



## STATE PAROLE

With the implementation of California State Assembly Bill 109 and enactment of the 2011 Public Safety Realignment Act, one of the major changes brought about was the changeover of State Parole hearings from the Board of Parole to the local courts. This gave them authority to impose modification or revocation of parole for those in violation of California Penal Code 3056. Inmates released from state prison on parole after serving a term for a serious or violent crime, any crime that classifies the inmate as a high risk sex offender or any crime in which the parolee is required as a condition of parole to undergo treatment with the Department of Mental Health, will be under the supervision of the Division of Adult Parole Operations (DAPO). All other inmates released on parole will be under the supervision of the County Probation Department on Post Release Community Supervision. Only inmates released on parole pursuant to PC section 3000.1 (murderers, specific life term sex offenses) will be returned to state prison if parole is revoked.

All PC 3056 violations booked on/after October 1, 2011 will be identified by the BSTP – Booked State Parole arrest type. The HSTP – Hold State Parole arrest type previously used is no longer applicable to PC 3056 arrests.

### **ORDER TO SHOW CAUSE HEARING**

According to the ruling in *Valdivia v. Schwarzenegger*, all inmates in custody for 3056 PC violations are entitled to an Order to Show Cause (OSC) hearing to determine if in fact the terms and conditions of parole have been violated. State Parole officers are required to submit a Petition for Revocation to the San Diego Superior Court. Court staff will run the BSTP-Booked State Parole notify list in the Jail Information Management System (JIMS) and calendar both male and female inmates for an OSC hearing by the 5<sup>th</sup> court day following arrest with the Reason on Calendar of ***POTP (Parole Order to Produce)***.

Code Section	Description	CL	DV	Court	Court Dt/Tm	ROC	Document #
3056 PC	VIOLATION OF PAROLE	F		SD16	12-04-2017 1330	POTP	AC2501

Each parolee is entitled to representation at the hearing. Upon meeting with an attorney from the Public Defender's office, a parolee may accept an offer to serve a term of revocation (no more than 180 days) or reject the offer and opt for an evidentiary hearing. OSC hearings are conducted in department 16 of the Central Division Courthouse (SD16) Monday through Friday at 1:30pm.



Once a court document is received, the CDC number will be updated in JIMS to reflect the PL case number:



Code Section	Description	CL	DV	Court	Court Dt/Tm	ROC	Document #
3056 PC	VIOLATION OF PAROLE	F			00-00-0000 0000		PLAC2501

**RELEASING A HOLD AFTER AN OSC HEARING HAS BEEN SCHEDULED**

The DAPO may produce a PC 3056 drop/release **prior** to the inmate attending their scheduled OSC hearing.

In these instances the following will be completed before the inmate is released from custody:

- The detention processing technician will forward the PC 3056 drop/release to the detention processing supervisor for review.
- The detention processing supervisor will forward the PC 3056 drop/release via email to court personnel notifying them to vacate the OSC hearing.
- Upon receiving approval and if the inmate has other pending matters, the detention processing technician will close out the arrest with the disposition of **STPD-DROP STATE PAROLE HOLD** and remove the POTP court date.
- If there are no pending matters, the parolee will be released from Sheriff's custody with the disposition of **STPD-DROP STATE PAROLE HOLD** and the POTP court date removed.

Release Type: STPD DROP STATE PAROLE HOLD  
 Agency Released To:

**NOTE: Ensure the PC 3056 drop/release is reviewed in its entirety for any special releae instructions and or effective release dates.**

In the example below, the drop/release is dated 11/28/17 and specifically indicates the release is effective 11/29/17. In addition, the inmate is to be released to an agent only at 3pm.



From: SYSTEM @ CLETS 11.28.17 12:13:05  
To: BMNO @ BMNO  
1JTIC0.LGEO CRMO NEVR.STOP HLY RVLI BMN DKNT  
COUNTY: SAN DIEGO

MNEMONIC: LGEO, BMNO

TO: SAN DIEGO CENTRAL JAIL

ATTN: AKA: BATMAN

\*\*\*\*\*NOTICE OF RELEASE MESSAGE\*\*\*\*\*

NAME: WAYNE, BRUCE

CDC#: H00289

DOB: 8/15/1972

DESC: WHITE M 6'4" 220 GRAY OR PARTIALLY GRAY BROWN

BKG#: 17180292

REG/UNIT: PAR SOUTH/GOTHAM1

EFFECTIVE 11/29/2017 12:13:15 PM PLEASE REMOVE HOLD PER 3056 P.C. ON THE ABOVE SUBJECT.

REPORTING INSTRUCTIONS: RELEASE TO AGENT ONLY - 3 PM - (212) 729-1425

AGENT: LEDGER, HEATH (BADGE #: 7357)

UNIT: GOTHAM1

REGION: PAR SOUTH

REFER: JIM GORDON, DIRECTOR GTHM-HQ 916-275-5523

REPLY: JOKR

INT: CRM

DATE: 11/28/2017 12:15

CRM1  
11/28/2017 OPERATOR:  
TO:  
ATTENTION: JAILER  
RE: CDCR  
CA068210K



### **REVOCACTION HEARING**

Parolees who reject an offer to serve a term of revocation will be scheduled for an evidentiary hearing within 10 days of the OSC hearing in Department 16 of the San Diego Superior Court.

### **CONTROLLING DISCHARGE DATE (CDD)**

All parolees (with certain exceptions, such as lifer parolees) have a CDD. This is a date their parole officially discharges. At this time, a parolee should not be required to serve anymore revocation time. The DAPO is responsible for tracking this information, and may send a drop hold request while a parolee is serving a revocation sentence that orders his/her release prior to the calculated date of release. The drop hold **MUST** indicate that the parolee has reached his/her CDD and is to be released from custody. If the drop hold request is not clear, contact DAPO for clarification prior to releasing the parolee.

*(Reference: [Scheduling of Order To Show Cause Hearings for State Parole and Probation Revocation Arrests Training Bulletin](#))*