



Proposition 57: Nonviolent Parole Process Frequently Asked Questions

(Updated May 2018)

What is the Proposition 57 nonviolent parole process?

When Proposition 57 was overwhelmingly approved by California voters on November 8, 2016, it authorized the California Department of Corrections and Rehabilitation (CDCR) to develop regulations in conjunction with the Board of Parole Hearings (board) that create a parole consideration process for nonviolent offenders who have served the full-term of their primary offense in state prison.

Nonviolent offenders have served the full-term of their primary offense when they have served the longest term of imprisonment imposed by a court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence. The full-term of a primary offense does not include post-sentencing credits.

Proposition 57 does not create a right for nonviolent offenders to parole from prison. It gives the board the authority to review eligible offenders in prison and, if they no longer pose an unreasonable threat of violence or threat of significant criminal activity, approve their release to community supervision.

When did the Proposition 57 nonviolent parole process take effect?

July 1, 2017.

How are eligible inmates referred to the board?

If an inmate is determined to be an eligible nonviolent offender, he or she will be screened for possible referral to the board no later than 35 days prior to serving the full term of his or her primary offense. Only those inmates who pass CDCR's rigorous public-safety screening criteria will be referred to the board. If an inmate does not pass the public-safety screening process, he or she will be screened again one year later.

What is the notification process for inmates?

Eligible inmates are notified of the results of the public-safety screening process and, if referred to the board, provided information about the nonviolent offender parole process, including the opportunity to submit a written statement to the board.

Which inmates will be eligible?

All inmates are eligible for the nonviolent parole consideration process except those who are:

- condemned;
- currently incarcerated for a term of life without the possibility of parole;
- currently incarcerated for a term of life with the possibility of parole for a violent felony;
- currently serving a determinate term prior to beginning a term of life with the possibility of parole or prior to beginning a term for an in-person offense that is a violent felony;
- currently serving a term of incarceration for a violent felony;



- currently serving a term of incarceration for a nonviolent felony offense after completing a concurrent determinate term for a violent felony;
- convicted of a sexual offense that currently requires or will require registration as a sex offender under the Sex Offender Registration Act.

Can victims and prosecutors participate in the review process?

Yes. Within five business days of referral by CDCR, the board will notify victims registered with CDCR's Office of Victim and Survivor Rights and Services and the prosecuting agency or agencies, and provide them an opportunity to submit a written statement. Recipients will have 30 calendar days after the board issued the notification to submit a written statement to the board.

How does the board reach a decision?

A Deputy Commissioner at the board conducts an administrative review to determine if the offender's release to community supervision would pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity. The review will include information such as the offender's criminal history, institutional behavior, rehabilitation efforts, and any written statements received from the inmate, victims, or prosecutor. As in the nonviolent second-striker process, no hearing will be scheduled.

How soon will inmates be released to community supervision if approved by the board?

CDCR will release approved nonviolent offenders 60 calendar days after the board's decision. During that time, CDCR and the board will conduct all statutorily required pre-release reviews, such as checks for warrants, detainers, or other legal holds. In addition, CDCR and the board will conduct all statutorily required notifications, such as victim, prosecutor, and law enforcement notifications.

Who will supervise offenders approved for release to community supervision?

Supervision in the community will be conducted by the Division of Adult Parole Operations (DAPO) or a county probation department.

Can a board decision be reversed?

Yes. Inmates may request review of a board decision within 30 calendar days of the inmate being served the decision. The board will then review the original decision and determine whether to uphold or vacate it. Inmates, registered victims, and prosecutors will be notified of the outcome. In addition, the board may at any time prior to the inmate's release, review its decision if the decision contained an error of law, an error of fact, or if the board receives new information that would have materially impacted the previous decision had it been known at the time the decision was issued.

Can the Governor reverse the board's decision?

No, unlike the board's parole decisions regarding life-term inmates, the board's decisions regarding nonviolent offenders eligible for parole consideration under Proposition 57 are not subject to gubernatorial review.