

A Victim's Guide to the California Parole Hearing Process



The iCAN Foundation is here to help. Our mission is to support, educate and empower those impacted by crime.

This booklet provides basic information on the California parole hearing process. At the end of the booklet are resources and information on how to write a victim impact statement (a statement you can make at the parole hearing).

We are grateful for your participation in the parole hearing process. Your involvement and input are very important in promoting individual and community safety, and to holding your offender accountable for the harm they have caused.

One of your most important rights as a victim of crime is the opportunity to tell the parole board how you and your loved ones have been affected by the crime.

It is important for the parole Commissioners to understand how this crime affected you and your loved ones and what it has done to you emotionally, physically and financially.

If you have any questions about writing your victim impact statement, or would like information about services for victims in your community, please contact:

Crime Victims Assistance Network (iCAN) Foundation

1809 S Street, #101316

Sacramento, CA 95811

ph: 916-273-3603

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What is a parole hearing?

A parole hearing is a legal hearing that is held to determine whether or not an inmate should be released from prison. Only inmates who have been sentenced to life with the possibility of parole are required to have a parole hearing in order to be released from prison.

Where is the parole hearing held?

Parole hearings are held at the prison where the inmate is housed. The hearing is held in a small room on the prison grounds. You will need to enter the prison grounds to get to that room.

You will be escorted through the prison and watched while on prison grounds. While this can be a scary experience you should know that everyone there will be looking out for your well-being and your safety.

When is the parole hearing held?

An inmate is scheduled for their first parole hearing one year before their earliest eligible release date. The date is determined by the minimum amount of time they were sentenced to. It can happen anywhere from 7 years on, after the inmate is sentenced.

Who goes to the parole hearing?

Parole Board Hearing Panel

The hearing is before a panel of Commissioners. Usually there are two Commissioners who preside over the hearing; at least one Commissioner is appointed by the Governor.

The Inmate

The inmate is allowed to attend their parole hearing, but sometimes they choose not to be present.

The state of California appoints a lawyer for the inmate who will represent them at the hearing or they can hire their own attorney.

The Deputy District Attorney and/or DA Advocate

The county where the inmate committed his/her crime may send a deputy district attorney to the hearing. When you receive your notice, call the district attorney's office and request that a deputy district attorney appear at your hearing and ask that they call you before the hearing.

Things to ask the DA – How is the inmate's behavior in prison? Is the inmate remorseful? Have they taken responsibility for the crime? If the inmate was to be paroled – where do they plan to live? If the deputy district attorney does not know the answers to these questions, ask them to find out for you.

The Victim (s) and/or their Representative (s)

The victim, victim's next of kin (spouse, parents, blood relatives) if the victim is dead, members of the victim's family, and two representatives have the right to appear at the parole hearing.

News Media and Observers

The media is allowed to attend a parole hearing, however they must first obtain permission

from the Board of Parole Hearings. It is very rare that any media is present.

On occasion observers are allowed to attend parole hearings for educational purposes.

How do I find out about the parole hearing?

You must let the Department of Corrections and Rehabilitation's (CDCR) Office of Victim and Survivor Rights and Services know that you want to be notified when there is a parole hearing. It is important that you make sure that your name and contact information (address, phone number) are on file with the CDCR Office of Victim and Survivor Rights and Services so that they can contact you when the hearing is scheduled. You need to fill out a 1707 form. If you do not know if you have filled out the form, then you should call the CDCR Office of Victim and Survivor Rights and Services Coordinator at 916-327-5933 or toll free at 1-877-256-6877. It is a good idea to call them anyway to make sure that they have your correct information on file. You can also email them at ovssinet@cdcr.ca.gov.

If requested by the victim, the Board of Parole Hearings is required by law to notify any victim of any crime committed by the inmate at least 90 days before the parole hearing. You will receive a letter in the mail from the prison where the inmate is incarcerated. You will be required to return a card attached to the letter proving that you were notified. After mailing the card, follow-up with a phone call to the CDCR Office of Victim and Survivor Rights and Services to make sure they received it.

What happens if I want to attend the parole hearing?

Any victim, victim's next of kin, family member or representative that want to attend the parole hearing must notify the CDCR Office of Victim and Survivor Rights and Services Coordinator at 916-327-5933 or toll free at 1-877-256-6877, no less than 30 days before the parole hearing. There is a background check that must be done before being allowed on prison grounds. Information required for the background check usually includes the full name of the person(s) attending the hearing, their address, date of birth, valid drivers license number and social security number.

Please Note: If it is past the 30 days and you have not notified the CDCR Office of Victim and Survivor Rights and Services that you want to go to the parole hearing, still call them, it is possible they can make an exception.

What if I don't want to attend the hearing?

If you do not want to go to the prison to attend the hearing you may be able to attend by videoconference. This is where you can provide your statement by live video from the district attorney's office. Not all district attorney's offices or prisons have this equipment, so check with the district attorney or the CDCR Office of Victim and Survivor Rights and Services to see if this is possible. You can also send a representative to the parole hearing to speak for you. You can also write a letter or send in a video or audiotape with your statement.

If you send in a written statement

- You will need to mail your statement to the Classification and Parole Representative

(C&PR) at the prison where the parole hearing will be held. This information should be provided to you when you receive your parole hearing notification. If it is not, contact the CDCR Office of Victim and Survivor Rights and Services for the information at their toll free number 1-877-256-6877.

Make sure to put at the top of your letter the inmate's name, CDC number and the date of the parole hearing.

DO NOT mark your letter confidential. This will cause your letter to be placed in the inmate's confidential file and it may not be considered at the hearing. At the top of your letter write "Please place this letter in the inmate's Central File." Make sure you only write your address on the envelope, do not write it on the letter! If you do, the inmate will see it. Make sure you put your name on the letter. If you do not feel comfortable allowing the inmate to see your letter you may write confidential in big bold letters at the top of your letter. Remember, this may cause the parole board not to see your letter.

Make sure to send in your letter at least three weeks before the parole hearing to make sure that it gets to the prison. You can follow up with the CDCR Office of Victim and Survivor Rights and Services to ask them to check to make sure the letter got to the prison.

You can also fax or email your letter to the Office of Victim and Survivor Rights and Services or the institution at which the hearing will be held. You can get this information by calling the CDCR Office of Victim and Survivor Rights and Services at 1-877-256-6877.

- Contact the district attorney's office in the county where the crime occurred. If they are sending a representative from their office you can ask if they will read your letter "into the record" on the day of the parole hearing.

For more information on how to submit a written, audio or video statement please refer to the Board of Parole Hearings Handbook from the CDCR Office of Victim and Survivor Rights and Services.

How do I prepare for the parole hearing?

It is important to understand that the state of California has determined that an inmate is suitable (ready) for parole (release) unless they are determined to be a CURRENT risk to public safety. Your statement, given at the end of the parole hearing, is very important to help give the Commissioners a more complete picture of the seriousness and full impact the crime has had on you and on public safety in general.

Prepare early! Don't wait for the notification letter from the Board of Parole Hearings to come. Start thinking about what you will say and write it down in a notebook. This will help you prepare to write your statement.

If you can attend the parole hearing in person it makes a difference. Being present to talk about the impact of the crime puts a face to the victim(s).

Think about what you want the Commissioners to hear about you and/or the victim(s). Remember that most of the information they have is about the crime and the inmate.

If the victim is deceased, bring a picture, not in a frame (no frames or glass are allowed in prison), of the victim to show the Commissioners. Your picture can be small or large. You can bring more than one picture.

Your impact statement

At the end of this booklet we have included a guide for you to use in preparing your impact statement (statement to the Commissioners). If you are attending the hearing, it is a good idea to put your impact statement in writing. Double-space your statement and use a large print so that you can read the words clearly. It is easy to lose your place if you get nervous.

Speak from the heart – tell the Commissioners what life is like now for you and how this crime changed your life.

Keep your statement short and focused

The law says that you can talk about whatever you want at the parole hearing but it is important to keep in mind that most people's minds begin to wander after a while. Not to say that this will happen to you, but you have a better chance of keeping the Commissioner's full attention if you keep your statement to 5–10 minutes or less and focus on how the crime has impacted you. Try not to repeat yourself. If you are attending with another family member or representative, make sure that you discuss your statements ahead of time so that you do not repeat what the other person(s) is saying.

Make two or three extra copies of your statement so that you can give them to the deputy district attorney (if one is attending). They may provide a copy to the Commissioners and the inmate's attorney.

** Please note: No matter how upset you are during the hearing, you will be expected to act appropriately. Swearing at or threatening the inmate will not be tolerated.

What has the most impact in the parole hearing?

Hearing from the people who knew or know the victim. If the victim is you, having you in the hearing room telling how the crime changed your life. If the victim is a loved one that was murdered, have those who knew them talk about what they were like and what life is like without them. Everyone speaking at the parole hearing should talk to each other about what they are going to say. Try not to repeat what other speakers have said. Tell new stories or memories about the victim.

What should I wear to the parole hearing?

Dress like you are going for a job interview. Slacks and shirts for men. Pants or a long skirt (at least knee length) and a blouse for women. Shoes should look professional. A shorter heel may be more comfortable and easier to walk in, especially if you are nervous.

Do not wear suggestive clothing (no clothes that show your belly or cleavage/no skin tight clothing/no short skirts).

No jeans or blue clothing are allowed in prisons (this is what the inmates wear).

The night before the parole hearing

- If you have been communicating with the district attorney's office, and they plan to have a representative attend the parole hearing, either by video conference or in-person, call them to check in and see if there are any last minute changes and to coordinate where you will meet the following day.
- Pick out the clothes you will wear for the parole hearing and make sure they are clean and pressed.
- Put together your impact statement with any pictures you will bring and put them somewhere you will not forget them (in your purse, by the front door, etc.).
- Pack a small bag with essential items. You can bring the following into the prison:
 - Handkerchief (no bandanas)
 - Tissues
 - A pad of paper and a pen or pencil
 - A book
 - Small clear change purse
 - Something to snack on like a small piece of fruit, a granola bar or candy bar
 - Critical medications
 - Critical medical equipment and supplies

You **may not bring** the following into prisons:

- Chewing gum
- Purses
- Cell phones, pagers, recording devices or cameras
- Any tobacco products
- Pocketknives

Either leave these items in your car or at home.

- Eat dinner. This may be a very stressful time and you want to keep your strength up.
- Map out the route to the prison and determine how long it will take to get there. You do not want to be late.
- Get a good night sleep. Try to go to bed early and do your best to relax.

The morning of the parole hearing

- Eat breakfast even though you may not feel like eating, it is going to be a long day. You want to make sure that you keep your strength up.
- Arrive early at the prison. You are usually required to arrive at the prison at least 60 minutes before the parole hearing.
- Make sure that you have your picture form of identification (valid driver's license, state ID card, armed forces ID card, etc.). Check with the CDCR Office of Victim and Survivor Rights and Services for a list of acceptable forms of ID you will need to enter the prison.
- Make sure you have a copy of your gate clearance that you should have received from the CDCR Office of Victim and Survivor Rights and Services or the prison where the inmate is housed.

When you arrive at the prison

A Correction's Officer will check you in. You will need to pass through a metal detector. Keep in mind any metal on you may set off the alarm; this includes underwire bras, metal plates, etc.

If your bra sets off the alarm, a correctional officer will use a hand "wand" and scan your body to determine that your bra was what caused the alarm to go off.

The Correctional Officers are doing their job to ensure everyone's safety; however, if you have any problems, politely ask for a watch commander or supervisor to assist you.

A Victim Services representative will usually arrange to meet you prior to checking into the prison. They will lead you through security and will take you to a waiting room where you will wait until the parole hearing begins.

What to expect in the parole hearing

The parole hearing is to determine whether or not the inmate is suitable (ready) for parole (release).

If you are attending the parole hearing, you may first be escorted into a waiting room, and then the hearing room. Once you are seated in the hearing room, a Correctional Officer will bring the inmate into the room. The Correctional Officer will stay with the inmate through the entire hearing.

The parole hearing will be recorded. You will be asked to identify yourself "for the record." The Commissioners will start the hearing off by explaining what will take place during the hearing.

Two Commissioners will ask questions of the inmate. The inmate and/or the inmate's attorney will answer questions and try to show that the inmate has bettered himself or herself while in prison. The Commissioners will look at the inmate's behavior in prison (were they well behaved or have they been in trouble), their participation in vocational and educational programs (have they learned a trade so they can get a job if released, have they completed high school/college), are they participating in therapy or self-help programs (like drug and alcohol counseling), do they have a plan on what they will do, where they will live, etc. if they are released from prison.

Do understand that the Commissioners will praise the inmate for good behavior and progress made in prison. This is not an indication of whether or not the Commissioners believe the inmate is suitable for parole. The Commissioners may also point out problems the inmate has had while in prison. The inmate and their attorney are NOT allowed to ask questions of the victim(s) or any representative of the victim.

Be aware that the Commissioners may discuss graphic details (describe what happened in detail) of the crime. If you do not want to hear these details, you can ask the Commissioners if you may be excused for any part of the hearing where they may discuss the crime in graphic detail.

The parole hearing can last anywhere from a couple hours to several hours. You will speak

last. Quietly wait your turn. Try to avoid making noises or physical reactions to things being said between the Commissioners and the inmate and their attorney. It is ok to become emotional. If you need a break, let the Commissioners know and they will take a break from the hearing.

When it is your time to speak

Speak directly to the Commissioners, not the inmate or their attorney. Speak clearly. If you become emotional, it is ok. Speaking at a parole hearing can be frightening. Realize that the Commissioners understand that. If you become too emotional to speak, you may allow someone else to speak until you are ready or ask to take a break and the Commissioners will let you take a few minutes to collect yourself.

If it ends up that you are unable to speak at all, know that just being there at the hearing makes a difference. You may always submit your statement to the Commissioners in writing. You may also ask if they would read it into the record for you. You can also ask that your statement be read at future hearings.

What happens next?

After you speak the Commissioners will ask everyone to leave the room and they will deliberate (make their decision). This can take a few minutes to an hour. When they are done they will call you, and everyone else that was in the hearing, back into the room for the decision.

The decision

If the inmate is denied parole

If the Commissioners find that the inmate is not suitable for parole, then they can deny parole for 3, 5, 7, 10 or 15 years. The law determines what the length of denial can be based upon the Commissioners findings (why they denied parole).

If the inmate is granted parole

The Commissioners will explain how and why they came to their decision. A decision to grant parole must be reviewed by the Board of Parole Hearings and ultimately the Governor before any inmate can be released. The inmate will stay in prison until the review process is complete. This can take up to four months. You can write to the Governor if there has been a grant. You can also send the Governor an email or fax. You may also want to address the letter to the Governor's Legal Affairs Secretary. The Governor's contact information is located on the last page of this booklet.

NOTE: On the 1707 form you can request that the inmate not be allowed to live within 35 miles of you. You can update this form with the CDCR Office of Victim and Survivor Rights and Services. Their contact number is listed below and at the end of this booklet.

In order to be notified of future parole hearings or releases you need to make sure that your information is kept up to date with the CDCR Office of Victim and Survivor Rights and Services. You can call them at 916-327-5933 or toll free at 1-877-256-6877 to update your information.

A Guide to Preparing Your Impact Statement

The following questions are a guide to help you prepare your statement. You can answer all of the questions or pick a few you like. Once you have answered the questions you can take your answers and put them together to create your impact statement.

What is your name? _____

What is the victim's name and what is their relationship to you? (Are you the victim, the victim's mother, father, sister, brother, uncle, cousin, aunt, nephew, niece?, etc.)

When did the crime occur (date)? _____

How did you hear about the crime? _____

What was your immediate reaction? _____

How has this crime affected you and your family? _____

What was the *impact* of this crime on you and your family (emotional, financial, physical)?
Discuss continuing problems today – talk about holidays, special events or a specific time when something reminded you of your loved one.

What concerns do you have, if any, about your safety and security if the inmate is released from prison?

What do you want to happen? _____

— RESOURCES —

California Department of Corrections and Rehabilitation Office of Victim & Survivor Rights & Services

P.O. Box 942883, Sacramento, CA 94283-0001

The Office of Victim and Survivor Rights and Services website will provide you with valuable information for your parole hearing.

Phone Toll Free: 1-877-256-0VSS (6877)

www.cdcr.ca.gov/Victim_Services

Governor Arnold Schwarzenegger

State Capitol Building
Sacramento, CA 95814

Phone: 916-445-2841

Fax: 916-558-3160

California District Attorneys Association

Lists the Office of the District Attorney in each county in the state of California and provides their contact information.

Phone: (916) 443-2017

www.cdaa.org

California Victim Compensation and Government Claims Board

If you or someone close to you was injured or threatened with injury in a violent crime, California's Victim Compensation Program may help pay certain crime-related expenses.

Phone: 1-800-777-9229

Victim Compensation Program <http://www.victimcompensation.ca.gov>

Crime Victims Assistance Network (iCAN) Foundation

1809 S Street, #101316, Sacramento, CA 95811

The iCAN Foundation provides assistance to victims of crime through information, resources and referrals. iCAN Foundation can also help you prepare for the parole hearing and in some cases, may be able to accompany you to the hearing.

Phone: 916-273-3603

Toll Free: 888-235-7067

website: <http://www.ican-foundation.org>

email: getinfo@ican-foundation.org

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