

## COUNTY PAROLE

- AUTHORITY:** Sections 3074-3089, California Penal Code
- RESCINDS:** Procedure Manual Item 2-2-002, dated **11/15/13**
- FORMS:**
- |  |                 |
|--|-----------------|
| Application for Parole                 | (F057-1103.6)   |
| Order of Parole                        | (F057-1336AF)   |
| Parole Revocation Order                | (F057-1337AF)   |
| Parole Officer's Report                |                 |
| Typical Parole Packet and Distribution |                 |
| Letter to Sentencing Judge             | (F057-13335 AF) |
- PURPOSE:** To outline policy, procedure, and operational guidelines for County Parole.

### I. GENERAL INFORMATION

#### A. County Parole Application Process

##### Eligibility Requirements

Any inmate may make application for parole if his present sentence meets all of the following requirements:

1. Inmate has been sentenced to serve more than sixty (60) days in the Orange County Jail and has a minimum of thirty (30) days remaining to be served at the time of the parole hearing.
2. At least one-half of the inmate's sentence will have been served by the parole hearing date. **In the event of consecutive sentences, at least one-half of the total time must have been served.**
3. **There must be a minimum of 30 days between the date of the Parole Hearing and the Sentence Expiration date.**
4. **The inmate must reside in Orange County and have a stable residence.**
5. **Inmates serving legally mandated sentences must serve the minimum required time.**
6. **Inmates are not eligible for parole if their commitment is the result of a violation of formal probation or a violation of County Parole.**
7. **Inmates are not eligible for early release if there are any active holds or warrants on any criminal cases.**

**B. Board of Parole Commissioners, consists of the following:**

- a. The Sheriff; **and the primary designee of the Sheriff is the Facility Commander-Main Jail**
- b. The Chief Probation Officer, **or his/her designee. The primary designee of the Chief Probation Officer is the Director of the Adult Court Services Division.**
- c. A member, **not a public official**, selected from the public by the Presiding Judge of the Superior Court.

1. **Meeting of the Commission shall be held at such times and places as the Commission shall determine.**
2. At least two members of the Commission must be in attendance to constitute a quorum for the transaction of business.

**C. County Parole Manual**

The County Parole Manual sets forth the rules and regulations governing the Parole Commission. The manual is updated and published on behalf of the Commission by the Investigations Unit of the Adult Court Services Division.

**II. PROCEDURE**

**A. Method of Application**

An inmate may:

1. Obtain an Application for parole from Sheriff personnel at any jail facility.
2. Return the completed form to Sheriff staff.
3. Sheriff staff will forward the form to Probation's Investigation Unit along with a copy of the inmate's jail commitment orders and other relevant jail case material and court forms.
4. The Parole Officer/screener ensures that all applications submitted must be time-stamped upon receipt.

**B. Investigation of parole Applicants**

1. The Parole Officer reviews and screens all applications in accordance with eight (8) screening rules which are:
  - a. Parole applicant completes a two-page packet and attaches Minute Order(s).
  - b. Parole applicant must reside in Orange County upon release from jail.

- c. The applicant must have plans for a stable living arrangement and/or employment/vocational training/formal education.
  - d. The applicant is required to indicate if he/she has been on formal probation or is currently on probation.
  - e. The County Parole applicant is ineligible if there are active holds, bench warrants, or has an extensive prior record or a history of violent/serious offenses, as verified by a record check.
  - f. There must be 30 days remaining between Parole release date and sentence ending date.
  - g. For drunk driving offenses: **The** Parole Screener will check **the** type and number of offenses for which applicant was convicted. The Screener will determine number of priors and check Penal Code for mandatory sentence. In calculating time, Screener will include factor that applicant must serve the entire mandatory time.
  - h. The Parole Screener will obtain Sentencing Judge's support or opposition to early release.
2. The Parole Officer/**Screener** investigates and verifies identification information as well as employment and family information supplied by the applicant on Form F057-1103.6.
  3. If the applicant meets the screening rules, the Parole Officer gathers additional information, as may be required, to complete a Parole Report packet for the Board of Parole Commissioners.
  4. The Parole Officer/Screener submits a Parole Report packet consisting of the following documents:
    - a. Application for Parole (Form F057-1103.6)
    - b. Order of Parole (Form F057-1136AF) prepared for the signatures of the Parole Board if applicant is subsequently approved by the Board.
    - c. A list of eight screening rules utilized to qualify the applicant for the Parole Hearing.
    - d. A copy of Sentencing Judge's letter of support or opposition to early release.
  5. The Parole Officer/**Screener** submits a brief written evaluation addressing transitional issues involving education, vocational training, family/personal counseling, employment and residential living arrangements. Is the applicant suitable for Parole within the context of these issues? Are the applicant's family and community support systems capable of ensuring at least minimal success? Are the applicant's basic social attitudes compatible with the requirements, expectations and goals of Parole Supervision?

6. Recommendation

- a. Make recommendations for a minimum of six months' Parole supervision.
- c. Under certain circumstances, it is appropriate to recommend longer periods of Parole up to a maximum of two years. The Parole Officer/Screeners should have a case-related basis for extending the span of Parole supervision. For example, to enable the parolee to complete an alcohol rehabilitation program of nine months duration.

C. Parole Board Hearings

1. The Commission may parole any prisoner within its jurisdiction at any time if unusual or emergency conditions exist which warrant special consideration.
2. The Commission will grant Parole contingent upon the applicant's signed agreement to comply with stipulated conditions of release.
3. The Commission notifies all applicants in writing of the decision following hearings.
4. If parole is granted, the case is assigned by the cognizant field office to a DPO who serves as the Parole Officer.

D. Parole Supervision

1. The assigned Deputy Probation Officer, acting as the Parole Officer, will:
  - a. Review the Order of Parole in the parolee's presence and set guidelines for compliance.
  - b. Classify the parolee according to the NIC Model Probation System.
  - c. Regardless of the risk/need classification, the parolee will receive an "override" to "high" during the first six months of supervision and be supervised accordingly.

E. Parole Revocation

Report any parolee who violates the conditions of his/her Parole to the Parole Commission.

1. Technical Violations: Discuss violations of the terms of Parole which do not include new law violations with the Parole Officer's (DPO's) supervisor (SPO).
2. One of the following courses of action decided upon:
  - a. Informal Handling:

- (1) If the parolee's overall adjustment has been positive and the violation is considered to be minor, handle it informally with the supervisor's permission.
- (2) Do not report minor technical violations to the Parole Commission.

b. Extension of Parole:

- (1) If the parolee is making progress but the violation is significant (i.e., intoxication, "dirty" drug tests), it may be appropriate to recommend extending the period of Parole.
- (2) Send a memo to the Parole Commission (via the Probation Department's Deputy Commissioner) containing the details of the parolee's adjustment, the technical violation, and the recommendation for extension.
- (3) Advise the parolee to appear at the next scheduled Parole Board Hearing.
- (4) NOTE: Extensions should usually be for six months.
- (5) If the parolee is unwilling to accept an extension, recommend revocation of Parole.

c. Revocation of Parole:

- (1) If the nature of the violation is considered to be serious and the parolee is not making progress, detain Parolee in jail custody and send a memo to the Parole Commission containing these facts and recommending for revocation.
- (2) Submit the memo via the Probation Department's Deputy Commissioner.
- (3) Parolee will be instructed by jail authority when to appear at the next scheduled Parole Board Hearing.

d. New Law Violations:

- (1) When a parolee is arrested for a new law violation and the District Attorney has filed a Complaint, report the matter to the Probation Department's Deputy Commissioner as soon as possible.
- (2) Discuss the circumstances with your supervisor before calling the Deputy Commissioner.
- (3) Be prepared to recommend one of the following courses of action:

e. Immediate Revocation:

- (1) If the parolee's adjustment has been poor prior to the arrest, ask that a Revocation Hearing be scheduled in conjunction with the next Parole Board Hearing.
- (2) Send a copy of the arrest report with the memo to the Parole Commission outlining the parolee's failure to adjust and the reasons for recommending revocation.
- (3) Detain parolee in jail for violation of Parole if he has obtained bail for the new law violation.

f. Revocation Following Adjudication:

- (1) If the final disposition on a new arrest is scheduled to occur at least 30 days prior to the expiration of Parole, it may be appropriate to schedule the Revocation Hearing after the parolee's Court Hearing.
- (2) Obtain the approval of the Deputy Commissioner.
- (3) If charges are dismissed on the new arrest in the final Court disposition, it still might be prudent to request that the Parole Board extend Parole an additional six months to meet a particular casework goal (i.e., extending Parole to ensure completion of a counseling program).

g. Warrants:

- (1) If a parolee absconds, submit a memo to the Parole Commission outlining what attempts were made to contact the parolee and requesting revocation of Parole.
- (2) The resulting Revocation Order serves as an arrest warrant.
- (3) No credit is granted for the time between the parolee's release from jail and his return to custody because of the revocation of his parole.
- (4) All parolees have the right to appeal a revocation of Parole by:
  - (a) Submitting a written statement to the Parole Board presenting an argument for the reinstatement of Parole. The statement will be considered at the next scheduled Parole Board Hearing.
  - (b) All appellants are notified in writing of the decision regarding the appeal.
  - (c) In all cases where a decision is made to uphold the revocation of Parole, the Board of Parole Commissioners will review the appeal at the next

scheduled hearing. The parolee, however, is detained in jail pending the next scheduled hearing.

- (d) The Board forwards copies of all decisions made for the appellant in writing.

**REFERENCES:**

Policies:                   A-1   Policy, Procedure and the Law  
                                  A-2   Upholding Departmental Philosophy and Principles.

J. Cisneros

**APPROVED BY:**