Chief Probation Officers of California (CPOC)
Protocol for Transfers of Post Release Community Supervision Offenders

Recently passed legislation (3460 PC) provides a statutory framework regarding the transfer of “jurisdiction” between counties, related to post release community supervision offenders. County probation departments agree that maintaining clear lines of accountability, consistency and fairness in this process will be vital to providing for effective supervision. Unlike in 1203.9 PC, the Court does not have jurisdiction in this process and the transfer of post release community supervision cases will be administrative and directly from one county to another.

3460. (a) Whenever a supervising agency determines that a person subject to post release supervision pursuant to this chapter no longer permanently resides within its jurisdiction, and a change in residence was either approved by the supervising agency or did not violate the terms and conditions of post release supervision, the supervising agency shall transmit, within two weeks, any information the agency received from the Department of Corrections and Rehabilitation prior to the release of the person in that jurisdiction to the designated supervising agency in the county in which the person permanently resides.

(b) Upon verification of permanent residency, the receiving supervising agency shall accept jurisdiction and supervision of the person on post release supervision.

(c) For purposes of this section, residence means the place where the person customarily lives exclusive of employment, school, or other special or temporary purpose. A person may have only one residence.

(d) No supervising agency shall be required to transfer jurisdiction to another county unless the person demonstrates an ability to establish permanent residency within another county without violating the terms and conditions of post release supervision.

Post release community supervision offenders in the community will be required to submit proof of residency or intended residency.
Examples of proof of residency include, but are not limited to, the following:

1. A driver’s license or identification card issued by the state of California that includes the in-county address;
2. Voter registration documents showing address where registered to vote;
3. Filing a homeowner’s property tax exemption;
4. Copy of rental agreement or proof of home ownership;
5. Verification of residency from the person whose home the probationer will reside (third party verification form);
6. Proof/verification of employment;
7. Credit card bill;
8. Utility bills;
9. Insurance policies/documents;
10. Vehicle registration;
11. Any official document verifying name and address; or
12. A residence check by Probation or law enforcement.

All counties party to this protocol shall provide a singular point of contact and backup contact to be listed on the CPOC website for all incoming transfers in addition to any individual officer contact information that includes: an address, telephone number, secure fax number and email address that will be responded to in a timely manner. The purpose of a singular point of contact for transferred cases is to expedite the administrative process and maintain centralized communication/record keeping in situations where sending counties have a question/concern and need a singular point of contact to resolve a question or gain needed information. The sending county can choose to send transfers from various officers/locations but it is recommended that centralized record keeping regarding transfers is maintained.

**Process for Outgoing Transfer Requests**

1. A post release community supervision offender in the community makes a written statement of intention and requests to her/his probation officer to permanently reside in another county; or

   A post release community supervision eligible offender, who is in the custody of CDCR, indicates to CDCR that he intends to reside in a county other than his county of residence as determined by CDCR. CDCR will typically indicate this residence request in their pre-release packet.

2. Upon a request for out-of-county transfer by the post release community supervision offender, the probation officer of the sending county must notify the victim, if any. The protection of the victim can be a valid reason to deny the transfer request.

3. The sending probation officer will need to verify that the post release community supervision offender meets the permanency of residence criteria for a transfer and is
deemed appropriate for such transfer. Upon receipt of the transfer packet, the receiving county will verify the offender’s permanent residency.

4. The sending probation officer will complete the post release community supervision transfer form (attached), attach a copy of the CDCR prison prerelease packet and forward it to the receiving county as soon as possible, but no later than two weeks subsequent to notification of the intent to transfer [3460 (a) PC]. At this time, a travel pass/permit may be issued consistent with compliance and supervision objectives.

5. The sending county will verify the residence is consistent with PC 3460(d).

6. The receiving county will document on the bottom of the post release community supervision transfer form verification of residence.

7. The receiving county will fax or email the post release community supervision transfer form to the sending county at the singular point of contact fax number or email address and also notify the identified sending officer, if not the singular point of contact, indicating either acceptance or refusal of the transfer based upon residency verification within 30 days of the date of the request.

8. If residency is verified, the date of the fax or email indicating acceptance will mark the official date for transfer of “jurisdiction” and responsibility for the case will rest with the receiving county as of that date. NOTE: This date is extremely important for this reason and documentation (fax or email receipt verifying successful “fax sent”, email communications, etc.) should be maintained in case clarification of this date is subsequently required.

9. The sending county will close out their case effective the date of the acceptance fax/email from the receiving county. If the post release community supervision offender is still in the custody of CDCR, the sending county will notify CDCR that the county of residence (and need for new reporting instructions) has changed and request CDCR identify the new receiving county as the county of residence for the inmate. In addition, the sending county will fax/scan and email a copy of the CDCR 611 form, or other documentation, indicating the change in county of residence to the receiving county as well as returning the form to CDCR.