

DATE:	SEPTEMBER 11, 2018
CATEGORY:	COUNTY PAROLE AND ALTERNATIVE CUSTODY
NUMBER:	E.8
SUBJECT:	COUNTY PAROLE
RELATED SECTIONS:	P.C. SECTIONS 3074 THROUGH 3088

PURPOSE

To ensure all legal and department requirements are met under the authority for County Parole in San Diego County contained in California Penal Code Sections 3074 thru 3088.

POLICY

The San Diego County Board of Parole Commissioners establishes the following rules for the administration of parole functions in San Diego County as provided for under the authority of P.C 3076.

PROCEDURE

I. COUNTY PAROLE

- A. The authority for County Parole in San Diego County is contained in California Penal Code Sections 3074 through 3088. The Board of Parole Commissioners establishes and enforces the rules for the administration of parole functions in San Diego County.
- B. The Board establishes the terms and conditions for each applicant who is granted County Parole. The County Parole term will last at least until the inmates projected release date, but the Board may order parole for a longer period of time (up to a maximum of 2 years). Inmates may apply for County Parole only once during each sentence. The County Parole Board decision is final and not subject to appeal.
- C. The San Diego County Board of Parole Commissioners consists of a representative from the Sheriff's Department, the Probation Department, and a public member appointed by the Presiding Superior Court Judge. The public member shall serve for a term of one year, not to exceed three consecutive years.

II. ELIGIBILITY

Any inmate, who is sentenced to serve time in San Diego County, confined in or committed to any county jail, camp facility, or work furlough facility under a judgment of imprisonment or as a condition of probation for any criminal offense, may apply for County Parole.

However, any of the following would deem them ineligible:

- A. The Court ordered "no parole" or "no early release" at the time of sentencing.

- B. Inmate is serving a local sentence for a serious or non-violent offense listed in PC 667.5(c) or PC 1192.7(c).
- C. Criminal cases are pending.
- D. An active felony hold or warrant exists.
- E. The Court has denied sentence modification on this case.
- F. 3 or more days of "good time" were lost (PC 4019).
- G. County Parole was revoked within the past 3 years.
- H. Inmate has served a state or federal prison term within the last 5 years.
- I. Not enough time remains to process an application, or hearing date closed prior to release date.
- J. Inmate is a current federal, state, or local prison commit (AB 109, PC 1170).
- K. Post Release Community Supervision Offender serving time in county jail (PRCS).
- L. New charge or major rule violation prior to release on County Parole.
- M. Poor in-custody behavior, assaultive behavior towards staff, or attempt to escape.

The County Parole Officers will process applications and determine applicants meet basic eligibility requirements. The facility correctional counselor will send the completed application along with any accompanying documents to the County Parole Officer.

If an applicant is determined to be ineligible for County Parole, the County Parole Officer will complete and send a notification stating the reason(s) for denial ineligibility via interoffice mail to applicants at jail facilities, and email to applicants under CPAC.

All eligible applicants will be scheduled for a County Parole Hearing date on or after the applicant has served ½ of their calculated sentence. The County Parole Officer will send a notification of the scheduled hearing date via interoffice mail to applicants at jail facilities, and email to applicants under CPAC.

[REDACTED]

III. APPLICATIONS

- A. Inquiries by inmates and requests for applications are referred to the correctional counselors assigned to the facility.

- B. The facility correctional counselor will review and send the completed application and any attached documents to the County Parole Officer [REDACTED]

IV. INPUT

- A. The jail staff's input into the parole process consists of records, especially ISR's and behavior observations.
- B. Facility staff desiring to comment on an inmate's actions, behavior or attitude must contact the Correctional Counselor assigned to that particular housing unit or to the County Parole Officer.

Letters of recommendation may not be sent directly to the Parole Board or court by the facility staff unless directed to do so by the facility commander.

V. CONDITIONS OF PAROLE

The standard conditions of parole include, but are not limited to, the following:

- A. Obey all laws of the United States, State of California, and any ordinance of any city, county, political subdivision or public district thereof.
- B. Follow such course of conduct as directed by the County Parole Officer and report when, and as, instructed.
- C. Notify the County Parole Officer of any changes in residence, telephone numbers or place of employment.
- D. Shall NOT leave the County of San Diego without permission of the County Parole Officer.
- E. Neither visit nor communicate nor attempt to visit or communicate with inmates of any jail, camp, or work furlough facility without the written permission of the County Parole Officer.
- F. Submit your person, property, place of residence, vehicle, personal effects to search at any time with or without a warrant and with or without reasonable cause, when required to do so by the County Parole Officer or any law enforcement officer.
- G. Additional conditions of parole deemed appropriate by the Board will be imposed and outlined in the County Parole grant.

VI. HEARING PROCESS

- A. The applicant is scheduled for a County Parole hearing after serving at least one-half of their sentence time, and will appear before the Board for a personal interview. They may waive their right to appear at the hearing, but this may weaken their chances of being paroled. At the hearing the applicant must give the Parole Board a good reason to be released early and be prepared to answer questions from the Board relating to their criminal history, behavior in custody, program participation, and post-release plans.

- B. Inmates may apply for County Parole only once during each sentence. The decision of the Parole Board is final and cannot be appealed. Decisions are made on a case by case basis, and will be determined on the candidate's behavior in custody, seriousness of the offense, criminal history, custody programming, and the post-release plans presented at the hearing. Immediately after the hearing, all applicants are notified of the Board's decision. They are each presented with either a denial or grant of County Parole. In addition, a note is entered into their JIMS inmate history.
- C. The Board may grant County Parole effective immediately or at a later date. The applicant may be required to secure a residential treatment bed prior to release, or satisfy other conditions similar to formal Probation. All grants of County Parole are sent directly to Inmate Processing Division to conduct the release of the inmate as ordered by the Board.

VII. RETURNED TO CUSTODY

When a County Parolee is determined to be in violation of the conditions of County Parole, the County Parole Officer must contact the County Parole Board members and request a 2/3 majority vote to rescind the offer of County Parole. A Parolee may return to custody by self-surrendering, or by being arrested for a County Parole Warrant and/or new crime.

If the Parolee is in violation of any of the conditions of County Parole, the County Parole Officer will instruct the Parolee to self-surrender at a booking facility. The County Parole Officer will complete and submit a County Parole Hold to the booking facility Inmate Processing Division to notify them of a pending self-surrender to ensure that the Parolee does not bail out of custody.

If a County Parolee fails to self-surrender or is unable to be contacted, the County Parole Officer will complete and submit a warrant to the Sheriff's Records & ID Division, and notify the Board that a warrant has been issued.

Warrants are served by law enforcement as stated in P.C. 3081 (c). A warrant may be recalled due to unforeseen circumstances; however, the County Parole Board must have a 2/3 majority vote to recall the warrant. Otherwise, the warrant will remain in effect.

If a County Parolee is arrested by law enforcement for committing a new crime, the County Parole Officer may be notified of the arrest by the arresting officer, Inmate Processing Division, and/or a Probation representative.

- A. The County Parole Officer must notify the Board of the arrest.
- B. The County Parole Officer will complete and send a Notice of Revocation to the facility correctional counselor where the inmate is housed.
- C. The facility correctional counselor will present the notice to the inmate for signature. The inmate may appeal or decline to contest the revocation.
- D. The County Parole Officer must notify the Board of the inmate's decision. If the inmate declines to contest the revocation, the inmate will stay in custody and serve the remainder of their custody time.

- E. When an inmate decides to appeal their revocation, the County Parole Officer will schedule the inmate for the next available Board Hearing.
 - 1. If the inmate's County Parole remains revoked the inmate will stay in custody and serve the remainder of their custody time.
 - 2. If the inmate's County Parole is reinstated, the County Parole Officer will complete and submit a grant of County Parole along with the Remove Parole Hold to the facility Inmate Processing Division.

VIII. SUPERVISION

All County Parolees are supervised and report weekly to the County Parole Officer pursuant to P.C. 3088. They must comply with all terms and conditions outlined on the County Parole grant. Parolees must submit documentation via fax or email monthly showing compliance of the following conditions, including but not limited to:

- A. Treatment Program progress reports
- B. Self-Help Meeting Attendance Record
- C. Proof of restitution payments
- D. Proof of enrollment in DUI Program/Classes
- E. Proof of enrollment and completion of Court-ordered classes
- F. Proof of Employment and/or Education status
- G. Completion of community service

If the Parolee is in compliance with all the terms and conditions outlined on the County Parole grant by the end of the County Parole term, the Parolee may request a Completion Letter from the County Parole Officer.