**Chief Probation Officers of California (CPOC)**

**Protocol for Transfers of Postrelease Community Supervision Offenders**

(Revised 12.10.2015)

Penal Code 3460 provides a statutory framework regarding the transfer of “jurisdiction” between counties, related to postrelease 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 postrelease 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 postrelease 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 postrelease 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 postrelease 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 postrelease supervision.**

The supervising county agency shall consider, among others the following factors, giving the greatest weight to the protection of the victim and the safety of the community:

1. The existence of family or friends with whom the offender has ties and whose support would increase the chance that the offender’s supervision would be successfully completed.
2. The availability of appropriate programs for the supervised offender that would increase the chance that the offender’s supervision would be successfully completed.
3. The availability of appropriate alternative housing for the supervised offender to increase the chance that the offender’s supervision would be successfully completed.

**AB 231 Compliance**

AB 231 amended section 3003 PC to authorize probation to grant relocation of PRCS offenders in circumstances where a victim of a stalking related offense makes the request, and where the probation department determines that relocation is feasible and appropriate.

**3003.(h) Notwithstanding any other law, an inmate who is released on parole or postrelease community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim’s actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole, postrelease community supervision, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim. If an inmate who is released on postrelease community supervision cannot be placed in his or her county of last legal residence in compliance with this subdivision, the supervising county agency may transfer the inmate to another county upon approval of the receiving county.**

While statute does not require either the transferring county or the receiving county to assist or provide housing, it is in the best interest of public safety that the participating counties agree to a housing plan for offenders rendered homeless due to AB 231.

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. A postrelease 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

b. A postreleasecommunity 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; or

c. A victim of stalking offense has exercised his/her rights pursuant to Section 3003(h) PC requesting that the postrelease community supervision eligible offender who is in custody at CDCR or the postrelease community supervision offender under supervision by a county agency be relocated in excess of 35 miles of his/her residence or place of employment. If CDCR or the supervising county agency determines that there is a need to protect the life, safety, or well-being of the victim the sending county will initiate the transfer process.

1. Upon a request for out-of-county transfer by the postrelease 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.
2. The sending probation officer will need to verify that the postreleasecommunity 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.

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;
12. A residence check by Probation or law enforcement.
13. The sending probation officer will complete the postrelease community supervision transfer form Cover Sheet (attached), attach a copy of the CDCR prison prerelease packet along with the postrelease packet if available 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.
14. The sending county will verify the residence is consistent with PC 3460(d).
15. The receiving county will document on the bottom of the postrelease community supervision transfer form verification of residence.
16. The receiving county will fax or email the postrelease 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.
17. 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.
18. The sending county will close out their case effective the date of the acceptance fax/email from the receiving county. If the postrelease 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.