

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE**

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY ALLEN MILLIGAN

Defendant and Appellant

G039546

Orange County Superior Court Case No. 07WF1983
The Honorable Michael J. Cassidy, Commissioner

**DECLARATION OF MICHAEL T. RISHER IN SUPPORT OF
AMICUS AMERICAN CIVIL LIBERTIES UNION'S MOTION FOR
JUDICIAL NOTICE**

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ATTORNEYS FOR AMICI CURIAE

I, Michael T. Risher, declare:

1. I am a member of the Bar of California, a staff attorney at the American Civil Liberties Union Foundation of Northern California, and one of the attorneys for *amici* in the above-entitled action. I submit this declaration in support of *Amici* ACLU Affiliates' Motion to Take Judicial Notice.

2. Attached hereto as Exhibits A-D are true and correct copies of the following documents:

- A. California Department of Corrections and Rehabilitation
Policy Memorandum No. 07-36, Implementation of
Proposition 83, AKA Jessica's Law (Aug. 17, 2007)
- B. California Department of Corrections and Rehabilitation
Policy Memorandum No 07-48, Revised Procedures for
Jessica's Law Notice to Comply (Oct. 11, 2007)
- C. California Department of Corrections and Rehabilitation
Policy Memorandum No. 08-14, Residence Restrictions
for Sex Offenders Required to Register While on Parole
(Feb. 28, 2008)
- D. California Department of Corrections and Rehabilitation
Policy Memorandum No. 08-35, Reporting Guidelines
for Transient Registered Sex Offenders on Global
Positioning System Monitoring (Sept. 16, 2008)

3. Document A is part of the record now before the California Supreme Court in *In re E. J., S. P., J. S., K. T., et al on Habeas Corpus*, Cal. Supreme Court Nos. S156933 *et al.*

Documents B, C, and D were received in response to requests for public records that I made to the CDCR. These facts, as well as the official signatures on the documents, show that they are authentic.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed in San Francisco, California on January ¹⁵/~~14~~, 2009.

Dated: January ¹⁵/~~14~~, 2009

Respectfully submitted,

Michael T. Risher
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION OF
NORTHERN CALIFORNIA, INC.

By 
Michael T. Risher

Attorney for Amici

Exhibit A

Memorandum

Date : August 17, 2007

To : Regional Parole Administrators
District Administrators
Unit Supervisors
Parole Agents

Policy No: 07-36

Subject: IMPLEMENTATION OF PROPOSITION 83, AKA JESSICA'S LAW

Proposition 83, the Sexual Predator Punishment and Control Act, better known as Jessica's Law, was passed by the voters of California on November 7, 2006. Proposition 83, Section 21 amended Penal Code (PC) Section 3003.5 to read, in part:

(b) Notwithstanding any other provision of the law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2,000 feet of any public or private school, or park where children regularly gather.

The following regulatory change, pursuant to the California Code of Regulations, Title 15, Crime Prevention and Corrections, Division 2, Board of Prison Terms (Board of Parole Hearings), Section 2616, is effective immediately:

(a) Behavior Which Must Be Reported. The P&CSD {Division of Adult Parole Operations} shall report to the board any parolee who is reasonably believed to have engaged in the following kind of behavior:

(15) Violation of the residency restrictions set forth in Penal Code Section 3003.5 for parolees required to register as provided in Penal Code Section 290.

Affected Parolees Defined

Enforcement of this policy will focus on all parolees required to register as sex offenders pursuant to PC Section 290, released from custody on or after November 8, 2006, subject to the 2,000-foot residency restriction set forth in Jessica's Law. This includes:

- Initial Releases.
- Parole Violators With a New Term.
- Parolees released after having served a period of revocation.
- Parolees released from any other jurisdiction's custody; i.e., federal custody, court walkovers (individuals who serve their entire California Department of Corrections and Rehabilitation [CDCR] commitment within the custody of another jurisdiction).

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The same criteria will be utilized in determining eligibility for interstate cases. As such, the release date of the parolee from incarceration from the sending state will be considered and not the date the parolee was accepted for supervision in California.

Affected Registered Sex Offender Compliance List

Attached are two compliance lists of all registered sex offenders released to parole on or after November 8, 2006. The first list is broken out by region, unit, and Parole Agent (PA), and includes the parolee's name, number, classification, and proximity to the closest known excluded area. This compliance list reflects those that **appear to be out of compliance** with Jessica's Law. The list does not specify which parolees may be subject to the residence restrictions annotated in Assembly Bill (AB) 113 and pursuant to Policy Number 05-19(A). This list also reflects offenders whose residence could not be determined to be either compliant or noncompliant, as reflected by our Geo-code mapping program. The second list is formatted in the same manner as above, but reflects those affected parolees whose residence **appears to be in compliance** with the residence restrictions provided in Jessica's Law. These lists shall be updated by CDCR Headquarters weekly and distributed to the field electronically every Monday by close of business (COB), or by COB on Tuesday if Monday falls on a holiday.

The attached lists are intended to be **guidelines only** and shall not be used to make an official determination of compliance or noncompliance. This determination shall be made by the use of the handheld Global Positioning System (GPS) device.

POLICY

The responsibility to locate and maintain compliant housing shall ultimately remain with the individual parolee through utilization of available resources. PAs shall inform affected parolees of their responsibility to maintain compliant housing within the confines of all applicable residency restrictions. Furthermore, PAs shall be responsible for ensuring all High Risk Sex Offenders (HRSO) subject to the provisions of AB 113 and Policy Number 05-19(A), adhere to the more restrictive residency requirements as outlined on the following page, with exceptions as noted below.

Only affected parolees who are mentally ill and housed in a licensed mental health facility or are in need of medical care in a licensed facility, will be allowed to remain in their current location. However, their current location must be a licensed facility, with 24-hour supervision. Under this scenario, the PA shall verbally inform the Unit Supervisor (US) of the circumstances via a case conference on the date of discovery. On the same date, the US shall

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forward the information, as a priority, through the chain and to the Director of the Division of Adult Parole Operations (DAPO) for a decision. The placement of these cases, which awaiting adjudication by the Board of Parole Hearings (BPH), shall be approved or disapproved by the DAPO Director, or designee, via a case conference with the respective Regional Parole Administrator (RPA). The decision shall be relayed back to the PA, through the chain of command on the same date, at which time the PA shall prepare a Not In Custody (NIC) Charge Sheet/Revocation (Violation Report), CDCR 1676, within established timeframes. The PA shall outline the circumstances of the case, the DAPO Director's decision/endorsement, and recommend that the offender be allowed to remain in the current location until such time as the offender is discharged from the facility.

It is also important to note that if a parolee's 45-day period expires prior to verification of the residence via the handheld GPS device, and the residence is determined to be out of compliance, the parolee shall be placed in custody in accordance with current arrest policy and procedures. However, it should be noted that only under exigent circumstances should a circumstance such as this arise.

For purposes of this policy, sex offenders shall be placed in the following categories:

Class of Sex Offender	Applicable Restriction
Those classified as an HRSO, with a current or prior conviction for PC 288 (inclusive of any subsection), or PC 288.5, released to parole on or before November 7, 2006.	One-half mile from any public or private school, kindergarten through grade 12.
Those classified as an HRSO, with a current or prior conviction for PC 288 (inclusive of any subsection), or PC 288.5, released to parole on or after November 8, 2006.	One-half mile from any public or private school, kindergarten through grade 12 and 2,000 feet from any park where children regularly gather.
All sex offenders, released to parole on or before November 7, 2006, excluding those HRSOs subject to AB 113 and Policy Number 05-19(A).	Based on applicable case factors, and within the guidelines of any lawful special condition of parole imposed by the unit supervisor.
All remaining sex offenders, not required to adhere to AB 113 and 05-19(A), released to parole on or after November 8, 2006.	2,000 feet from any public or private school, kindergarten through grade 12, and park where children regularly gather.

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Transient Status Defined

For purposes of this policy, "transient" and "homeless" shall be used interchangeably, and defined as "a person who has no residence." "Residence means one or more addresses at which a person *regularly* resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles." Transient includes, for example, those individuals living under a bridge or on a bench near city hall. Offenders meeting this criteria shall register as transient.

- Any parolee who is transient shall be informed of the transient sex offender registration requirements pursuant to PC Section 290. They shall also be instructed to report to their assigned PA daily via telephone or in person. They shall be required to physically report to the Parole Unit at least once per week to fill out a Parolee's Monthly Report, CDCR 1508, outlining their efforts to locate compliant housing, daily whereabouts since they last reported in person, and/or activities, inclusive of where he or she sleeps at night.
- Parolees shall be instructed to ensure they charge the GPS device in accordance with charging directions issued by the PA. In addition, parolees shall be given the opportunity to charge their GPS devices in the Parole Unit any time they report in person.

Locating Public and Private Schools and Parks in Your Communities

Unit Supervisors (US) or their designee shall utilize all available resources to obtain a current listing of all public and private schools, and parks within their communities. Updated information will be made available for PAs no less than once a month. The list should be developed by utilizing the following resources:

- California Department of Education's website, which lists public, private and charter schools. This website can be accessed by logging onto <http://www.cde.ca.gov/ds/si/>.
- White and yellow pages which list public schools by district, to include the city and/or county public school directories.
- Listings provided by city hall, which include local schools and parks.
- Any other resource available to enable a comprehensive listing of all kindergarten through 12th grade public and private schools, and/or parks where children regularly gather.

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Board of Parole Hearings Process

The BPH recognizes the impact enforcement of this law will have on both reintegration efforts and public safety. As such, a 45-day period to comply with this law will be afforded to all affected parolees, after the date they are served with a Modified Condition(s) of Parole (MCOPA), and to those who are found to be out of compliance during the initial residence check. However, all violations must still be reported in accordance with current regulations and procedures. To facilitate this, the BPH will consider a Not In Custody (NIC) recommendation for any parolee who is found to be in violation of applicable residency restrictions, while they are afforded the opportunity to come into compliance. If, at the end of the 45-day period, the subject is not in compliance, he or she shall be immediately placed in custody and a Supplemental Violation Report submitted to the BPH, as outlined in the body of this document.

Any parolee placed in custody shall require a complete violation report packet, in compliance with current violation reporting policy and procedures. Any parolee who absconds parole supervision after a NIC report is submitted, will have that fact noted in the body of the warrant request, i.e., Miscellaneous Decision, BPH 1135. Any parolee who becomes compliant during the 45-day period shall have the original charge referred to the BPH via a Miscellaneous Decision, with a recommendation that the offender be Continued on Parole (COP).

PROCEDURES

All affected parolees shall be served with a Modified Condition(s) of Parole Addendum (MCOPA), and/or Notice to Comply instructional letter, signed by the CDCR Secretary, prior to enforcement of this policy. **The one-time service of these document(s) shall trigger the parolee's requirement to comply with the residency restrictions set forth in Jessica's Law for the duration of his or her parole period and residential tenure in the state of California.** The following table will demonstrate the notice period relative to the community compliance period:

Notice To Comply	In-Community Compliance
There is no evidence of a prior Notice to Comply or MCOPA issued to the parolee as determined by a review of the parolee field file. This will generally apply to parolees currently in the community or those newly	Affected parolees who are currently in the community or those released without prior service shall be served with a MCOPA and/or Notice to Comply, and shall be provided a 45-day period to locate compliant housing. The 45-day period shall commence the day after the parolee

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<p>released from custody who may have not been served with the MCOPA and/or the Notice to Comply.</p>	<p>is served with his/her MCOPA and Notice to Comply. The only parolees who will be served with the Notice to Comply are those whose initial residence is found to be out of compliance. If, at the conclusion of the 45-day period, the parolee is not compliant, he or she shall be placed into custody.</p>
<p>Any inmate/parolee who was served the MCOPA and Notice to Comply more than 45 days prior to release from custody.</p>	<p>The PA will have up to six working days to verify compliance. If the parolee is not compliant, he or she shall be placed into custody at the initial visit.</p>
<p>Any inmate/parolee who was served the MCOPA and Notice to Comply less than 45 days prior to release.</p>	<p>The parolee shall be provided with the full 45 days after the date of notice to locate compliant housing. For example, if the inmate/parolee was served 30 days prior to release, the parolee will be provided 15 days to locate compliant housing upon release. If, at the conclusion of the 45-day period, the parolee is not compliant, he or she shall be placed into custody.</p>

A copy of the MCOPA and Notice to Comply instructional letter are attached to this policy. The conditions noted in the MCOPA will be incorporated into the Notice and Conditions of Parole, CDCR 1515, during a future revision.

It should be noted that during the 45-day period, the parolee will be allowed to remain in non-compliant housing, while he/she seeks compliant housing IF the initial check revealed the residence was not in compliance with Jessica's Law. However, the parolee WILL NOT be allowed to move into noncompliant housing during this time period IF the initial residence check revealed the residence was in compliance. Under these circumstances the parolee WILL NOT be allowed to relocate to this new residence until such time as the PA has verified compliance via the GPS handheld device. If the new residence location is not in compliance and the initial residence is no longer an option for the parolee, he/she will be placed in custody, unless the offender has conveyed he/she shall be transient.

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Affected Sex Offenders Who Are Assumed to be Noncompliant

Within 15 working days after the date of this policy, the Agent of Record (AOR) or PA shall conduct the activities outlined below for all affected noncompliant registered sex offenders on their caseload who are currently in the community. The order in which these activities are conducted shall be **prioritized**, taking into consideration the affected parolee's classification, offending history, history of absconding, and proximity to an excluded area.

- Obtain a list of affected parolees from the US.
- Serve parolee with the appropriate MCOPA as noted below:
 - Affected parolees classified as an HRSO and subject to AB 113 pursuant to Policy Number 05-19(A), shall have the following condition of parole imposed:
"You shall not maintain a residence, or reside within one-half of a mile from any public or private school, and within 2,000 feet from a park where children regularly gather."
 - Affected parolees not required to adhere to AB 113 and Policy Number 05-19(A), shall have the following condition of parole imposed:
"You shall not maintain a residence, or reside within 2,000 feet of any public or private school, and park where children regularly gather."
- Advise the parolee that if he or she is determined to be out of compliance, it is a violation of PC Section 3003.5(b), and/or PC Section 3003(g); i.e., Jessica's Law and/or AB 113, and as such, the parolee is subject to arrest and referral to the BPH.
- Document the date and time the MCOPA was issued, including the parolee's response to the advisement, on the Record of Supervision (ROS), CDCR 1650D.
- Those who refuse to sign the MCOPA will be advised that continued refusal shall constitute a violation of parole and, in accordance with existing regulations, may result in an assessment of revocation by the BPH. If the parolee still refuses to sign the MCOPA, he or she shall immediately be placed into custody and referred to the BPH.
- Measure the proximity of the parolee's residence utilizing the handheld GPS device, from the primary entrance of the residence to the exterior boundary of the prohibited facility/park. (Note: If the AOR has not been trained on the use of the handheld GPS device, the US shall be responsible for ensuring a trained PA is available to assist the AOR.)
- If the PA discovers other violations during the course of verifying the affected parolee's residence, or has a reasonable belief, based on a prior history of not complying with PA's instructions and coupled with the fact that the parolee's continued presence in his or her current location could pose a threat to public safety, the PA can, in consultation with his

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or her US, exercise discretion and not grant the 45-day period. The parolee shall then be immediately placed into custody. Nothing in this section shall prohibit the PA from placing in custody any parolee found to be in violation of any other condition of parole and referring the parolee to the BPH for revocation proceedings.

- If the parolee does not have a compliant address, the parolee shall be provided with the Notice to Comply instructional letter from the Secretary, CDCR, providing him or her instructions to comply with the residency restrictions within 45 calendar days after the date the parolee signed the MCOPA, or face revocation. The parolee may remain in the noncompliant residence during the 45-day period while he or she locates a compliant alternative.
- The proximity to the excluded area, issuance of the Notice to Comply instructional letter and any response given by the affected parolee shall be documented in the ROS.
- Within six working days of the date of discovery of the violation, the AOR shall complete a Violation Report. The report shall be processed as a NIC referral, unless case factors as noted above, or as determined by the US, warrant that the offender be placed into custody.
- Copies of the MCOPA and Notice to Comply shall be forwarded with the Violation Report as attachments. Any statements provided by the parolee when advised that he or she is in violation, shall also be included in the Violation Report.
- If the parolee declares it is his or her intention to not comply with the law now or in the future, he or she shall be immediately placed into custody and the violation shall be referred to the BPH.
- **Any arrest made in the enforcement of this policy shall be made in accordance with established divisional policy and procedures.**
- Referrals to the BPH for noncompliance of the residency restriction shall be as follows:
Code 999, "Non-violent Crime Not Listed, Pursuant to PC Section 3003.5(b), and/or PC Section 3003(g), i.e., Jessica's Law and/or Assembly Bill 113 and Policy Number 05-19(A)."
- The body of the charge shall note that the parolee was found to be in violation of State law, and indicate the parolee was given instructions to comply with the law within 45-days after the date the parolee was served with the MCOPA.
- It is important to ensure that when referrals are made to the BPH for violations of this nature, that a detailed explanation of the circumstances surrounding the violation is articulated clearly to enable the appropriate disposition of the case to be made; i.e., compliant housing not immediately available, inability of the parolee to secure funds to move into compliant housing, or parolee refuses to move to available compliant housing.

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- If, at the end of the 45 calendar days, the PA discovers that the parolee has not become compliant, the parolee shall immediately be placed in custody. A Supplemental Violation Report shall be prepared and submitted to the BPH, with the following charge:
Code 024, "Failure to Follow Instructions – Failed to secure compliant housing within the 45-day period as instructed."
- However, if prior to or by the end of the 45 calendar days, the PA discovers that the parolee is in compliance with the residency restriction, a Miscellaneous Decision shall be submitted to the BPH indicating compliance was achieved. The Miscellaneous Decision shall note:
 - The date the NIC referral was submitted to the BPH for noncompliance pursuant to the residency restrictions set forth in Jessica's Law and/or AB 113 and Policy Number 05-19(A).
 - The parolee's compliance with the law.
 - Recommend the parolee be COP'd.
- If compliance was achieved **after** the discovery of the violation, but **prior** to the AOR submitting a NIC referral, a Violation Report and Miscellaneous Decision will not be required. The AOR shall complete an Activity Report, CDCR 1502, noting the violation and subsequent compliance, with a recommendation to COP the violation in the interest of justice. The Activity Report shall be forwarded to the BPH.
- If, to avoid compliance, the parolee absconds parole supervision, a Miscellaneous Decision shall be submitted to the BPH requesting that a warrant be issued and parole suspended. The Miscellaneous Decision shall include the following, as applicable:
 - Classification (HRSO, second striker, high control, etc).
 - GPS status, if applicable.
 - Sex offense history.
 - NIC status, if applicable.
 - Other relative information to substantiate the warrant request.
- Newly released affected parolees shall have his or her field file reviewed to determine if he or she had previously signed a MCOPA and was served with a Notice to Comply instructional letter. If the field file contains a copy of the MCOPA and Notice to Comply instructional letter, the PA shall note the date by which the parolee must be in compliance, as indicated on the Notice to Comply.
- If the field file does not contain a signed MCOPA and completed Notice to Comply instructional letter, the PA shall serve the parolee with these documents during his or her initial interview.
- The PA shall verify the residence with the handheld GPS device within six working days of release. However, the parolee shall have until the date noted on the Notice to Comply instructional letter to locate compliant housing.

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- If the residence is found to be out of compliance at the time of verification, yet before the expiration of the 45-day period afforded to the parolee to comply, the PA shall submit a NIC referral as indicated above.
- If the parolee fails to become compliant at the end of the 45-day period, he or she shall be placed in custody as indicated above.
- If the parolee becomes compliant and a NIC referral had previously been submitted, a Miscellaneous Decision shall be submitted to the BPH as indicated above recommending that the offender be COP'd.
- If compliance was achieved after the discovery of the violation, but prior to submitting a NIC referral, a Miscellaneous Decision will not be required. The AOR shall complete an Activity Report as indicated above.
- If, to avoid compliance, the parolee absconds parole supervision, a Miscellaneous Decision shall be submitted to the BPH as indicated above.
- After the expiration of the 45-day period, the parolee will not be allowed to physically move into a new residence until such time as verification occurs via the handheld GPS device. In these circumstances, the AOR shall have six working days from the date the parolee provides this information to verify the proximity of the residence to the nearest prohibited location. The parolee shall be placed in custody upon verification that the residence is out of compliance, unless the offender conveys his intent to be transient until a compliant option becomes available.

All Remaining Affected Registered Sex Offenders Who Are Assumed to be Compliant

Within 25 working days after the date of this policy, the AOR or PA shall conduct the following activities for remaining affected registered sex offenders who are currently in the community, and are assumed to be compliant, on his or her caseload.

- Obtain a list of affected parolees from the US. In addition, the AOR shall ensure that any registered sex offenders on his or her assigned caseload and released on or after November 8, 2006, who may have been omitted from both lists provided by the US, are addressed at this time.
- Serve parolee with the appropriate MCOPA as noted below:
 - Affected parolees classified as an HRSO pursuant to AB 113 and Policy Number 05-19(A), shall have the following condition of parole imposed:
"You shall not maintain a residence, or reside within one-half of a mile from any public or private school, and within 2,000 feet from a park where children regularly gather."

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- Affected parolees not required to adhere to AB 113 and Policy Number 05-19(A), shall have the following condition of parole imposed:
"You shall not maintain a residence, or reside within 2,000 feet of any public or private school, and park where children regularly gather."
- Advise the parolee that if he or she is out of compliance, it is a violation of PC Section 3003.5(b), and/or PC Section 3003(g); i.e., Jessica's Law and/or AB 113, and as such, the parolee is subject to arrest and referral to the BPH. Document the date and time the MCOPA was issued, including the parolee's response to the advisement, on the ROS.
- Those who refuse to sign the MCOPA will be advised that continued refusal shall constitute a violation of parole and in accordance to existing regulations, may result in an assessment of revocation by the BPH. If the parolee still refuses to sign the MCOPA, he or she shall immediately be placed into custody and referred to the BPH.
- Measure the proximity of the parolee's residence, utilizing the handheld GPS device, from the primary entrance of the residence to the exterior boundary of the prohibited facility/park.
- Compliant offenders will have his or her handheld GPS device results noted in the ROS.
- If the parolee does not have a compliant address, the same process noted in the previous section shall be utilized.
- If, to avoid compliance, the parolee absconds parole supervision, a Miscellaneous Decision shall be submitted to the BPH as noted above.
- After the expiration of the 45-day period, the parolee will not be allowed to physically move into a new residence until such time as verification occurs via the GPS handheld device. In these circumstances, the AOR shall have six working days from the date the parolee provides this information to verify the proximity of the residence to the nearest prohibited location. The parolee shall be placed in custody upon verification that the residence is out of compliance, unless the offender conveys his intent to be transient until a compliant option becomes available.

Preparole Cases

The AOR or designee shall incorporate the new condition(s) of parole in the CDC 1515 as a special condition of parole or have the option to use the MCOPA at the time the Release Program Study (RPS), CDCR 611, is completed. Unit support staff shall forward a copy of the MCOPA and a blank Notice to Comply instructional letter with the completed RPS to the appropriate institution in accordance with established procedures. Upon incorporation of the MCOPA language into the Notice and Conditions of Parole, CDCR 1515, staff shall cease utilization of the MCOPA form.

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The completed MCOPA and Notice to Comply instructional letter shall be placed into the parolee's field file upon return from the institution.

Parolee-At-Large Cases

Any affected registered sex offender, who abscond parole supervision to avoid complying with the provisions of PC Section 3003(g) and/or PC Section 3003.5(b), shall be considered a Parolee-At-Large (PAL) and have a warrant request, via a Miscellaneous Decision, submitted in accordance with PC Section 3060.7 and Policy Number 06-34. The Miscellaneous Decision shall be forwarded to the BPH for action and referred to the regional Office of Correctional Safety (OCS) simultaneously. The contact list for OCS is attached.

The AOR shall:

- Document the referral to OCS in the ROS.
- Advise the law enforcement agency, where the parolee last registered, of the PAL status of the case and noncompliance with PC Section 290 requirements.
- Monitor case in accordance with high control PAL case supervision specifications.

The US shall:

- Log the PAL case on the Jessica's Law Sex Offender Tracking Log (attached), submitting the log, via e-mail, by close of business every Friday, to the RPA.
- Ensure the PAL is referred to OCS, noting a priority level between 1-3.
 1. Active GPS, HRSO, second strikers, enhanced out-patient program, high notoriety/public interest, and administrative placement cases.
 2. Cases released as high control with crimes against children.
 3. All remaining cases.

Unit Supervisor

The US shall ensure compliance with the requirements set forth in this policy memorandum. The US shall continue to collaborate with community-based programs and local law enforcement to facilitate the identification of compliant housing for sex offender parolees.

Additionally, the US shall:

- Develop and keep current a listing of all public and private schools, and parks within their communities and distribute to each assigned PA.

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- Ensure staff trained in the use of the handheld GPS device are available to verify designated residences.
- Ensure each PA is provided with the list(s) of affected sex offenders for his or her caseload.
- Initiate a log entry on the Jessica's Law Sex Offender Tracking Log for each offender where the initial residence check indicates the residence is out of compliance and track through completion.
- Initiate a log entry on the Jessica's Law Sex Offender Tracking Log for each offender who absconds to avoid compliance.
- The tracking log shall be forwarded, via e-mail, to the RPA each Friday.
- Ensure measurement results for common locations are shared with their PAs, i.e., residential program where several parolees reside. These locations only have to be measured one time.

District Administrator

The District Administrator (DA) shall ensure compliance with the requirements set forth in this policy memorandum. The DA shall continue to collaborate with community-based programs and local law enforcement in the identification of compliant housing for sex offender parolees. The DA shall facilitate the utilization of community-based resources within their respective district to assist PAs in referring sex offender parolees to appropriate compliant housing.

Regional Parole Administrator

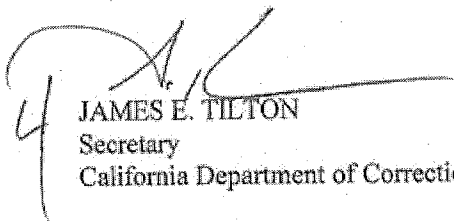
The RPA shall monitor staff efforts to achieve compliance. The RPA shall ensure that requests for staff to assist in performing GPS verifications are granted in a timely manner. The RPA, or designee, shall compile a weekly report, based on the information derived from the Jessica's Law Sex Offender Tracking Log, and forward it to the Quality Control Program, via e-mail, at ParoleQualityControl@cdr.ca.gov each Monday morning with the daily report.

TRAINING

All PAs (I, II, and III) assigned to the parole unit shall be trained by DAPO staff on the use of the handheld GPS devices prior to utilization of the device.

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If you have any questions, please contact Margarita E. Perez, Parole Administrator,
Parole Operations, DAPO, at (916) 445-1787, or via e-mail at
ParolePolicyandProcedureUnit@cdcr.ca.gov.



JAMES E. TILTON
Secretary
California Department of Corrections and Rehabilitation

Attachments

cc: K. W. Prunty, Undersecretary, Operations, CDCR
Scott Kernan, Chief Deputy Secretary, Adult Operations
Thomas G. Hoffman, Director, Division of Adult Parole Operations
Margarita E. Perez, Parole Administrator, Parole Operations

000032

Modified Condition(s) of Parole Addendum

In addition to your Notice and Conditions of Parole, California Department of Corrections and Rehabilitation form 1515, which you last signed on _____, the following condition of parole has been added. This condition will become effective immediately, or upon your release on _____.

As this condition of parole is a matter of law, you must obey this condition of parole. If you do not, you may be arrested, returned to prison and have to serve more time on parole.

<input type="checkbox"/>	<p>“You shall not maintain a residence, or reside within one-half of a mile from any public or private school, and within 2,000 feet from any park where children regularly gather.”</p> <p>Reason(s) for Condition of Parole: Based on a prior or current conviction of Penal Code (PC) Section 288, including its subsections, or PC Section 288.5, and your classification as a High Risk Sex Offender, this condition is imposed to ensure you comply with PC Sections 3003(g) and 3003.5(b), and Policy 05-19(A).</p>
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<input type="checkbox"/>	<p>“You shall not maintain a residence, or reside within 2,000 feet of any public or private school, and park where children regularly gather.”</p> <p>Reason(s) for Condition of Parole: Based on a prior or current conviction of a qualifying sex offense defined in Penal Code (PC) Section 290, this condition is imposed to ensure you comply with PC Section 3003.5(b).</p>
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Unit Supervisor's Signature**Date Signed**

I have reviewed the parolee field file for disability and effective communication source documents, and note the following disabilities or effective communication issues:

EFFECTIVE COMMUNICATION METHOD USED: Foreign Language Interpreter
 Sign Language Interpreter Read/Spoke Slowly Assistive Device (specify):

After providing assistance, the parolee was able to explain the conditions in his or her own words: Yes No

I believe the parolee: Appears to understand Appears to have difficulty understanding.

STAFF'S NAME (Print or Type)		STAFF'S SIGNATURE		DATE SIGNED
CDC NUMBER	PAROLEE'S NAME (Print or Type)	PAROLEE'S SIGNATURE	DATE SIGNED	

The 2000 foot restriction is a matter of law and will not expire upon completion of your parole period. As this condition of parole is a matter of law, your signature on this form is not a requirement for it to be effective, but is required as it is a lawful instruction issued by your parole agent.

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001

NOTICE TO COMPLY

To Whom It May Concern:

Proposition 83, the Sexual Predator Punishment and Control Act, better known as Jessica's Law, was passed by the voters of California on November 7, 2006. Pursuant to Proposition 83, Section 21 amended Penal Code (PC) Section 3003.5 to read, in part:

(b) Notwithstanding any other provision of the law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2,000 feet of any public or private school, or park where children regularly gather.

This law will apply to registered sex offenders released from custody on or after November 8, 2006. Based on the passage of this provision, and your release from custody on or after November 8, 2006, you have been served with a Modified Condition of Parole which directs you to comply with this law.

I have authorized staff to provide affected offenders in the community with a 45-calendar day period to come into compliance with this law. This is a one-time offer, and will not be extended beyond 45 calendar days. Your 45-day period commences effective _____, 2007. You must be in compliance with your residency restrictions no later than _____, 2007.

I encourage you to examine your resources and explore your options for an appropriate alternative. **Failure to become compliant within your period will result in your immediate arrest and revocation.**

It is critical that you accept responsibility for your compliance with this law, and act promptly. Questions concerning this lawful instruction to comply with the law can be directed to your Parole Agent.

JAMES E. TILTON
Secretary
California Department of Corrections and Rehabilitation

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Exhibit B

Memorandum

Date : October 11, 2007

To : Regional Parole Administrators
District Administrators
Unit Supervisors
Parole Agents

Policy No.: 07-48
Amends Policy No. : 07-36

Subject: **REVISED PROCEDURES FOR JESSICA'S LAW NOTICE TO COMPLY**

The California Department Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO), has completed a significant task by noticing active registered sex offenders in the community who are subject to the residency restrictions pursuant to Jessica's Law. This amendment shall remove that requirement from current policy, as well as others noted throughout the body of this amendment.

Pre-parole Packet

Effective immediately, the Notice to Comply instructional letter will no longer be included in the pre-parole packet being returned to the institution. The Modified Condition(s) of Parole Addendum (MCOPA), or appropriate residence restriction annotated on the CDC form 1515, Notice and Conditions of Parole, shall continue to be included in the pre-parole packet and returned to the sending institution.

Initial Releases

Any parolee released from custody, on or after October 12, 2007, will *not* be served with a Notice to Comply instructional letter by parole staff. The parolee shall still be served with the MCOPA or a CDC form 1515 with the appropriate residence restriction annotated, if they do not currently have one on file.

The parolee *may* have received a Notice to Comply instructional letter prior to release by institution staff. If the parolee received a Notice to Comply instructional letter while incarcerated, the effective date by which the offender must become compliant, as noted in the letter, shall be honored. However, if the effective date on the letter has passed, the parolee shall be required to live in compliant housing or declare themselves transient. Otherwise, a mandatory referral to the Board of Parole Hearings (BPH) shall be made for violation of the residency restrictions set forth in Jessica's Law.

Residence Declarations

During the course of the initial interview, the parolee shall provide the Parole Agent (PA) with the address where he or she *intends* to live upon approval and verification. The parolee shall **not** be allowed to move into this residence until such time as the PA has verified it is compliant. The PA shall conduct a residence verification check, utilizing the Global

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Positioning System (GPS) handheld device, within six working days of the parolee's release from custody. If it is determined that the intended residence is not in compliance, the PA shall advise the parolee of the noncompliant status, at which time the parolee shall be required to immediately provide a compliant residence or declare themselves transient.

NOTE: Parolees who fail to provide a compliant alternative or declare themselves transient at this point, and who choose to remain in a noncompliant residence, shall be placed into custody in accordance with current arrest policy and procedures. These parolees shall not be allowed to remain in the noncompliant residence pending a mandatory referral to the BPH. These violations shall be reported to the BPH as in-custody violations. A Not In Custody (NIC) referral shall not be an option for violations of this specific nature.

Parolees who move into a residence, prior to the PA verifying residential compliance and after being directed by the PA not to do so, shall not require a mandatory referral to the BPH for failure to follow instructions, provided: (1) the residence verification check reveals compliance and (2) the parolee does not fall into a category in which all violations require a mandatory referral to the BPH. However, if the residence verification check reveals noncompliance, a mandatory referral shall be made to the BPH, assuming the parolee has "resided" in a noncompliant residence prior to the PA's verification check.

Parolees shall be advised of the noncompliant status of a residence, based on GPS verification, to include the actual distance and name of the prohibited area. The method of measurement shall also be disclosed. For example, "The GPS distance from the primary front entrance at 123 Any Street to the outer west boundary of DeWitt Park, located on Cobb Way, was determined to be 1247 feet, +/- 23 feet." This information shall also be included in any violation report for a residence violation.

Parolees Currently in the Community

The 45-day period provided to affected parolees, released from custody on or after November 8, 2006, through the date of this policy, via the Notice to Comply instructional letter, shall continue to be honored. This includes those notices provided by either institution or parole staff. Upon expiration of the 45-day period, the parolee must be in compliance.

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Closure of Not In Custody Cases

All Jessica's Law residence violations reported as NIC recommendations, as outlined in policy number 07-36, for parolees afforded a 45-day period in which to obtain compliance ONLY, shall be tracked and closed by the PA via one of the following methods:

1. Parolees who have come into compliance shall have the violation charge dismissed or continued on parole (COP), via a recommendation submitted by the PA via a Miscellaneous Decision. (Please note: This modifies Policy 07-36 in which a COP recommendation was the only option available.)
2. Parolees who have failed to come into compliance and are placed into custody, or placed into custody for other violations, shall have a supplemental violation report submitted. The supplemental violation report heading shall reflect the following:
 - **Supplemental Report to Jessica's Law Violation Report dated _____"**
3. Parolees who abscond parole supervision shall have the Jessica's Law violation noted in the body of the Miscellaneous Decision to the BPH when recommending that parole be suspended.

It is incumbent upon DAPO staff to ensure that the various residence restrictions are enforced, and that all violations are reported in accordance with policy. Your continued diligence and professionalism is appreciated.

If you have any questions, please contact Margarita Perez, Parole Administrator, Parole Operations, DAPO, at (916) 445-1787.


SCOTT KERNAN
Chief Deputy Secretary
California Department of Corrections and Rehabilitation

cc: Margarita Perez

Exhibit C

Memorandum

Date : February 28, 2008

To : Regional Parole Administrators
District Administrators
Unit Supervisors
Parole Agents

Policy No: 08-14

Subject: **RESIDENCE RESTRICTIONS FOR SEX OFFENDERS REQUIRED TO REGISTER WHILE ON PAROLE**

This memorandum delineates the policy of the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) relative to all applicable residence restrictions set forth in the Penal Code (PC), California Code of Regulations Title 15, and/or the Department Operations Manual. This policy memorandum shall be considered the sole source for ascertaining appropriate residence restrictions, and shall supersede all sections of prior policy memorandums addressing residence restrictions.

Policy

DAPO agents shall ensure that applicable residence restrictions for registered sex offenders subject to parole supervision are imposed and adhered to at all time.

Applicable Residence Restrictions

Based on the passage of Assembly Bill 113 in 2005, as codified in PC 3003(g) and Proposition 83 in 2006, as codified in PC 3003.5(b), and confirmed by subsequent court rulings on the applicability of these laws, DAPO shall ensure the residence restrictions noted below are adhered to for the following offenders:

	Classification	Restriction	Justification
1	High Risk Sex Offenders , with a current or prior conviction of PC Sections 288, inclusive of all subsections and/or PC 288.5 released to parole (initial or revocation release date -- latest date of release applies) on or before November 7, 2006.	One-half mile from any public or private school serving kindergarten and/or grades 1-12.	PC 3003(g)
2	High Risk Sex Offenders , with a current or prior conviction of PC Sections 288, inclusive of all subsections and/or PC 288.5 released to parole (initial or revocation release date -- latest date of release applies) on or after November 8, 2006.	One-half mile from any public or private school serving kindergarten and/or grades 1-12, <u>and</u> 2,000 feet from any park where children regularly gather.	PC 3003(g) and PC 3003.5 (b)

	Classification	Restriction	Justification
3	All Registered Sex Offenders , regardless of their supervision classification, except as noted in box 2 above, released to parole (initial or revocation release date – latest date applies) on or after November 8, 2006.	2,000 from any public or private school serving kindergarten and/or grades 1-12, and 2,000 feet from any park where children regularly gather.	PC 3003.5(b)
4	Non-High Risk Sex Offenders , with a current or prior conviction of PC Sections 288, inclusive of all subsections and/or PC 288.5, released to parole (initial or revocation release date – latest date applies) on or before November 7, 2006.	Any residence restriction must be supported by circumstances found in the parolee's criminal history and include clear and articulate justification. <i>NOTE: This condition of parole shall only apply to a parolee who changes his or her residence on or after the date of this policy. The residence restriction, with regard to proximity to a school or park, shall require <u>prior approval</u> by the District Administrator.</i>	Based upon current and/or prior offense(s), arrests and/or behavior as noted in the parolee's criminal history.
5	All Remaining Registered Sex Offenders , regardless of their supervision classification, with a current or prior conviction that is not defined in PC Sections 288, inclusive of all subsections and/or PC 288.5, and released on or before November 7, 2006.	Any residence restriction must be supported by circumstances found in the parolee's criminal history and include clear and articulate justification.	Based upon current and/or prior offense(s), arrests and/or behavior as noted in the parolee's criminal history.

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

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

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Notification of the Parolee

The Agent of Record (AOR) shall ensure that each registered sex offender on his or her caseload has the appropriate special condition of parole imposed. The parolee shall be deemed notified if he or she previously signed the CDCR form 1515, Notice and Conditions of Parole, inclusive of any Addendums, with the applicable condition. If the parolee does not have the appropriate special condition of parole imposed, the AOR shall ensure that the special conditions of parole are revised in accordance with existing policy and procedures. The new special conditions of parole shall be served to the parolee during the next scheduled contact.

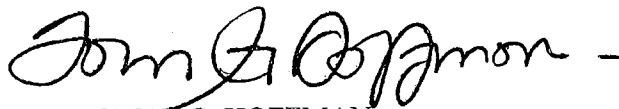
Address Verification Prior to a Change in Address

Prior to allowing a sex offender to move into a proposed residence, the AOR must confirm the residence is in compliance with the applicable special condition of parole. This shall be done by utilizing the Global Positioning handheld device to determine the exact distance from the proposed residence to the nearest excluded location pursuant to Policy Number 06-13. The distance shall be noted in the CDCR form 1650D, Record of Supervision.

If the residence is determined to be compliant with the special condition of parole, the parolee shall be allowed to reside at that location. If the residence is determined to be non-compliant, the parolee shall be instructed to find an alternative residence. The parolee may elect to become transient. Transient/homeless parolees must also be compliant with distance restrictions. For example, if a transient/homeless parolee resides under two separate bridges, both locations must be compliant with applicable residency restrictions pursuant to Policy Number 08-14.

Any parolee found to be residing in a non-compliant residence after being advised by the AOR that the residence is not acceptable, shall be arrested and placed in custody in accordance with existing arrest policy and procedures.

If you have any questions, please contact Kevin Sandino, Parole Agent III, Sexually Violent Predator/High Risk Sex Offender Unit, DAPO, at (916) 327-5414 or Parole SVPHRSO@cdcr.ca.gov.



THOMAS G. HOFFMAN
Director
Division of Adult Parole Operations

Exhibit D

Memorandum

Date : September 16, 2008

To : Regional Parole Administrators
District Administrators
Unit Supervisors
Parole Agents

Policy No.: 08-35
Amends Policy No.: 07-36 and 08-14

Subject: **REPORTING GUIDELINES FOR TRANSIENT REGISTERED SEX OFFENDERS
ON GLOBAL POSITIONING SYSTEM MONITORING**

This memorandum represents the California Department of Corrections and Rehabilitation's commitment to protecting the public by monitoring, tracking and enforcing sex offender movement and residency restrictions through the use of Global Positioning Systems (GPS). The policy set forth here will allow agents to better supervise transient sex offenders and identify those transients who violate the law.

The policy amends the reporting requirements annotated in (1) Policy Number 07-36, *Implementation of Proposition 83, AKA Jessica's Law* and (2) Policy Number 08-14, *Residence Restrictions for Sex Offenders Required to Register While on Parole*; specifically, language on page 3 with regard to transient residence restrictions and GPS verification requirements.

"Transient" More Strictly Defined

In accordance with Penal Code (PC) Section 290.011, "transient" means a person *who has no residence*. "Residence" means *one or more addresses* at which a person regularly resides, *regardless of the number of days or nights spent there*, such as a shelter or structure *that can be located by a street address*, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

As such, if a parolee who is required to register as a sex offender claims that he or she is transient, he or she shall not regularly enter a house, apartment, motel, hotel, shelter, structure, or property that can be located by a street address at any time during each 30-day transient registration period, except in the following situations:

- When the entry is brief or momentary. Entry shall not exceed the period of time needed to charge the GPS device, or no more than two hours per charging occurrence.
- For the purpose of approved employment.
- For the purpose of conducting legitimate business in licensed business, professional, or government building.
- For the purpose of obtaining care, treatment or other services provided by licensed providers.

Except as otherwise noted above, if a transient registered sex offender *does* spend at least one full day or night in a house, apartment, motel, hotel, shelter, or structure *that can be located by a street address*, this shall be considered the establishment of a residence and *he or she must register that address with the law enforcement agency that has jurisdiction over the address within five working days. Further, the residence must be in compliance with the provisions of PC Section 3003(g) and/or PC Section 3003.5(b) as outlined in the following table:*

	Classification	Restriction	Justification
1	High Risk Sex Offenders , with a current or prior conviction of PC Sections 288, inclusive of all subsections and/or PC 288.5 released on or before November 7, 2006.	One-half mile from any public or private school serving kindergarten and/or grades 1-12.	PC 3003(g)
2	High Risk Sex Offenders , with a current or prior conviction of PC Sections 288, inclusive of all subsections and/or PC 288.5 released on or after November 8, 2006.	One-half mile from any public or private school serving kindergarten and/or grades 1-12, and 2,000 feet from any park where children regularly gather.	PC 3003(g) and PC 3003.5 (b)
3	All Registered Sex Offenders , regardless of their supervision classification, except as noted in box 2 above, released on or after November 8, 2006.	2,000 from any public or private school serving kindergarten and/or grades 1-12, and 2,000 feet from any park where children regularly gather.	PC 3003.5(b)
4	Non-High Risk Sex Offenders , with a current or prior conviction of PC Sections 288, inclusive of all subsections and/or PC 288.5, released on or before November 7, 2006.	Any residence restriction must be supported by circumstances found in the parolee's criminal history and include clear and articulate justification. <i>NOTE: This condition of parole shall only apply to a parolee who changes his or her residence on or after the date of this policy. The residence restriction shall require prior approval by the</i>	Based upon current and/or prior offense(s), arrests and/or behavior as noted in the Subject's criminal history.

	Classification	Restriction	Justification
		<i>District Administrator.</i>	
5	All Remaining Registered Sex Offenders , regardless of their supervision classification, with a current or prior conviction that is not defined in PC Sections 288, inclusive of all subsections and/or PC 288.5, and released on or before November 7, 2006.	Any residence restriction must be supported by circumstances found in the parolee's criminal history and include clear and articulate justification.	Based upon current and/or prior offense(s), arrests and/or behavior as noted in the Subject's criminal history.

Transient Registration Requirements

Every person who is required to register pursuant to the PC Section 290.011 as a transient shall be required to register for the rest of his or her life as follows:

- A transient shall register within five working days of release from incarceration.
- A transient shall reregister no less than once every 30 days regardless of the length of time he or she has been physically present in the particular jurisdiction in which he or she reregisters.
- A transient who moves to a residence shall have five working days in which to register at that address.
- A person registered at a residence address who becomes transient shall have five working days in which to reregister as a transient.
- Beginning on his or her first birthday following registration, a transient shall register annually, within five working days of his or her birthday, to update his or her registration in whichever jurisdiction he or she is physically present on that date.
- At the 30-day updates and the annual update, a transient shall provide current information as required on the Department of Justice annual update form, including the information described below:
 - (1) A written and signed statement with the name and address of the person's employer, and the address of the person's place of employment if that is different from the employer's main address.
 - (2) Fingerprints and a current photograph.
 - (3) The license plate number of any vehicle owned by, regularly driven by, or registered to him or her.

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- A transient shall, upon registration and reregistration, provide current information as required on the Department of Justice registration forms, *and shall also list the places where he or she sleeps, eats, works, frequents, and engages in leisure activities.* If a transient changes or adds to the places listed on the form during the 30-day period, he or she does not need to report the new place or places until the next required reregistration.

A violation of any subsection of sex offender registration provisions mandates a report to the Board of Parole Hearings. It is imperative that the report contain sufficient detail to substantiate the charge, inclusive of necessary attachments if applicable.

Policy

Transient parolees (regardless of release date), who are required to register as sex offenders pursuant to PC Section 290, *and who are being supervised through Active or Passive GPS monitoring, will no longer be required to report daily via the telephone. However, these parolees shall be required to report to the Parole Unit in person once per week.*

Transient parolees (regardless of release date) who are required to register as sex offenders pursuant to PC Section 290, *who have not been fitted with a GPS monitoring device,* must report to the Parole Unit daily via telephone and to the Parole Unit in person once per week. This reporting requirement will remain until such time as the parolee is fitted with a GPS monitoring device.

Parole Agents (PA) shall ensure that transient registered sex offenders on Active or Passive GPS monitoring are seen in accordance with current case supervision specifications. Additionally, because these parolees are transient, the required monthly face-to-face residence contact shall be modified to *a face-to-face contact*, in the field or place of employment. The GPS handheld measurements of "locations" where a parolee frequents is no longer required. However, based on information received by a PA, any *residence* where a transient parolee appears to sleep/stay during the day or night must be in compliance with his or her special conditions of parole relative to residence proximity restrictions.

Agent of Record

The Agent of Record (AOR) shall inform each transient registered sex offender currently on Active or Passive GPS monitoring of the amended reporting requirements during the next routine contact. Furthermore, the AOR shall inform the parolee of the PC definition of "transient," and ensure he or she is aware of the transient registration requirements.

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In lieu of completing the required face-to-face residence contact(s) each month/quarter in accordance with current case supervision specifications, the AOR shall contact the parolee at either of the following locations:

- In the field, utilizing GPS to ascertain the parolee's location, or
- Place of employment, if employed.

All contacts shall be documented on the Record of Supervision, CDCR form 1650D. Transient parolees shall still be required to disclose the locations where they have slept, or intend to sleep at night, during the face-to-face contact.

The AOR shall ensure that transient parolees are instructed to charge the GPS devices in accordance with current charging directions, and shall continue to be afforded the opportunity to charge their GPS devices in the Parole Unit. Information that reveals noncompliance with the provisions of residency restrictions shall be investigated by the AOR. Examples of noncompliant behavior include, but are not limited to the following:

	Behavior	Reason for Non-Compliance	Remedy
1	GPS tracks or other information received reveals the parolee regularly enters, regardless of the number of days or nights, a residence as defined on page two.	A parolee who displays this behavior, who is not entering a residence for legitimate purposes as defined on page two, may be falsely declared a transient.	The parolee should register as a sex offender for each residence, and each residence must comply with the provisions of Policy Number 08-14.
2	GPS tracks or other information received reveals that the <i>location</i> where the transient parolee is staying, such as a bridge, transient encampment, and/or bus stop, is in close proximity to a school, park, or area where children congregate.	These locations are not subject to the provisions of residency restrictions. However, these locations may not be appropriate for the parolee to frequent based on his or her criminal history, local community ordinances, and/or existing special conditions of parole.	Any violations of existing special conditions of parole shall be addressed in accordance with existing policy. Additional special conditions of parole could be warranted.

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	Behavior	Reason for Non-Compliance	Remedy
3	GPS tracks or other information received reveals the parolee is frequenting locations which may be in violation of special conditions of parole, to include residences which are not in compliance with applicable distance restrictions.	The parolee is of the belief that <i>frequenting</i> an excluded residence is not a violation of residence restrictions. However, it may be a violation of transient registration requirements.	The violation should be addressed in accordance with existing policy.

Unit Supervisor

During case reviews, the US shall ensure that the AOR is meeting current contact case supervision specifications. Transient registered sex offenders on GPS monitoring shall have the residential face-to-face contact specifications modified to a face-to-face contact in accordance with the guidelines noted on page one.

Additionally, the US shall ensure:

- The AOR adheres to existing GPS monitoring requirements,
- All violations are addressed in accordance with existing policy,
- Any special conditions of parole that may be warranted are imposed.

The US shall continue to report the total population of transient sex offenders subject to Jessica's Law to DAPO headquarters, via the Regional Parole Administrator, each week in accordance with existing reporting procedures.

The supervision of sex offenders is a comprehensive task, and relies on a tremendous amount of discretionary decision making. The monitoring of transient sex offenders is no different, as this population poses a unique set of challenges that must be addressed.

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If you have any questions, please contact Bill Dunkak, Parole Agent III, Policy and Procedures Unit, DAPO, at (916) 327-1136.

A handwritten signature in black ink, appearing to read "Tom G. Hoffman". The signature is written in a cursive style with a large, stylized initial "T".

THOMAS G. HOFFMAN
Director
Division of Adult Parole Operations

cc: Bill Dunkak