



PARTNERSHIP FOR COMMUNITY EXCELLENCE

SUPPORTING COUNTIES IN IMPLEMENTING THE 2011 PUBLIC SAFETY REALIGNMENT

NEW PAROLE REVOCATION PROCESS FACTS & RECOMMENDATIONS

From the Partnership's March 19, 2013 Forum

On March 19, 2013, representatives from State Parole, County Courts, District Attorneys, Public Defenders, Sheriffs and local Police met in Sacramento to share information on the upcoming change in the Parole Revocation process. This is the final element of the 2011 Public Safety Realignment legislation to be implemented.

NEW REVOCATION PROCESS FACTS

- ▶ On July 1, 2013, the County Superior Courts will assume responsibility for the Parole Revocation process. See Parole Revocation Flow Chart: www.cafwd.org/pce-parole-revo-flow-chart.
- ▶ Each supervising parole agent will have authority to use a variety of intermediate sanctions, including a period of "flash incarceration" in county jail for up to 10 days, without the court's involvement.
- ▶ The court will hear revocation petitions for parolees that were, prior to the passage of AB109, conducted by the State Board of Parole Hearings (BPH).
- ▶ The court may appoint hearing officers to conduct revocation hearings for offenders on parole or Post Release Community Supervision (PRCS). Hearing officers may conduct hearings in two or more counties.
- ▶ The BPH will continue to oversee Lifer hearings

and retains authority to discharge parole.

- ▶ PC 3000.8 defines the population that will be supervised by parole: offenders convicted of serious or violent crimes, those sentenced to twenty five to life as third strikers under the Three Strikes law, high-risk sex offenders and those determined to be Mentally Disordered Offenders (MDO). See Administrative Office of the Courts (AOC), Criminal Justice Court Services Office - Realignment FAQs: www.cafwd.org/pce-AOC-realignment-FAQ.
- ▶ Most parolees can serve 180 days for a revocation. There is no limit to the successive number of revocations; however, the length of time on parole is statutorily mandated and thus, depending upon the applicable statute, the period of parole necessarily ends.

ISSUES NOT YET RESOLVED

CURRENT STATUS OF IMPLEMENTATION

- ▶ The AOC's Criminal Law Advisory Committee has proposed to amend rule 4.541 to apply its minimum content requirements to reports filed with petitions to revoke parole as required by Penal Code section 3000.08(f). A form was developed that can be used by counties when filing petitions to revoke parole. If this form is not used, then the report must include the minimum content requirements. See all forms related to the Parole Revocation process: www.cafwd.org/pce-parole-revo-forms.

- ▶ In an effort to establish effective working relationships between CDCR's Division of Adult Parole Operations (DAPO) and the county courts, DAPO has been meeting with each of the 58 counties to explain the Parole Revocation process and learn local procedures. Effective coordination between DAPO and county courts may be hampered with one parole agent assigned to multiple counties with varying procedures.

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FOR MORE INFORMATION

on the Forum and the Parole Revocation process, visit:

www.cafwd.org/pce-parole-revocation

- ▶ PC 3000 et seq. were not amended to allow the court to discharge a parolee from parole. This raises the question of who will grant the discharge from parole.
- ▶ The parole agent may petition the court to revoke parole, but since the court cannot terminate parole or discharge a parolee, the court is limited to returning a parolee to parole with a modification of parole conditions, revoking parole and ordering a custodial sanction with no other modifications, or referring the parolee to reentry court or any other evidence-based program.

RECOMMENDATIONS

- ▶ Contact Guillermo Viera Rosa, Associate Director (A), Litigation Compliance Unit & Realignment - Court Transition at DAPO at (916) 324-4210 office or Guillermo.VieraRosa@cdcr.ca.gov to review the current Parole Revocation process and work through differences between DAPO and county revocation processes.
- ▶ Cross-train state parole agents, local courts and probation departments to help ensure a smooth and efficient process.
- ▶ Capitalize on the knowledge and experience of the local courts and county probation departments in managing the local probation revocation process.
- ▶ Reach out to victims of crime and address concerns about their safety and receiving restitution from offenders.
- ▶ Utilize evidence-based practices and programs such as risk and needs assessment, and reentry courts.
- ▶ Gain an understanding of parole program resources available to courts. See CDCR Community Resource Directory: http://www.cdcr.ca.gov/Community_Partnerships/Resource_Directory.aspx
- ▶ Work collaboratively to resolve problems and create efficiencies.
- ▶ Help manage jail populations and increase cost-effectiveness by considering the use of alternatives for low risk to reoffend parolees.

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