



For Informational Purposes

Parole Review Process for Non-Violent, Non-Sex Registrant, Second-Strike Inmates

In 2014, a federal Three Judge Court ordered CDCR to implement a number of inmate population-reduction measures, including the development of a parole determination process through which Non-Violent, Second-Strike (NVSS) inmates would be eligible for parole consideration by the Board of Parole Hearings (the Board) once they have served 50 percent of their sentence.

Eligibility for NVSS Parole Review Process

“Second-Strike” inmates are eligible for parole consideration if their current commitment offense(s) is not a violent felony as defined under Penal Code section 667.5, subdivision (c), if the inmate is not required to register as a sex offender under Penal Code section 290, and if he or she has completed 50 percent of the sentence.

Public Safety Screening

- To be eligible for parole consideration, NVSS inmates must also pass a public-safety screening.
- During this screening, certain criteria are applied that will exclude inmates from parole consideration if they meet any of the following as a result of negative behavior:
 - Currently in a restricted housing assignment due to serious misconduct or conduct endangering the safety of others or the security of the institution;
 - Have been housed in restricted housing in the past five years for disciplinary reasons or due to participation in gang activity;
 - Have been denied privileges (*i.e. family visits, ability to receive packages, and yard access*) as a result of refusing to accept assigned housing or a work assignment in the past 12 months;
 - Have been found guilty of violent behavior, rape, arson, possession of a weapon or attempted escape within the past five years while in custody;
 - Have been found guilty of two or more in-prison violations within the past 12 months involving criminal misconduct such as drug possession or other administrative misconduct such as use of alcohol or work-related offenses;
 - Have been found guilty of in prison violations due to participation in gang activity within the past 12 months;
 - Have been found guilty of a drug-related offense or refused to provide a urine sample within the past 12 months.
- Inmates who pass the public-safety screening are then sent to the Board for parole consideration.

- In 2015, approximately 40 percent of NVSS inmates failed to meet the public-safety screening criteria. The remaining 60 percent were referred to the Board for parole review.

Parole Review Decision

- Eligible cases are referred to the Board for evaluation by a Deputy Commissioner, who reviews all of the information available about the inmate. This includes details about the crime compiled by law enforcement, case information from trial and appellate court documents, rap sheets and criminal history information, information about the inmate's conduct and participation in self-help programs, letters of support and opposition, and victim impact statements.
- The Deputy Commissioner determines whether the inmate poses an unreasonable risk of violence to the community;
 - There are five case factors considered when making this determination: (1) circumstances surrounding the current conviction(s); (2) prior criminal record; (3) institutional behavior (rehabilitative programming and discipline); (4) documented medical conditions affecting the inmate's ability to reoffend; and (5) input from the district attorney, victim, inmate, inmate's family and the public
- Inmates who are found to pose an unreasonable risk of violence are denied parole.

Processing the Inmate for Release and Decision Review

- For inmates deemed suitable for parole, normal pre-release processes are followed, and law enforcement agencies and victims are notified pursuant to statute. (Normal pre-release processes include but are not limited to: a comprehensive audit of sentencing documents and verification of release dates; submission of any applicable offender registrations required by the Department of Justice; review of any pending holds, warrants, or detainers on file from Immigration and Customs Enforcement or other law enforcement agencies; preparation and service of parole conditions on the inmate.)
- Those released on parole are subject to standard and special conditions of parole tailored to each parolee.
- If the inmate is denied parole, he or she will have the opportunity to be reviewed again for referral to the Board at his/her annual classification committee.
- The inmate or the District Attorney may request review of the parole decision. The Board will review the decision and either vote to uphold the decision, or vacate it and order a new parole review.

Monthly status reports to the Three Judge Court on the NVSS process are at:

<http://www.cdcr.ca.gov/News/3-judge-panel.html>