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FILED

By the City Council

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CONT. TO

3-11-80

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By the City Council
Office of the City Clerk

CONT TO

3-15-80

MAR 11 1980

Honorable City Council
Council Chambers
City Hall
Sacramento, California 95814

RE: LAW AND LEGISLATION COMMITTEE RECOMMENDATION REGARDING
PROPOSED PENAL CODE SECTION 3053 REVISION

APPROVED
BY THE CITY COUNCIL

Members in Session:

MAR 18 1980

SUMMARY:

OFFICE OF THE
CITY CLERK

The Law and Legislation Committee recommends that Penal Code Section 3053 be amended as proposed herein.

BACKGROUND INFORMATION:

1. Existing Law.

Penal Code Section 3053 currently reads as follows:

"§3053. Conditions on Parole

The Community Release Board upon granting any parole to any prisoner may also impose on the parole such conditions as it may deem proper."

2. Proposed Change.

The proposed change would add language to the existing section so that it would read as follows:

"§3053. Conditions on Parole; Registration

The Board of Prison Terms, upon granting any parole to any prisoner may impose upon the parole such conditions as it may deem proper. However the conditions of parole shall include, but are not limited to the following:

(a) A transfer from one unit office to another may be granted without Board of Prison Terms review only when initiated by the supervising parole agent of the Department of Corrections and,

(b) Any person who is paroled pursuant to Chapter 8, Article 3, Section 3040 of the California Penal Code shall, within seven (7) days of his coming into any county, city, or city and county in which he resides or is temporarily domiciled for seven (7) days or more,

register with the Chief of Police of the City in which he resides, or the Sheriff of the County if he resides in an unincorporated area.

Any person who is paroled from a jail, prison, school, road camp or other institution where he was confined shall prior to the commencement of such parole be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the Department of Justice, stating the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside immediately after his parole and shall report such address to the Department of Justice. The official in charge of the place of confinement or hospital shall give one copy of the notice form to the person and shall send two copies to the Department of Justice which in turn shall forward one copy of the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his parole.

Such registration shall consist of (a) a statement in writing by such person giving such information as may be required by the Department of Justice and (b) the fingerprints and photograph of such person. Within three (3) days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the Department of Justice.

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is subject at any time to be taken back within the enclosure of the prison.

The statements, photographs and fingerprints herein required shall not be open to inspection to the public or by any person other than a regularly employed peace or other law enforcement officer.

At such time as the parole period shall end the duty to register under this section shall cease and desist."

3. Effect of Changes:

This added language would provide local police with a system for immediately knowing when a parolee comes into their jurisdiction. No such system now exists, and local police have been left to devising their own system for obtaining information, which systems are by their nature cumbersome, expensive and time consuming.

The problem faced by the Sacramento Police Department is outlined in the attached statement prepared by Lt. Dee Reynolds.

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4. Current Status of this Proposal:

On February 7th, 1980, the Law and Legislation Committee voted unanimously to authorize the proposal to be submitted to the Legislature after revisions by the City Attorney's Office.

February 15, 1980, was the deadline for any Legislator to submit proposed legislation to the Legislature.

In view of that deadline, the proposed (and revised) amendment was submitted on February 15, 1980 to Assemblyman Greene for his action. He submitted the proposal to the Legislative Counsel on that date.

Currently the District Attorney has been given the proposal for his review and comment. Lt. Reynolds has worked with the parole authorities in developing this proposed system.

RECOMMENDATION:

Because of the increased efficiency in obtaining needed information, and the potential cost savings which would be achieved by this measure, it is recommended by the Law and Legislation Committee that the City continue in its efforts to have this legislation enacted.

It is requested that the Council authorize our continued efforts in this regard.


WILLIAM P. CARNAZZO
Deputy City Attorney

WPC:KMF

PROBLEM STATEMENT

The adult parolee population in Sacramento County at this time is approximately 800. The Sacramento Police Department has developed a program wherein the notification that a subject is arriving in Sacramento County can be included into our record system and thereby allows the investigators of this agency and the Sacramento Sheriff's Department the advantage of knowing that a subject is currently a parolee. This system was developed at the local level and continues to operate satisfactorily as a result of the assistance and cooperation provided by the local offices of Department of Corrections Parole Services Units.

The operation of the system requires a significant amount of paper work and numerous phone calls which expends manpower of not only this agency but the Sheriff's Department and the local offices of the Department of Corrections. It is my opinion that the proposed amendment to Penal Code Section 3053 will reduce the expenditure of manpower and monies and still allow us the benefit of this system. Further, it is my opinion that parole is merely a transition period of the prisoners commitment time and therefore suggest that requiring the parolee to register with the local agency is not beyond the realm of responsibility.

An additional source of problems which generates the second part of my proposed amendment is described as follows: A parolee applies for a certain area of the state wherein he has a specific program and is subsequently released to that area for parole. He may, shortly thereafter, depart that area and in fact may be out of contact for two or three weeks. He may then report to the Sacramento Parole Office and at that time present an established program in the Sacramento area. In these events the Sacramento Parole Office has no alternative but to accept the subject as an assignee to this area. Again, they have no denial rights and merely transfer the subject administratively from his original office to the local office. This movement may be correlated with the population shift to Northern California, the close proximity to penal institutions, and

the numerous grant funded rehabilitation programs being offered nearby. These instances undoubtedly relate to the fact that for every parolee received which was a Sacramento County commitment, we receive two parolees which were convicted in counties outside of Sacramento.