

NOTICE:
DUE PROCESS RIGHTS IN PAROLE REVOCATION
Valdivia v. Schwarzenegger

The Due Process Clause of the 14th Amendment to the U.S. Constitution applies to parole revocation. Valdivia v. Schwarzenegger (E.D. Cal. No. Civ. S-94-0671 LKK/GGH) is a federal lawsuit about California's parole revocation system. If you are a California parolee, you are part of the Valdivia plaintiff class whether you are out on parole, being held on revocation charges, or serving a revocation term in prison.

The Valdivia case has resulted in a federal court order called the "Stipulated Order for Permanent Injunctive Relief" (Permanent Injunction). This notice gives a short summary of that order. You can read more about the changes to the parole revocation process in a longer version of this notice and in the Valdivia Permanent Injunction, which you can find in the prison law library, jail library, or parole office.

Beginning in 2004, some parolees charged with non-serious, non-violent offenses may be sent to community-based programs or electronic monitoring, instead of prison, although the Permanent Injunction does not give any particular parolee a right to such alternatives. By January 2005, the following changes will happen: (1) All parolees will get attorneys for Return to Custody Assessments (screening offers) and parole revocation hearings. (2) Within 48 hours of the parole hold, the parole agent and unit supervisor will confer to determine if probable cause exists to continue the parole hold. (3) Parolees will receive notice of the charges against them within 3 business days of the parole hold. (4) Parolees in some special circumstances will receive expedited probable cause hearings. (5) Final revocation hearings must be held within 35 calendar days of the parole hold.

By July 2005, the rest of the changes to the revocation process will happen, including: all parolees held on revocation charges will receive probable-cause hearings within 10 business days after notice of the charges. Parolees' attorneys will have better access to witnesses and evidence.

The Valdivia Permanent Injunction will apply to parole revocation extension hearings.

Administrative appeals of most parole decisions (BPT form 1040) have gone away, and parolees can go straight to court to challenge a BPT decision about parole revocation, grant or denial of parole, attorney appointments, or due process ("discretionary decisions"). You can ask the BPT to fix mistakes that are clerical, or about mandatory discharge, credit eligibility during revocation terms, and other rules of law ("non-discretionary decisions") by writing a letter to: **Board of Prison Terms, Quality Control Unit, 1515 "K" Street, 6th Floor, Sacramento, CA 95814.**

If you have a disability, you can still ask for help before, during, or after a BPT hearing, and if you do not get the help you need, you can send a Grievance (BPT form 1074 or a letter) to: **Board of Prison Terms, ADA Compliance Unit, 1515 "K" Street, 6th Floor, Sacramento, CA 95814.**

The Valdivia Permanent Injunction allows lawyers for the plaintiff class to monitor CDC's and BPT's compliance with the order. For more information, you may contact the attorneys for the parolee class:

Rosen, Bien & Galvan, LLP P.O. Box 390 San Francisco, CA 94104	P Floor ↓	Prison Law Office General Delivery San Quentin, CA 94964	Bingham McCutchen Three Embarcadero Center San Francisco, CA 94111
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For large print & audiotapes, see the prison/jail library or parole office.

Notificación en español al otro lado.