last, First Initial)	PAROLE REGION	UNIT
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1. REFER PAROLEE TO PAROLE OUTPATIENT CLINIC FOR EVALUATION TO DETERMINE AFFECT OF THE GLOBAL POSITIONING SYSTEM (GPS) MONITORING AND RECOMMENDATION TO CONTINUE, MODIFY, OR EXCLUDE FROM TRADITIONAL GPS MONITORING (referring parole agent completes section 1):

Basis of Referral (describe concerns, observations, or related factors):

Referring Agent's Name (Print)	Fax #	Signature	Date of Referral
--------------------------------	-------	-----------	------------------

2. THIS PAROLEE HAS RECEIVED A MENTAL HEALTH EVALUATION WITH THE FOLLOWING RESULTS PERTAINING TO ADVERSE AFFECT TO MENTAL ILLNESS AS A RESULT OF GPS MONITORING (check box[s] below):

- a) **No Adverse Affect.**
- b) **Minimal Adverse Affect.** Recommend modification to GPS monitoring as follows:

- c) **Adversely Affects Parolee's Mental Health and/or Parolee's Mental Disorder which will result in serious injury or death** - Recommend excluding parolee from requirement to comply with GPS monitoring (specify basis for recommendation below):

ATTACHMENT C

STATE OF CALIFORNIA
GPS SUPERVISION OF MENTALLY ILL PAROLEE-CLINICAL
RECOMMENDATION TO CONTINUE, MODIFY, OR EXCLUDE
FROM TRADITIONAL MONITORING
CDCR 128-PMH3 (Rev. 03/10)

DEPARTMENT OF CORRECTIONS AND REHABILITATION
DIVISION OF ADULT PAROLE OPERATIONS

CDC #	NAME (Last, First Initial)	PAROLE REGION	UNIT
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3. ALERTS:

Mental Health Designation

- Enhanced Outpatient Program (EOP).
- Clinical Case Management System (CCCMS).
- General Population (GP).

Level of Functioning Assessment (GAF Score): _____ Psychotropic Medication Prescribed: Yes No

BEHAVIORAL ALERTS: _____

Clinical Psychologist's or Clinical Social Worker's Name and Classification (Print)	Signature	Date of Evaluation
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4. Supervising Senior Psychologist Action:

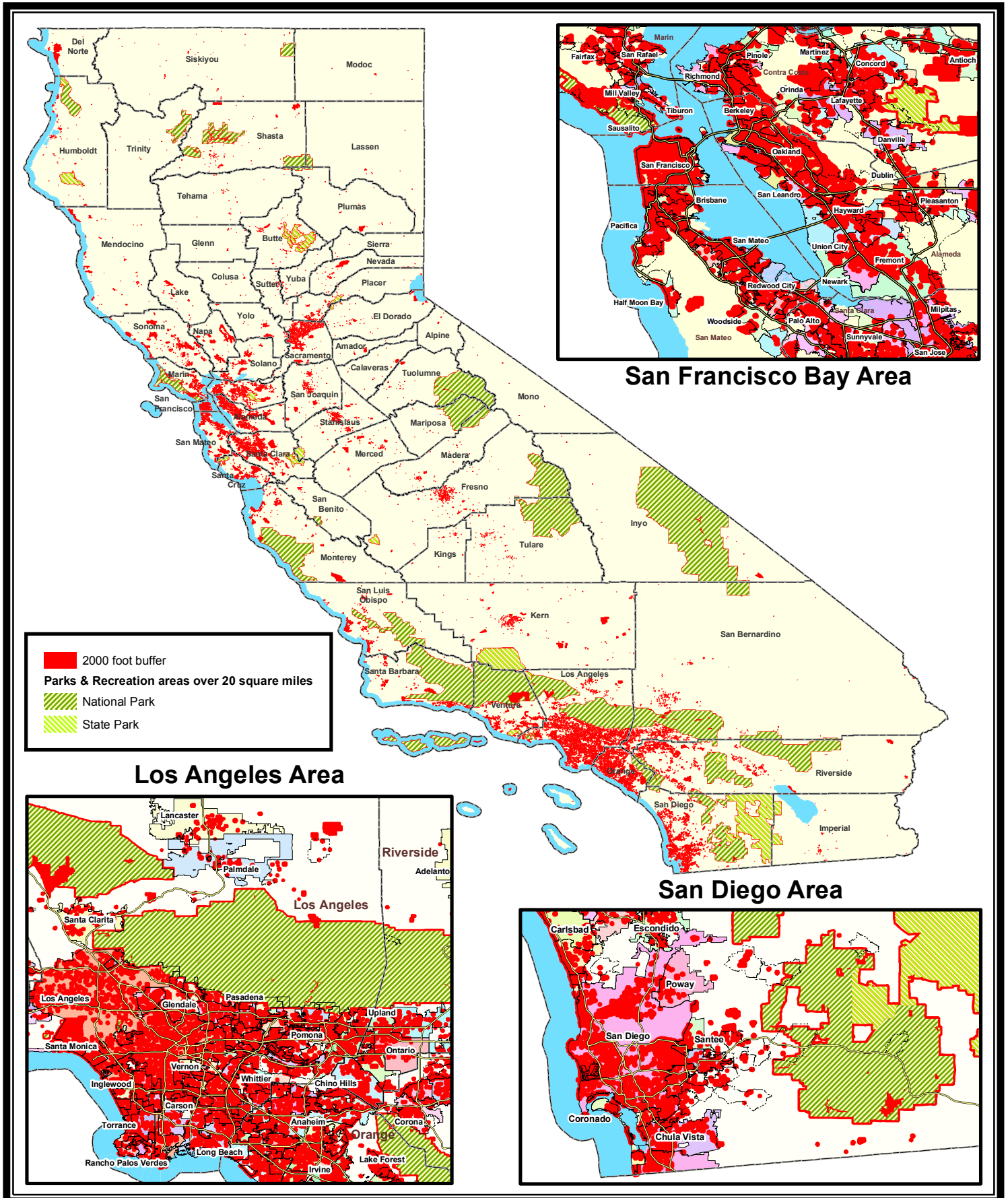
- a) Concur with Recommendation.
- b) **Modify Recommendation** (specify modification to evaluator's recommendation below):

Supervising Senior Psychologist's Name (Print)	Signature	Date of Review
--	-----------	----------------

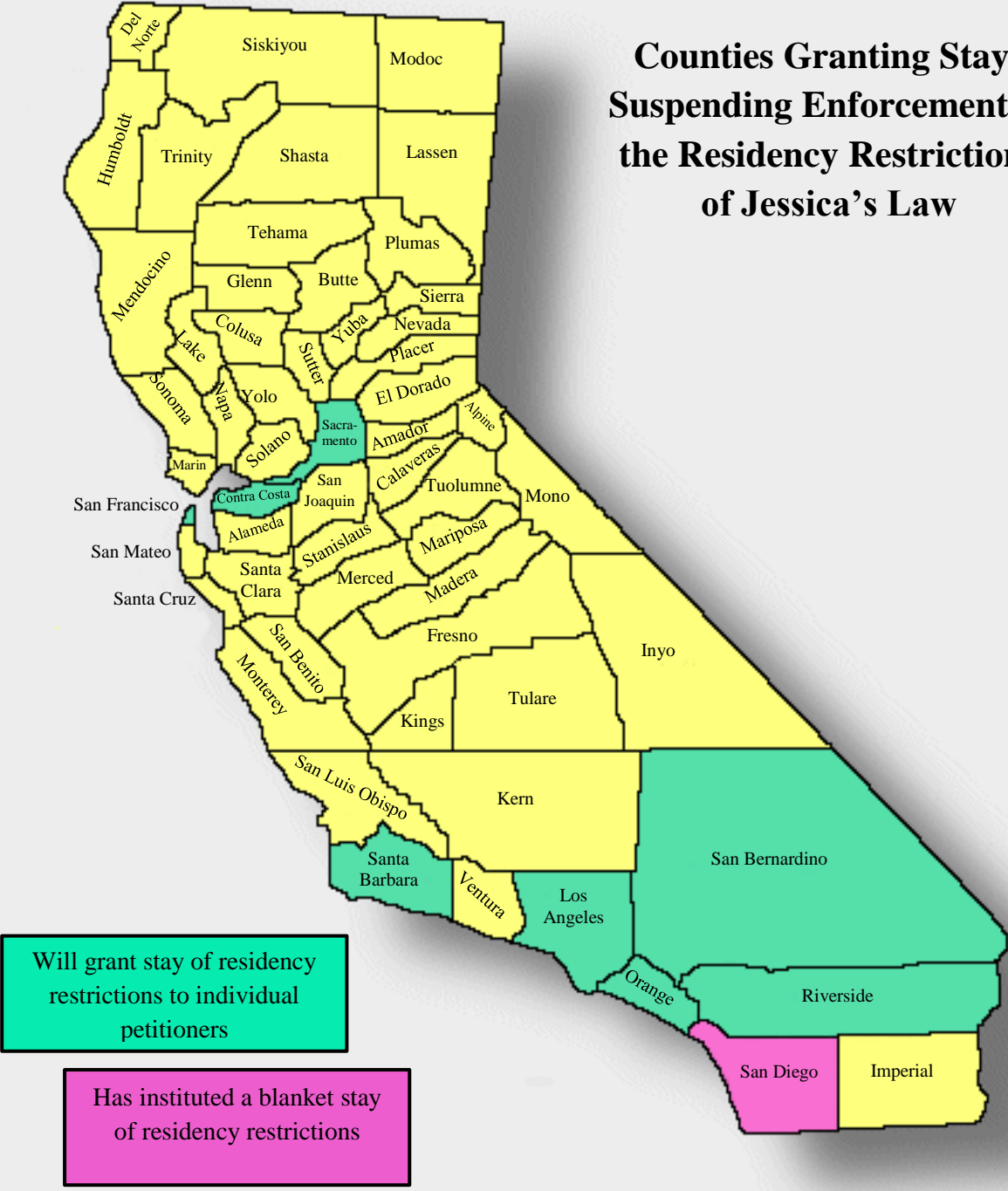
DISTRIBUTION: Parole Agent of Record; Parole Field File, POC, Parolee

State Wide

2000 foot proposed buffer



Counties Granting Stays Suspending Enforcement of the Residency Restrictions of Jessica's Law



Memorandum

Date : September 15, 2014

To : Regional Parole Administrators
District Administrators
Parole Unit Supervisors
Parole Agents

Policy No.: 14-03

Supersedes Policy No.: 08-13, 09-11, 12-01, and 12-16

Rescinds Policy No.: 08-27 and Directive 09-04

Subject : **THE DIVISION OF ADULT PAROLE OPERATIONS' POLICY AND PROCEDURES FOR THE SEX OFFENDER MANAGEMENT PROGRAM**

The purpose of this memorandum is to announce the implementation of the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations' (DAPO) policy and procedures for the Sex Offender Management Program (SOMP). Pursuant to Penal Code (PC) §3008, CDCR must implement a sex offender management and containment program developed in accordance with the standards established under PC §9003. The SOMP is a comprehensive program consisting of enhanced supervision, sex offender specific treatment, polygraph use, victim advocacy, and is intended for the management of all parolees required to register with law enforcement, pursuant to PC §290.

Policy

All sex offender parolees required to register pursuant to PC §290, shall be subject to the provisions of the SOMP, and shall be supervised according to the procedures detailed within this policy memorandum.

The SOMP consists of five sex offender supervision categories, defined and coded in CalParole as follows:

- **ST** - Sex Offender Transitional Phase.
- **SA** - Highest level of supervision.
- **SB** - Moderate level of supervision.
- **SC** - Lowest level of supervision.
- **SD** - Category designation for all in custody cases.

Upon implementation of the SOMP, each Parole Agent (PA) assigned to a specialized sex offender parolee caseload shall receive training in the SOMP. As the PA completes the SOMP training, all sex offender parolees assigned to the respective PA's caseload shall be reclassified as follows:

- All sex offender parolees currently supervised in the community and designated as a High Risk Sex Offender (HRSO) shall be classified at the highest level of supervision "SA."
- All sex offender parolees currently supervised in the community that are non-HRSO shall be classified at the moderate level of supervision "SB."
- All sex offender parolees currently in custody shall be classified as "SD."

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The Unit Supervisor (US) shall make the final determination in the initial supervision classification level of sex offender parolees following a thorough review of all available resources.

Caseload

An offender with a Static-99R score of four or greater shall be designated as a HRSO for purpose of identifying release to parole supervision. All sex offender parolees required to register pursuant to PC §290, shall be assigned to and supervised on specialized caseloads. Sex offender parolee caseloads shall be inclusive of all supervision categories (ST, SA, SB, SC, and SD). In determining the equitable combination of HRSO and Non-HRSO sex offender parolees, ST and SA supervision levels will be considered HRSO cases for the purpose of supervision level identification only. Cases designated SB and SC will be considered Non-HRSO for the purpose of supervision level identification only. Sex offender caseload ratios will be determined pursuant to the Memorandum of Understanding (MOU) Section 19.08(C). SD cases shall not count as part of the caseload ratio.

The Assistant Unit Supervisor (AUS) will be assigned to carry a sex offender caseload at 25 percent of the average PA workload within the parole unit. The caseload should be proportionate to the equitable breakdown of cases by category being supervised within the parole unit. Sex offender parolee caseloads shall consist only of the aforementioned supervision categories with the exception of special circumstance cases approved by the DAPO Director to be monitored with Global Positioning System (GPS) technology. Special circumstance GPS cases shall be designated as “GT” in CalParole and shall count as part of the caseload. Contact requirements for “GT” cases are outlined in current policy.

Beginning on the first of each month, the US shall utilize the Parole Unit Workload Summary Report to review and adjust the assigned workload for each PA on a weekly basis. Upon review, the US or designee shall attempt to balance the workload and maintain an equitable mix of categories on each caseload.

When a parole unit has an excessive workload, excess cases shall be assigned equitably. The US/designee shall make every effort to distribute pre-parole and TIR cases equitably, taking into account geography and current workload. Exceptions may be considered under any of the following criteria:

- Rural caseloads requiring excessive vehicle travel to complete supervision specifications.
- Urban caseloads in an area with regular traffic congestion.
- Caseloads in areas where inclement weather conditions result in modified driving conditions such as chain requirements.
- PAs currently participating in the apprenticeship program.
- Other reasonable circumstances.

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Initial Release

Immediately upon implementation of the SOMP and thereafter, all sex offender parolees who are initially released onto parole shall be classified at the transitional level of supervision “ST” and subject to release pursuant to PC §3060.7(a). Sex offender parolees released after a minimum of 90 days in custody shall be classified as “ST.” The classification will remain “ST” until thorough assessments are conducted in conjunction with a Containment Team Meeting as described in this policy. Containment Team members shall use the attached CDCR Form 3042 (05/14), Sex Offender Management Program - Classification Scoring Sheet, as a screening tool to designate the appropriate supervision category under the SOMP.

Obtaining Static-99(R), Female Sex Offender Risk Assessment (FSORA) and/or California Static Risk Assessment (CSRA) Scores

The Static-99R and Female Sex Offender Risk Assessment (FSORA) instruments are completed by DAPO's Parole Planning and Placement (PPP) staff and displayed in the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) database. The PA shall use the most recent score displayed on the COMPAS Risk and Needs assessment tool to apply to the Classification Scoring Sheet.

In circumstances where a Static-99R or FSORA does not exist for a pre-parole or sex offender on parole supervision (i.e., court walkovers, parolees with imminent release dates, "R" numbers), the US, PA, or designee shall request a Static-99R or FSORA assessment within five working days of discovery that no assessment exists.

To obtain a Static-99R or FSORA, submit a request via electronic mail to Static99Request@cdcr.ca.gov, and include the first and last name of the parolee, the CDC number, and the Region where the sex offender parolee is located, if appropriate.

The California Static Risk Assessment (CSRA) score is available for review at <http://intranet/res/offender-information/reports/Pages/CSRALookup.aspx>, or may be accessed from the DAPO home page on the CDCR Intranet, using the navigation link to the Parole Data Nexus, then selecting “CSRA Lookup” under the “DAPO Applications” tab.

If a CSRA score is not available, a manual CSRA review shall be requested. To obtain a manual CSRA review, submit a request via electronic mail to requestforcsra@cdcr.ca.gov, and include the parolee's name, Criminal Identification and Information (CII) number, CDC number, and the reason for the request.

Court Walkovers: If a court walkover does not have an active CDC number, the US, PA or designee will first request a CDC number as outlined in current DAPO policy.

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Interstate Compact Sex Offenders - "R" Numbers: A Static-99R or FSORA shall be completed for all Interstate Compact sex offender cases that are referenced by an "R" number and pending referral to a parole unit for a Transfer Investigation Request (TIR). Prior to the TIR, the Interstate Compact Unit (ICU) will provide all appropriate documentation to the PPP unit for staff to complete a Static-99R or FSORA. Once the Static-99R or FSORA is completed, the ICU will forward the TIR to the parole unit for investigation. If the TIR is denied by the parole unit, the ICU will maintain a copy of the Static-99R or FSORA for future referrals on the same case.

Interstate Compact Sex Offenders - "I" Numbers: Cases that have been previously accepted for supervision in California and issued an "I" number without a completed sex offender risk assessment will require a Static-99R or FSORA. Requests shall be directed to the ICU. The ICU shall obtain all appropriate documentation and provide it to PPP for staff to complete a Static-99R or FSORA within five working days of the request. PPP staff shall have five working days to complete the Static-99R or FSORA assessment and return the results back to the requestor via electronic mail. Any sex offender parolee entering into California for parole supervision shall be supervised at the level of "ST" until a thorough risk assessment is conducted in conjunction with Containment Team Meetings.

CalParole

With the implementation of the SOMP, a sex offender parolee's supervision level may be increased or decreased depending on the sex offender parolee's status following releases from custody, Containment Team Meetings, and/or following an arrest. As classifications are changed, the US or designee shall ensure the sex offender parolee's CalParole code is promptly updated.

Upon the arrest of a sex offender parolee on active parole supervision and following the US's referral for revocation or deferral of charges to the court, the current CalParole supervision category shall be changed to "SD." The assigned PA shall be responsible for tracking the case to monitor custody and release status. Upon release from custody, the PA is responsible for informing the US of the change in status so CalParole is updated to reflect the correct active case supervision classification.

If the sex offender parolee remains in custody less than 90 days following arrest, the case may be reclassified by completing a new CDCR Form 3043 (05/14), Sex Offender Management Program, Containment Team Meeting/Discharge Consideration Committee, or may be returned to the most recent supervision category. If the sex offender parolee remains in custody for 90 days or longer, the case shall be reclassified as "ST" upon release and shall be processed as outlined in the section titled "Initial Release."

Active cases pending Sexually Violent Predator (SVP) screening shall be designated "SD" while the offender is in custody, and reclassified as "ST" upon release.

Residence Restrictions

An offender with a Static-99R score of four or greater shall be designated as a HRSO for the purpose of identifying specific residence restrictions outlined in PC §3003(g), PC § 3003.5(b) and pursuant to current DAPO policy.

Pursuant to PC §3003.5(a), all registered sex offender parolees shall not reside in a single family dwelling with any other registered sex offender, whether or not that registered sex offender is on parole, unless the offenders are related by blood, marriage or adoption.

A single family dwelling shall be defined as a residence, unit, or room intended to be used by one family. This shall include, but is not limited to: houses designed for one family, single units of a duplex or multiplex housing unit, dwellings subdivided into more than one unit if each unit is fully self-contained, i.e. own bathroom and kitchen area and has its own physical address; a single unit in a multi-unit apartment complex, hotel, motel or inn; or a mobile or motor home occupying a single, self-contained space in a trailer park, recreational vehicle, or other similar facility.

Residential facilities are defined as any family home, group care facility, or similar facility providing 24-hour, non-medical care of a person in need of personal services, supervision, or assistance essential for sustaining living activities or for the protection of the individual. Residential facilities that serve more than six persons must be in compliance with local ordinances, conditional use permits, if applicable and State law, regardless of the number of individuals housed within a facility.

Parolee-At-Large (PAL) Cases

A sex offender parolee who becomes unavailable for supervision shall have a warrant request submitted pursuant to current DAPO policy. The designated supervision category shall remain unchanged until the sex offender parolee is apprehended. Upon issuance of a warrant, the respective case shall be referred to the California Parole Apprehension Team (CPAT) and/or the Office of Correctional Safety (OCS) pursuant to current DAPO policy.

For cases that remain assigned to the supervising parole unit, the PA shall continue to make efforts to locate all assigned Parolee-At-Large (PAL) cases. These efforts shall include at least one collateral contact per month, which shall be documented on the CDCR Form 1650-D (Rev. 06/12), Record of Supervision. For caseloads at or above the designated ratio as defined in the MOU and when workload is associated with attempts to locate a sex offender PAL, current policy for authorizing overtime and/or modifying case supervision specifications shall apply.

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SOMP Contact Requirements

The SOMP contact requirements are outlined in the attached document titled, *SOMP Minimum Contact Requirements per Calendar Month*. Supervision contact requirements shall be accomplished within each calendar month and shall be documented on the CDCR Form 1650-D.

If the sex offender parolee is released after the 20th of the month, only the initial contact (first working day or within 48 hours), initial interview (first working day), and initial home visit (within six working days of release), shall be required during that calendar month. In some cases, depending upon the parolee's release date, minimum contact requirement time frames, such as the initial home visit, may carry over to the following calendar month.

Staff Lines of Responsibility

Parole Agent

Initial Contact

Initial contact shall be completed on the first working day, or within 48 hours of release, whichever is sooner, pursuant to PC §3060.7(a).

CDCR Form 1650-B, Initial/Comprehensive Interview

The CDCR Form 1650-B (Rev. 10/12), Initial/Comprehensive Interview, Sections I and II, shall be completed no later than the first working day following the release of all sex offender parolees and shall include a review of the sex offender special conditions of parole. Section III shall be completed by the PA within 15 working days following the release of the sex offender parolee. Section III, as it relates to sex offender parolee supervision, is considered a guide for PAs to establish positive rapport with their sex offender parolees and to gather information to be presented as part of the first Containment Team Meeting.

The PA shall ensure that any special conditions of parole related to the sex offender containment model reflect the appropriate nexus by using the CDCR Form 1515-Addendum (Rev. 04/13), Special Conditions of Parole.

Contracted Sex Offender Treatment Program Referral

All sex offender parolees initially released to parole supervision shall be referred by the PA to a contracted sex offender treatment program by completing a CDCR Form 1502 (Rev. 10/12), Activity Report and including all necessary case history documentation. This referral shall take place within five business days of a sex offender's release from custody. For sex offender parolees rereleased to

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parole supervision who were previously placed in a contracted sex offender treatment program, the PA shall provide the CDCR Form 1502 and updated supporting documents at the time of the initial interview.

Home Visits/Face-to-Face Contacts

Face-to-face contacts shall include an unannounced visit at the sex offender parolee's residence of record, place of employment, treatment program, community meetings related to criminogenic needs as determined through a risk/needs assessment, contact initiated by Global Positioning System related data, and/or other location(s) specified by the US.

If the sex offender parolee is transient, as defined in existing DAPO policy, face-to-face contacts shall be in the field. For transient parolees, at least one face-to-face contact shall be conducted at the location where the parolee sleeps at night as determined by GPS data. For all other required face-to-face contacts, the PA has discretion on the location of the contact to include, but not be limited to, seeing the sex offender parolee at his or her place of employment, treatment program, community meetings related to criminogenic needs or as directed by the US. One additional face-to-face contact at the PA's discretion shall be conducted per calendar month while the sex offender parolee is transient. The PA may conduct a case conference with the US to determine what type of field contact would be most effective and/or beneficial to the supervision of the transient sex offender parolee. Transient sex offender parolees shall not be classified as "SC" due to the dynamic case factors governing residential stability.

Significant Collateral/Resource Contacts

Significant collateral contacts are contacts or interactions with a person(s) who has knowledge of, or interest in, a sex offender parolee's performance or activities while in the community. Significant collateral contacts could include, but are not limited to an individual who makes up the sex offender parolee's support group, family, friends, neighbors, associates, church members, colleagues, or members of social groups. The contact can include local law enforcement and can be conducted in person, by telephone, in writing, or electronically transmitted. For the purpose of the SOMP, significant collateral contacts may also be conducted within the scope of the Containment Team Meetings.

Resource contacts consist of communication with people who are associated with a community based program, agency, or service, or are frequently involved at the facility where the sex offender parolee is currently receiving services, for the purpose of developing resources related to the sex offender parolee's criminogenic needs. Communication can be in person, by telephone, in writing, or electronically transmitted. For the purpose of the SOMP, resources related to criminogenic needs may include, but are not limited to sex offender treatment, psychological/psychiatric services,

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substance abuse treatment, and/or vocational/educational programs, and may be included in the Containment Team Meetings.

Community Partnership Meetings are an integral part of community supervision and a valuable tool in keeping representatives from parole, local law enforcement agencies, treatment providers, victim advocates, and other stakeholders involved in the supervision and containment of sex offender parolees. Community Partnership Meetings are purposeful in exchanging up-to-date information regarding a sex offender parolee's status (residence, stability, employment, view of the offense, amenability to treatment, etc.), highlighting a sex offender parolee's unique offending history, deviant behavior, modus operandi, victim targets, supervision plan, and other related information. At each Community Partnership Meeting, the PA shall provide accurate sex offender profile reports outlining the sex offender parolee's history and the facts and circumstances surrounding the sex offense(s). The US shall ensure Community Partnership Meetings are scheduled on a monthly basis and in such a manner and location to attain the largest possible attendance.

Case Conference Review

The case conference review is a quality control mechanism, as well as a tracking system, for maintaining a roadmap of supervision and treatment. A case conference review shall be conducted on all PC §290 cases no later than 30 days after release from custody to ensure that all initial contact requirements and PC §290 registration requirements have been completed. The case conference review shall be documented on the CDCR Form 1650-D.

Containment Team Meetings

The Containment Team Meeting is a collaborative effort establishing a mechanism of consistent communication with all involved parties, for the purpose of discussing case factors and progress with sex offender treatment. Based upon the availability of participants, the Containment Team shall consist of the PA, AUS or US, sex offender parolee, clinician (licensed Psychiatrist, Psychologist, and/or Psychiatric Social Worker directly treating the sex offender parolee), and a victim advocacy representative.

In areas where some or none of these participants are available, the Containment Team shall minimally consist of the treatment provider, PA, US/AUS and the sex offender parolee. Although Containment Team Meetings are intended to occur in person, they can be conducted by teleconference/video conference calls when necessary, and only when approved by the US. The initial Containment Team Meeting shall be documented on the CDCR Form 3042 and submitted to the US for approval. All subsequent Containment Team Meetings shall be documented on the CDCR Form 3043 and submitted to the US for approval.

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A Containment Team Meeting shall be conducted within 90 calendar days of release for all “ST” cases. Subsequent Containment Team Meetings shall be conducted within three months for “SA” cases, six months for “SB” cases, and 12 months for “SC” cases, following the date of assignment to the current supervision level. As noted above, the purpose of the Containment Team Meeting is to review relevant case factors, sex offender treatment progress, dynamic risk factors, polygraph results, community reintegration, response to parole supervision, and supervision category. Should a sex offender parolee’s behavior or dynamic risk factors change, a Containment Team Meeting may be conducted to review the supervision category utilizing the CDCR Form 3043, with approval by the US. Sex offender parolees currently classified as “ST” or “SA” shall not be re-classified to “SC” without the prior approval of the District Administrator or designee.

If all members of the Containment Team cannot be present due to exigent circumstances, the sex offender parolee’s supervision category may be increased or decreased through a case conference review with the PA and US, utilizing the CDCR Form 3043. The treatment providers shall be notified of the change in supervision category within five business days of the Case Review. This change in supervision category shall be discussed at the next available Containment Team Meeting or subsequent collateral contact with the treatment provider.

Following a change in level of supervision category through a Containment Team Meeting process, contact requirements shall be accomplished within the same calendar month. For cases in which the supervision category is decreasing, the lower monthly contact requirements shall be met. For cases in which the supervision category is increasing, the higher monthly contact requirements shall be met. For cases in which the supervision level changes after the 20th of the month, the new contact requirements shall become effective the following calendar month.

Searches

Unannounced searches serve as a valuable tool in sex offender supervision, as well as a public safety mechanism, and shall be performed safely and effectively, consistent with current DAPO policy. PAs are encouraged, with supervisory approval and when feasible, to utilize a team approach when conducting searches. Searches should be counted towards case specifications as outlined in the *SOMP Minimum Contact Requirements per Calendar Month*, and may include all relevant and available tools, such as software designed to search computers or cellular telephones. Searches should be focused on the components dictated by the sex offender parolee’s sexual offending typology.

Parole Agent II, Assistant Parole Unit Supervisor

The AUS shall be assigned 25 percent of the average parole unit workload for supervision. The caseload should be proportionate to the equitable breakdown of cases by category being supervised within the parole unit. The AUS shall provide support to the US with administrative duties and sex

offender management within the parole unit as outlined in current DAPO policy. Administrative duties may also include facilitating community relationships with local law enforcement agencies, acting as a victim advocacy liaison, and coordinating Community Partnership Meetings.

Unit Supervisor

The US shall administratively manage the quality of sex offender containment within his or her parole unit as outlined in current policy.

The US shall, at a minimum:

- Utilize the CalParole Unit Workload Summary Report for determining workload.
- Balance and maintain an equitable combination of supervision categories.
- Ensure that the nexus for imposing special conditions of parole related to the sex offender containment model is appropriate.
- Transfer PAL cases in accordance with current policy in respect to referrals for apprehension.
- Coordinate community relationships with local law enforcement agencies and victim advocacy groups.
- Ensure GPS monitoring procedures are followed in accordance with current DAPO policy.
- Ensure proper parole unit coverage in their absence.
- Complete additional duties as assigned by the District Administrator.

District Administrator

Each District Administrator or their designee shall ensure that sex offender caseloads within each parole unit/complex/district are created and managed in accordance with the mandates pursuant to current DAPO policy and procedures.

Contracted Sex Offender Treatment

Placement in treatment will be decided upon by the PA/US in consultation with the treatment provider. Sex offender parolees not placed into contracted sex offender treatment due to severe mental health issues shall continue to participate in or be referred to the Parole Outpatient Clinic (POC) for available mental health treatment until such a time that they can participate in sex offender treatment services.

The referral process is consistent with current procedure and consists of the PA completing and submitting a CDCR Form 1502 to the US for approval. Following US approval, the PA shall forward the CDCR Form 1502 and the Cumulative Summary to the treatment provider.

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The Cumulative Summary documents shall include, at a minimum, the following (when available):

- Completed and US approved CDCR Form 1502.
- Parolee Face Sheet.
- CDCR Form 1515.
- Abstract of Judgment.
- Probation Officer report(s).
- Institution Staff Recommendation Summary.
- Available sex offender risk assessment(s).
- Completed COMPAS evaluation that identifies risks and needs of the parolee.
- Criminal histories (Rap Sheets).
- Police reports.
- Facts of Offense Sheet.
- PC §288.1 forensic evaluations.
- Psychosexual history.
- Other mental health evaluations and case history documents.
- Intake and home visit information when relevant.
- Juvenile records.
- Sexually Violent Predator records.

The treatment provider shall, as soon as possible, but no later than 30 calendar days following receipt of the referral by the PA, conduct the initial intake assessment and submit the dynamic tool and future violence tool assessment scores to the PA or US, and to the Sex Offender Unit (SOU) at DAPO Headquarters. Within five business days of receiving the score the SOU shall provide the score to the Department of Justice, pursuant to PC §290.09(2). The SOU will oversee Sex Offender Treatment contracts and will monitor contract compliance through monthly reviews, periodic compliance reviews, quarterly audits and site inspections.

The PA shall issue the sex offender parolee specific reporting instructions, including the address of the treatment facility, and the date and time to report. Failure of a sex offender parolee to attend and/or participate in treatment shall be addressed by a case conference with the US or designee for appropriate action.

Polygraph

The use of the polygraph examination by PAs and treatment providers is an important tool. The sex offender parolee shall be advised of the use of the polygraph, documented on the CDCR Form 1515-Addendum, which shall include the following language:

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- You shall report to, enroll in, and actively participate in outpatient sex offender treatment, which includes polygraph.
- You hereby agree to waive psychotherapist-patient privilege, and agree to polygraph examinations while in treatment during parole.
- Upon reporting to your designated outpatient sex offender treatment program, you shall sign forms presented by the treatment providers, including an information release form and consent to polygraph form.

Every sex offender parolee shall submit to a polygraph examination(s) in accordance with the Sex Offender Treatment contract. The focus of the polygraph examination is as follows:

- Initial Intake and/or Sexual History Examinations utilized to explore and extract his or her involvement in criminal sexual behavior. This examination is helpful in facilitating treatment for the sex offender parolee and assessing risk factors.
- Maintenance/Monitoring Exam is utilized to monitor the sex offender parolee's activities; behavior, truthfulness, and compliance with the Containment Team while on parole.

The polygraph examiner formulates an opinion as to the truthfulness of statements made by a parolee, and provides a written report summarizing the polygraph examination. The report shall be forwarded to the PA within 15 calendar days of the examination. The PA, or available parole unit staff, shall be notified immediately in the event the examination yields information that could constitute a threat to public safety.

The polygraph examination is used as a maintenance, supervision, and treatment tool. Sex offender parolees are required to participate in and complete the polygraph examination as outlined in their special conditions of parole and as directed by their PA. Failure to do so shall be addressed in a Containment Team Meeting. If, upon the results of a polygraph examination, a sex offender parolee is determined to be deceitful, the PA shall investigate the possibility of new crimes and/or parole violations, consistent with current DAPO policy. Polygraph examinations shall not be used as an alternative to regulatory requirements for determining a person's guilt or innocence of charges in disciplinary matters.

Victim Advocacy

Victim Advocacy is an important and valuable part of the containment approach. This component expresses the concern for the safety and privacy of known victim(s) and victim families. The victim advocate represents the interest of the victim(s), including being responsive to victims' needs for information and protection, safeguarding victims' rights, ensuring victim input in the community supervision planning process, and ensuring that policies and practices do not negatively impact victims. Parole staff may work with the victim advocate to ensure that the victim(s) have adequate

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safety plans, treatment referrals, and to provide information to the victim advocates regarding the SOMP.

The SOU shall coordinate victim advocacy referral resources for DAPO. The SOU shall liaison between DAPO and victim service agencies, and shall maintain a current list of victim/witness agencies for each county throughout the State. The PA may directly refer victims to the local county or state victim/witness program, including the Office of Victim and Survivor Rights and Services.

The PA may also involve victim advocates in treatment and supervision by including the advocates in the sex offender parolee's Partnership Meetings, and/or Containment Team Meetings.

Training

Supervising sex offender parolees poses unique challenges for PAs due to the complex nature of sex-offending behavior. Training of specialized sex offender PAs and their supervisors is critical to maintaining evidenced based standards of sex offender containment and management.

Staff supervising sex offender parolees will receive specialized training. To promote an effective implementation of the SOMP, a clear understanding of new protocols and strategies, an understanding of new risk assessment instruments, and an increased emphasis on sex offender specific treatment, the PA will be trained to utilize all available techniques in order to maximize public safety.

If you have any questions regarding the information provided in this policy and procedures memorandum, please contact the SOU via electronic mail, at DAPOSVPHRSO@cdcr.ca.gov.



BOBBY HAASE
Deputy Director
Division of Adult Parole Operations

Attachments

SOMP Minimum Contact Requirements per Calendar Month*

CATEGORY	FACE-TO-FACE CONTACTS	COLLATERAL CONTACTS	URINALYSIS TESTING (UA)	OTHER	SEX OFFENDER TREATMENT PROGRAMMING
CATEGORY ST TRANSITIONAL PHASE	<p>Initial Home Visit completed within six working days after release from custody.</p> <p>Two unannounced Home Visits.</p> <p>One additional unscheduled face-to-face contact at the PA's discretion.</p> <p>Transients:</p> <p>Three unscheduled face-to-face contacts at the PA's discretion.</p>	Two Significant Collateral Contacts.	One random and unscheduled UA (if required).	<p>Initial Contact within the first working day following release or within 48 hours, whichever is sooner.</p> <p>Initial Interview within first working day following release.</p> <p>Comprehensive Interview within 15 working days following release.</p> <p>Case Conference Review within 30 days following release.</p> <p>Initial Containment Team Meeting within 90 days following release.</p>	<p>Upon initial release to parole supervision or for cases not previously in treatment: Refer (with full referral packet) to the contracted Sex Offender Treatment Program within five business days.</p> <p>Upon rerelease to parole supervision for cases previously in treatment, complete and send a CDCR Form 1502 (referral) with updated documentation to contracted Sex Offender Treatment Program at Initial Interview. Submit a signed Authorization to Release/Obtain Confidential Information and Polygraph Examination Consent Interview forms to the PA/US, within 15 calendar days of providing services.</p> <p>Initial Intake Screening/Assessment to the PA/US within the first 30 calendar days following referral.</p>
CATEGORY SA HIGHEST	<p>One unannounced Home Visit.</p> <p>One additional unscheduled face-to-face contact at the PA's discretion.</p> <p>Transients:</p> <p>Three unscheduled face-to-face contacts at the PA's discretion.</p>	<p>One Significant Collateral Contact.</p> <p>One Resource Contact related to criminogenic needs and/or sex offender treatment.</p> <p>One Law Enforcement Contact within six months after release from custody and within every six months thereafter.</p>	One random and Unscheduled UA (if required).	<p>Containment Team Meeting within three months following last Containment Team Meeting.</p> <p>Unannounced Search within the first six months of release and annually thereafter.</p>	<p>Two Polygraphs in the 1st year of treatment and one in the 2nd year of treatment, forwarded to the PA/US within 15 calendar days.</p> <p>One Individual Therapy session a month, no less than 50 minutes long.</p> <p>Initially upon release, a minimum of two Group Therapy sessions per week, no less than 90 minutes long.</p> <p>As the treatment plan dictates and at the discretion of the therapist in consultation with the PA/US, the number of Therapy Sessions can subsequently be reduced or increased.</p> <p>A Monthly Electronic Progress Report to be submitted to the PA/US on or before the last day of the month.</p> <p>A Treatment Plan to be submitted to the PA/US within 90 calendar days following Initial Intake.</p> <p>Discharge Assessment submitted to PA/US within 30 calendar days after discharge.</p>

All sex offenders released after 90 days in custody shall be supervised at the **ST** level until such time that a dynamic risk assessment has been completed and may only be reclassified following a Containment Team Meeting. Supervision requirements shall be accomplished within each calendar month.

If the parolee is released after the 20th of the month, only the Initial Contact (1st working day or within 48 hours), Initial Interview (1st working day), and Initial Home Visit (within six working days following release) shall be conducted during the month of release from custody.

SOMP Minimum Contact Requirements per Calendar Month*

CATEGORY	FACE-TO-FACE CONTACTS	COLLATERAL CONTACTS	URINALYSIS TESTING (UA)	OTHER	SEX OFFENDER TREATMENT PROGRAMMING
CATEGORY SB MODERATE	<p>One unannounced Home Visit.</p> <p>Transients:</p> <p>Two unscheduled face-to-face contacts at the AOR's discretion.</p>	<p>One Significant Collateral Contact</p> <p>or</p> <p>One Resource Contact.</p>	<p>One random and unscheduled UA (If required).</p>	<p>Containment Team Meeting within six months following last Containment Team Meeting.</p> <p>Annual unannounced search.</p>	<p>Two Polygraphs in the 1st year of treatment and one in the 2nd year of treatment forwarded to the PA/US within 15 calendar days of polygraph.</p> <p>A Monthly Electronic Progress Report to be submitted to the PA/US on or before the last day of the month.</p> <p>One Individual Therapy session a month, no less than 50 minutes long.</p> <p>A maximum of four Group Therapy sessions per month, no less than 90 minutes long.</p> <p>As the treatment plan dictates and at the discretion of the therapist in consultation with the PA/US, the number of Therapy Sessions can subsequently be reduced or increased.</p>
CATEGORY SC LOWEST	<p>One unscheduled face-to-face contact. (At a minimum, the face-to-face contact must occur at the parolee's residence every other month).</p>	<p>One Significant Collateral Contact</p> <p>or</p> <p>One Resource Contact every other calendar month.</p>	<p>One random and unscheduled UA (If required).</p>	<p>Containment Team Meeting within one year of last Containment Team Meeting.</p> <p>Annual unannounced search (optional).</p>	<p>One Individual Therapy Session a month, no less than 50 minutes long.</p> <p>A maximum of four Group Therapy sessions per month, no less than 90 minutes long.</p> <p>As the treatment plan dictates and at the discretion of the therapist in consultation with the PA/US, the number of Therapy Sessions can subsequently be reduced or increased.</p>
CATEGORY SD CUSTODY	N/A	N/A	N/A	N/A	N/A

All sex offenders released after 90 days in custody shall be supervised at the **ST** level until such time that a dynamic risk assessment has been completed and may only be reclassified following a Containment Team Meeting. Supervision requirements shall be accomplished within each calendar month.

If the parolee is released after the 20th of the month, only the Initial Contact (1st working day or within 48 hours), Initial Interview (1st working day), and Initial Home Visit (within six working days following release) shall be conducted during the month of release from custody.

SECTION I - [TO BE COMPLETED BY THE PAROLE AGENT OF RECORD (AOR)]

CDC NUMBER:	PAROLEE NAME (PRINT OR TYPE LAST NAME, FIRST NAME, MI):	REGION AND PAROLE UNIT:
COMMITMENT OFFENSE(S):	PAROLE DATE:	LAST RELEASE DATE:
		CDD:
		SUPERVISION LEVEL:

PRIOR TO SCORING: IF THE OFFENDER IS CURRENTLY IN CUSTODY, DO NOT SCORE, ASSIGN TO CATEGORY SD.

OBJECTIVES	ACTUARIAL SCORE	OBJECTIVE CRITERIA
STATIC SCORE: <i>Example – Static 99R</i> ONE SCORE PER OBJECTIVE		<input type="checkbox"/> HIGH RISK SEX OFFENDER (HRSO) (4 AND ABOVE)
		<input type="checkbox"/> NON HRSO (3 AND BELOW)

CATEGORY DETERMINATION: SA = 4 AND ABOVE SB = 3 AND BELOW SC (REQUIRES DISTRICT ADMINISTRATOR'S APPROVAL)

DISCRETIONARY TOOLS AND FACTORS FOR CONSIDERATION [MAY SUPPORT A RECOMMENDATION TO INCREASE OR DECREASE CATEGORY LEVEL]

ASSESSMENT TOOL	ACTUARIAL SCORE	OBJECTIVE CRITERIA
DYNAMIC RISK SCORE: <i>Example – Stable 2007</i> ONE SCORE PER OBJECTIVE (IF AVAILABLE)		<input type="checkbox"/> LOW (0 TO 3)
		<input type="checkbox"/> MODERATE (4 TO 11)
		<input type="checkbox"/> HIGH (12 AND ABOVE)
VIOLENCE RISK SCORE: <i>Example - LS/CMI</i> ONE SCORE PER OBJECTIVE (IF AVAILABLE)		<input type="checkbox"/> LOW
		<input type="checkbox"/> MODERATE
		<input type="checkbox"/> HIGH
CSRA SCORE: ENTER SCORE AS A POINT VALUE		<input type="checkbox"/> LOW (1)
		<input type="checkbox"/> MODERATE (2)
		<input type="checkbox"/> HIGH (3 TO 5)

ADDITIONAL FACTORS [CHECK ALL FACTORS BELOW THAT APPLY]

AGGRAVATING FACTORS: CHECK AS MANY AS APPLY	<input type="checkbox"/> UNSTABLE LIVING ENVIRONMENT, TRANSIENT, OR TWO OR MORE RESIDENCE CHANGES IN THE PAST 12 MONTHS.
MITIGATING FACTORS: CHECK AS MANY AS APPLY	<input type="checkbox"/> FIVE (5) YEARS OR MORE IN THE COMMUNITY WITH NO NEW SEX OFFENSE(S).
	<input type="checkbox"/> TEN (10) YEARS OR MORE IN THE COMMUNITY WITH NO NEW SEX OFFENSE(S).
	<input type="checkbox"/> DOCUMENTED CHRONIC MEDICAL CONDITION OR PHYSICAL DISABILITY INCAPACITATING OFFENDER THAT DID NOT EXIST AT TIME OF LAST SEX OFFENSE CONVICTION.
	<input type="checkbox"/> ATTENDS AND PARTICIPATES IN SEX OFFENDER TREATMENT AS SCHEDULED OR HAS COMPLETED TREATMENT.
	<input type="checkbox"/> NO DOCUMENTED VIOLATIONS WHILE UNDER PAROLE SUPERVISION.

PAROLE AGENT RECOMMENDATION FOR CATEGORY ASSIGNMENT: _____

COMMENTS SUPPORTING PAROLE AGENT RECOMMENDATION:

PAROLE AGENT NAME (PRINT OR TYPE):	PAROLE AGENT SIGNATURE:	BADGE NO.:	DATE:
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SECTION II – SUMMARY/CERTIFICATION - [TO BE COMPLETED BY THE UNIT SUPERVISOR (US)]

US COMMENTS AND INSTRUCTIONS:

US DECISION: **MOVE TO CATEGORY:** _____ **EFFECTIVE DATE:** _____

US NAME (PRINT OR TYPE):	US SIGNATURE:	BADGE NO.:	DATE:
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DATE PAROLEE NOTIFIED OF CLASSIFICATION: _____

METHOD OF NOTIFICATION: IN-PERSON US MAIL TELEPHONE E-MAIL LETTER LEFT AT PAROLEE'S RESIDENCE OF RECORD

SECTION I - SUMMARY OF PAROLE ADJUSTMENT [TO BE COMPLETED BY THE PAROLE AGENT OF RECORD (AOR)]			
CDC #:	PAROLEE NAME (LAST, FIRST, MI):	LAST RELEASE DATE:	SUPERVISION LEVEL: REGION AND PAROLE UNIT:
COMMITMENT OFFENSE(S):	PC 290 COMPLIANT: <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ABBREVIATED CONTAINMENT TEAM MEETING <input type="checkbox"/> CONTAINMENT TEAM MEETING <input type="checkbox"/> DISCHARGE CONSIDERATION COMMITTEE <input type="checkbox"/> CASE REVIEW	
OBJECTIVES	SCORE	OBJECTIVE CRITERIA (ONE RATING SCORE PER OBJECTIVE) <input type="checkbox"/> SEE DISCHARGE REVIEW DATED: _____	
OBJECTIVE 1: Parolee has maintained residence stability in a positive living environment.	<input type="checkbox"/> 1	Has been in the same pro-social living situation for the review period, or most recent move was to improve overall living conditions, and current residence expected to remain stable.	
	<input type="checkbox"/> 2	Has been in two or more living situations for the review period with any move not improving the living conditions.	
	<input type="checkbox"/> 3	Has demonstrated an unstable living environment, is transient or routinely difficult to see at the residence of record.	
OBJECTIVE 2: Parolee's time has been structured around pro-social activities geared towards self-reliance.	<input type="checkbox"/> 1	Time is highly structured and focused on pro-social activities.	
	<input type="checkbox"/> 2	Time is moderately structured and generally focused on pro-social activities.	
	<input type="checkbox"/> 3	Time is unstructured and generally unaccounted for; involvement in pro-social activities is not evident.	
OBJECTIVE 3: Parolee has been compliant with all general and special conditions of parole.	<input type="checkbox"/> 1	No violation has been substantiated for the review period.	
	<input type="checkbox"/> 2	Has only one technical violation and demonstrated a positive response to the imposed sanction.	
	<input type="checkbox"/> 3	The parolee has not met the rating standard for #1 or #2 above.	
OBJECTIVE 4: Parolee has been referred to and has participated in programming for the top three identified criminogenic needs.	<input type="checkbox"/> 1	Attended, participated, and completed programming.	
	<input type="checkbox"/> 2	Attended and partially participated in programming.	
	<input type="checkbox"/> 3	Failed to participate or complete programming.	
OBJECTIVE 5: Parolee has been referred to and participated in required sex offender treatment.	<input type="checkbox"/> 1	Attended, participated, and/or completed sex offender treatment.	
	<input type="checkbox"/> 2	Attended and partially participated in sex offender treatment.	
	<input type="checkbox"/> 3	Failed to participate or complete sex offender treatment.	
	<input type="checkbox"/> 4	Demonstrated deception in polygraph.	
OBJECTIVE 6: Parolee has been and is affiliated with other pro-social individuals.	<input type="checkbox"/> 1	Relationships are primarily pro-social and supportive of a crime free lifestyle.	
	<input type="checkbox"/> 2	Time is moderately structured and generally focused on pro-social activities.	
	<input type="checkbox"/> 3	Time is unstructured and generally unaccounted for; involvement in pro-social activities is not evident.	
TOTAL SCORE:		<input type="checkbox"/> 6-7 REDUCTION MAY BE WARRANTED <input type="checkbox"/> 8-12 NO CHANGE WARRANTED <input type="checkbox"/> 13-19 INCREASE MAY BE WARRANTED	
AOR RECOMMENDATION: <input type="checkbox"/> REMAIN IN CURRENT CATEGORY <input type="checkbox"/> MOVE TO CATEGORY: _____			
SUPPORTING DOCUMENTATION ATTACHED: <input type="checkbox"/> CDCR 1650-D, RECORD OF SUPERVISION <input type="checkbox"/> OTHER: _____			
WAS PAROLEE PRESENT? <input type="checkbox"/> YES <input type="checkbox"/> NO IF NO, CITE REASON - CHECK APPROPRIATE BOX(ES): <input type="checkbox"/> PAROLEE IS NOT REQUIRED TO ATTEND <input type="checkbox"/> PAROLEE FAILED TO APPEAR <input type="checkbox"/> PAROLEE DID NOT RESPOND TO REQUEST <input type="checkbox"/> PAROLEE DECLINED TO PARTICIPATE <input type="checkbox"/> PAROLEE PARTICIPATED TELEPHONICALLY <input type="checkbox"/> COPY OF THE CDCR FORM 1502-DR PROVIDED TO PAROLEE <input type="checkbox"/> EFFECTIVE COMMUNICATION/ACCOMMODATION PROVIDED: _____			
DATE PAROLEE NOTIFIED OF CLASSIFICATION: _____			
METHOD OF NOTIFICATION: <input type="checkbox"/> IN PERSON <input type="checkbox"/> US MAIL <input type="checkbox"/> BY TELEPHONE <input type="checkbox"/> VIA E-MAIL <input type="checkbox"/> LETTER LEFT AT PAROLEE'S ADDRESS OF RECORD			
OTHER PARTICIPANTS			
Name: _____ Relation To Parolee: _____ Comments: _____			
Name: _____ Relation To Parolee: _____ Comments: _____			
AOR NAME (PRINT OR TYPE):		AOR SIGNATURE:	BADGE #: DATE:
US DECISION: <input type="checkbox"/> REMAIN IN CURRENT CATEGORY <input type="checkbox"/> MOVE TO CATEGORY: _____ EFFECTIVE DATE: _____ <input type="checkbox"/> SCHEDULE CONTAINMENT TEAM MEETING			
US COMMENTS AND INSTRUCTIONS:			
DISCHARGE CONSIDERATION COMMITTEE			
<input type="checkbox"/> DISCHARGE <input type="checkbox"/> RETAIN ON PAROLE <input type="checkbox"/> DEFER			
COMMENTS:			
US NAME (PRINT OR TYPE):		US SIGNATURE:	BADGE #: DATE:



Special Review:

**Assessment of Electronic
Monitoring of Sex Offenders
on Parole and the Impact of
Residency Restrictions**

OFFICE OF THE INSPECTOR GENERAL

Robert A. Barton
INSPECTOR GENERAL

Roy W. Wesley
CHIEF DEPUTY INSPECTOR GENERAL

STATE OF CALIFORNIA
October 2014