

DATE:	APRIL 29, 2022
NUMBER:	E.8
SUBJECT:	COUNTY PAROLE
RELATED SECTIONS:	P.C. SECTIONS 3074 - 3089

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 3089.

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 PC 3076.

PROCEDURE

I. COUNTY PAROLE

- A. The authority for County Parole in San Diego County is contained in California Penal Code Sections 3074 through 3089. The Board of Parole Commissioners establishes and enforces the rules for the administration of parole functions in San Diego County.
- B. The County Parole Board establishes the terms and conditions for each applicant who is granted County Parole. The County Parole term will last at least until the county parolee's projected release date, but the County Parole Board may order parole for a longer period of time (up to a maximum of 2 years). Applicants 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

Those committed to serve time in San Diego County, in 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. Serving a local sentence for a serious or 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. Three (3) or more days of "good time" were lost (PC 4019).
- G. County Parole was revoked within the past three (3) years.
- H. Has served a state or federal prison term within the last five (5) years.
- I. Not enough time remains to process an application, or the hearing date is closed prior to release date.
- J. Is a current federal, state, or local prison commit (AB 109, PC 1170).
- K. Post Release Community Supervision (PRCS) offender serving time in county jail.
- 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 if applicants meet basic eligibility requirements. The detention 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 ineligibility.

All eligible applicants will be scheduled for a County Parole hearing date on or after the applicant has served half of their calculated sentence. The county parole officer will send a notification of the scheduled hearing date.

All male applicants are scheduled for hearings at South Bay Detention Facility (SBDF) on the 1st, 3rd, and 5th Thursdays of the month. All female applicants are scheduled for hearings at the Las Colinas Detention & Reentry Facility (LCDRF) on the 2nd, and 4th Thursdays of the month. Females already enrolled in a County Parole and Alternative Custody (CPAC) program will be seen at SBDF on the 1st, 3rd and 5th Thursday of the month.

III. APPLICATIONS

- A. Inquiries by incarcerated people 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 via email to CPAC@sdsheriff.org or interoffice mail to mailstop O-312.

IV. INPUT

- A. The jail staff's input into the parole process consists of records, especially Jail Information Management System (JIMS) Incident Reports and behavior observations.
- B. Facility staff desiring to comment on an incarcerated person's actions, behavior, or attitude must contact the correctional counselor assigned to their housing unit or to the county parole officer.

Letters of recommendation may not be sent directly to the County 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 incarcerated people 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 County Parole 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 County Parole 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 County Parole Board a valid reason to be released early and be prepared to answer questions from the County Parole Board relating to their criminal history, behavior in custody, program participation, and post-release plans.

- B. Incarcerated people may apply for County Parole only once during each sentence. The decision of the County Parole Board is final and cannot be appealed. Decisions are made on a case-by-case basis and will be determined on the applicant'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 history.
- C. The County Parole 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 the Detentions Processing Division (DPD) to process the release of the incarcerated person as ordered by the County Parole 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 majority vote to rescind the offer of County Parole. A county parolee may return to custody by self-surrendering, or by being arrested for a County Parole warrant and/or new crime.

If the county 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 "Parole Hold" (CPB-2B) to the booking facility's DPD to notify them of a pending self-surrender to ensure 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 & Identification Division and notify the County Parole Board a warrant has been issued.

Warrants are served by law enforcement as stated in PC 3081 (c). A warrant may be recalled due to unforeseen circumstances; however, the County Parole Board must have a 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, DPD, and/or a Probation representative.

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

- E. When an incarcerated person decides to appeal their revocation, the county parole officer will schedule them for the next available County Parole Board hearing.
 - 1. If the incarcerated person's County Parole remains revoked, they will stay in custody and serve the remainder of their custody time.
 - 2. If the incarcerated person's County Parole is reinstated, the county parole officer will complete and submit a grant of County Parole along with the removal of the Parole Hold to the facility DPD.

VIII. SUPERVISION

All county parolees are supervised and report to the county parole officer pursuant to PC 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 Driving Under the Influence (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 compliant 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.