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**How to Develop a
COUNTY PAROLE PROGRAM
For Your Jurisdiction**

**Institute for Law and Policy Planning
P.O. Box 5137
Berkeley, California 94705**

July 29, 1988

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**U.S. Department of Justice
National Institute of Justice**

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HOW TO DEVELOP A COUNTY PAROLE PROGRAM
FOR YOUR JURISDICTION

THE INSTITUTE FOR LAW AND POLICY PLANNING
P.O. Box 5137
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July 29, 1988

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Chapter I

INTRODUCTION

- A. Definition of County Parole**
- B. Benefits of County Parole**
- C. Purpose of this Manual**
- D. How to Use this Manual**

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

I. INTRODUCTION

A. Definition of County Parole

County parole is a mechanism by which a convicted and incarcerated inmate may be released from jail before the sentence is complete. Parole entails a period of supervision which is designed to assist in the parolee's crime-free re-entry into society.

In a typical state, the legislation establishing county parole states:

The Legislature finds and declares that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for a county to provide for the supervision of parolees, and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge.*

B. Benefits of County Parole

The early release of inmates offers benefits to the criminal justice system, the community, and the offender. The county benefits because jail populations are reduced, sentencing disparities are minimized, and there is a far more cost-effective use of its criminal justice resources. The community's benefits may include an increase in the efficacy and efficiency of local sanctions, a lowered crime rate, decreased support payments to the inmate's dependents, and restitution payments to victims. The inmate benefits from the supervision and counseling period between custody and complete freedom to the extent that it helps secure employment and establish a stable lifestyle.

C. Purpose of this Manual

This manual is intended to guide your county in setting up and managing its own parole program. As you review the material, keep the following steps in mind:

* California Penal Code Section 3074.

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1. Draft enabling legislation
2. Form local policy (and advisory) board(s).
3. Establish rules and regulations governing county parole, including:
 - meetings;
 - roles of board and staff;
 - eligibility requirements and types of parole;
 - investigation procedures, standards, and workload;
 - roles of sentencing judge and victims;
 - risk criteria;
 - hearing procedures, including public access;
 - standard and special parole conditions;
 - supervision procedures, standards, and workload;
 - release process and requirements; and,
 - revocation procedures.
4. Develop budget and obtain necessary funding; supplement resources with in-kind contributions, use of volunteers, and technical assistance from outside agencies.
5. Recruit and train staff.
6. Devise in-house administrative procedures and forms in accordance with overall board policies.
7. Formulate plan for inter-agency coordination; develop ways to work with victim, general public, and media.
8. Develop strategy to gather data, measure program activity, and evaluate impact of county parole.

The information contained in this manual should be plugged into an analysis of conditions in your community and the goals you wish to accomplish. It is not meant to be a substitute for legal advice. Any policymaker or program planner considering the development of county parole should confer with counsel. Furthermore, coordination with all the components of criminal justice -- the judiciary, corrections, and law enforcement -- is essential to the planning and implementation of your system.

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D. How To Use This Manual

This manual is divided into four main sections:

Section One -- County Parole Described

This section contains an overview of county parole and general eligibility requirements, as well as the different forms of parole that can be offered for special cases.

Section Two -- Administrative Procedures

The dynamics of the parole system, from inmate processing through actual parole and revocation, are explored. The administrative procedures that are necessary to implement each stage of the program are examined in turn.

Section Three -- Program Issues

The various program issues of legislation, funding, staffing, community support, and evaluation that are critical to the design and development of an early release system are analyzed.

Section Four -- Benefits and Pitfalls

The anticipated benefits and the possible pitfalls of establishing countywide parole are discussed.

The Appendix includes a number of valuable materials that will help you design and develop your own program. These include sample forms, reports, legislation, a budget, parole officer functions, and a resource list.

Section One
COUNTY PAROLE
DESCRIBED

Chapter II

FORMS OF COUNTY PAROLE

- A. Overview of County Parole**
- B. Limited Duration Parole**
- C. Short-Term Parole**
- D. Parole of Long-Termers**
- E. Parole of Traffic Repeaters**
- F. Drunk Driver/Antebuse Parole**
- G. Release to Other Agencies**
- H. Courtesy Supervision**
- I. Medical Parole**

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II. TYPES OF PAROLE AND ELIGIBILITY REQUIREMENTS

A. Overview of County Parole

County parole involves the conditional supervised release of an inmate from jail before the end of the sentence. Though no longer incarcerated, the parolee is still considered to be legally "in custody" and is under the supervision of a parole agent. The conditions governing release may require adherence to certain behaviors and/or refraining from specific activities. If the terms are violated the parolee may be returned to jail to serve out the remainder of the sentence.

The objectives of county parole are to enhance the punishment and rehabilitation effects of jail on offenders, to reduce punishment costs to society, and to protect the community by releasing low risk candidates into a program which facilitates early detection of wrongdoing.

In general, the parole process consists of a series of steps:

- Application -- Inmates are informed about the county parole program, the eligibility criteria, and the application process;
- Intake -- applicants are screened against the eligibility criteria;
- Investigation -- eligible applicants are investigated to determine suitability for parole;
- Parole Board Hearing -- the parole board reviews information about each candidate and decides whether to grant or deny parole;
- Supervision -- parolees are released under certain conditions and are supervised by a parole agent while in the community;
- Discharge -- parolee successfully completes parole;
- Revocation -- violation of the terms of parole or the commission of new crimes may warrant a revocation of parole and a return to jail.

These steps are graphically depicted on the following pages.

Eligibility for parole is often determined by legislation and may be further defined by the local parole board. In most programs, inmates are considered

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eligible after they have completed one-third to one-half of their sentence. This time span seems to be a reasonable way to mesh the need for incarceration with the benefits of assisted re-entry. Although the goal is to reward good behavior and to release the offender at a point that eases outside adjustment, in practice, both the volume of cases and the mechanism that has been established to deal with them dictate the formulation of a general standard that applies to everyone. Your jurisdiction will want to stipulate an amount of custody time that is both punitive yet workable in terms of county objectives and inmate motivation to succeed in and out of jail.

Although there may be considerable variation among different jurisdictions, some of the other eligibility requirements which are commonly found include:

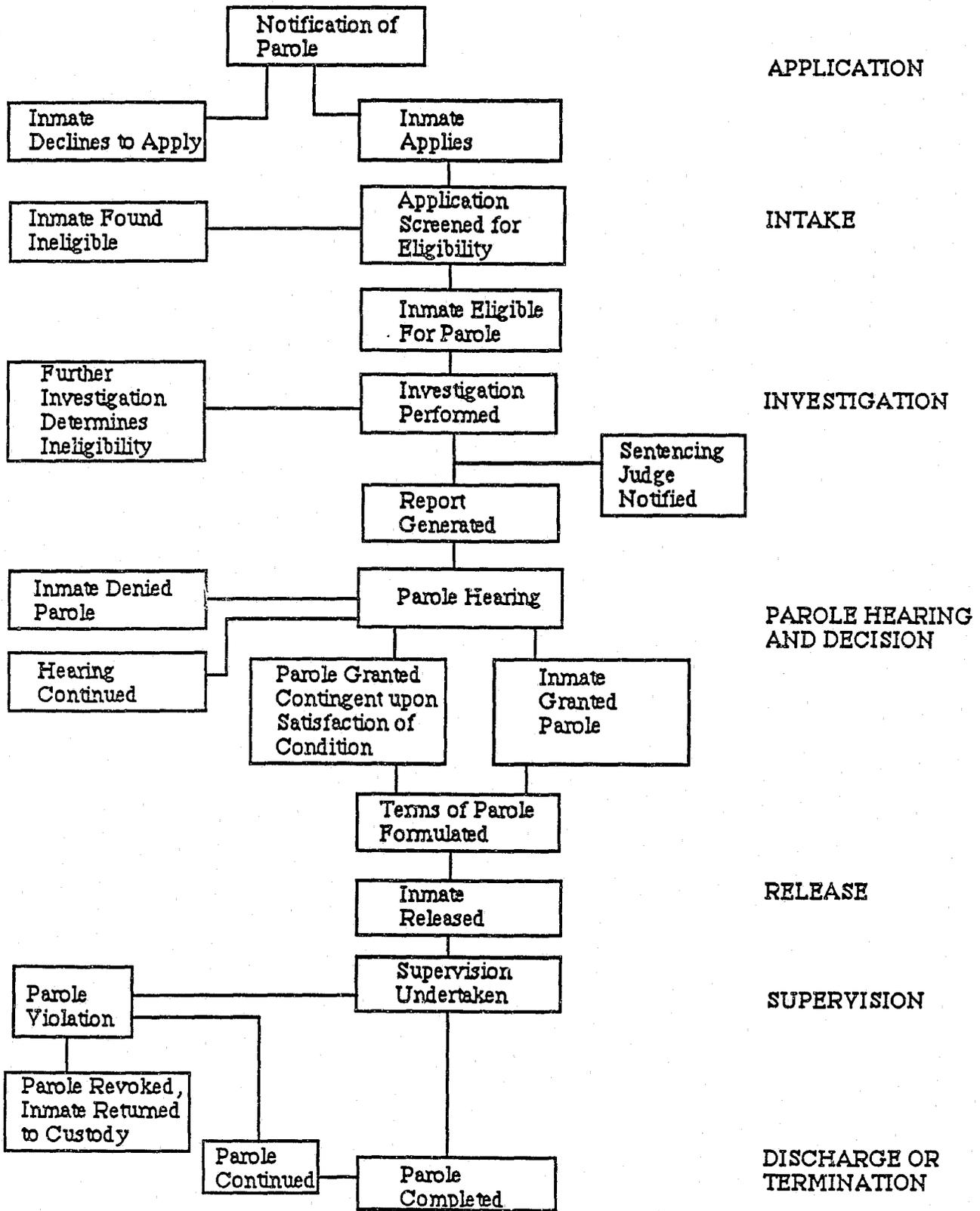
- Inmate not ordered ineligible by sentencing judge;
- No concurrent or consecutive sentence ordered;
- Sufficient time remaining in custody for cost-effective investigation and hearing;
- No serious holds, detainers, warrants or pending court action;
- No unexpired concurrent sentence in another jurisdiction;
- No previous violation of parole conditions;
- No more than a set number of previous convictions (or conviction types) in a number of years.

The board may wish to reserve the right to waive eligibility requirements in cases of true emergency, or to grant a "temporary" or "conditional" parole which is responsive to the particular situation.

The basic elements discussed above are usually characteristic of early release. Your jurisdiction will need to structure a program which is responsive to its needs yet is defined by both the legal requirements and available resources. Within those parameters, there is wide latitude.

One of the policies your board will want to delineate is a parole classification system which encompasses special eligibility requirements, processing, and/or programming deemed appropriate for its success. The remainder of this chapter will focus on various offender categories which may be considered for inclusion in such a system.

Overview - County Parole



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B. Limited Duration Parole

Some counties have established a limited duration parole which lasts from one to several days. The amount of time allowed should be short enough for adequate control of the parolee but reasonable enough to enable the proposed plan to be put into effect. Limited duration parole is appropriate for offenders who are scheduled to appear before the parole board within a short time -- for example, 30 days -- and is intended to be used to solidify and confirm the parolee's release strategy.

The prospective program is submitted in writing. If it is favorably reviewed, the parole director sets the conditions governing the release. These may stipulate that the parolee reimburse the county for the expenses that are incurred during this period of time and/or, if the term is one day or less, they may require that the parolee be escorted.

Parolees can use the hours of limited parole to find living quarters; secure employment; or undergo screening for a drug/alcohol abuse program, educational/vocational assistance, or mental health therapy. An arrangement with the local work furlough program may improve the chances of finding a job.

Short-term release prior to extended freedom can help further the parolee's chances of positive reintegration into the community and benefit the county over the long-term. A place to live and a source of income are vital to successful re-entry.

C. Short-Term Parole

If your jurisdiction has a substantial number of inmates sentenced to relatively short-terms, e.g., less than four months, a short-term parole program may be appropriate. Short-term inmates often have very minor criminal records, which make them prime candidates for parole, but the time that it takes to conduct an investigation and hearing may be greater than the entire sentence. A short-term system can be set up to accommodate these factors.

A master list of all those under consideration for short-term parole is prepared for the parole board. In addition to the basic requirements, eligible inmates may be limited to misdemeanants only. There may be

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stricter standards as well to balance a more relaxed investigative procedure. The master list is considered by the board in total, unless a parole commissioner chooses to remove a prospective parolee from the list and/or rule on the case individually. Once all commissioners approve the list, a short and superficial investigation of the inmate is conducted. The applicant does not have to appear before the board.

If an individual has been removed from the master list, the inmate needs to be considered separately. In this case, the board may wish to grant a personal appearance.

D. Parole of Long-Termers

Jails started out as institutions to which offenders were sentenced for periods of one year or less. However, the recent trend towards stricter law enforcement and more severe punishment has resulted in consecutive sentencing, and in the incarceration of individuals for more than one year at a time. In some counties, sentences add up to three or four years!

County parole offers perhaps the most impact on jail crowding when it is used for long-term inmates. Remembering that average daily population in a county jail tends to be short as a consequence of many admits and releases, anyone who stays for a year or more, in effect, lowers the facility capacity for that time. Long-termers create unique problems for a jail. Some case law requires that they be provided with special programs which further drain jail resources.

Release of long-term inmates positively affects limited jail resources but poses particular problems for a successful parole program. It is a good assumption that these inmates have community reintegration problems that will probably result in repeat arrests unless their problems can be addressed, e.g., mental health, alcohol and drug abuse. Further, adequate supervision will be required to convince a judge to reduce a long custody term.

One successful pattern for parole of long-termers stresses gradual steps first to minimum security, then to trustee status, then to work-furlough status, and finally to county parole, with a program of supervision geared to the offense and likely recidivism issue. Though on the outside, well formulated conditions, coupled with intensive supervision, can be more

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effective in getting the offender to deal with the problems which originally led to criminality, than incarceration alone.

E. Parole of Traffic Repeaters

County Parole is an excellent option for the repeat traffic offender, in that it is probable the individual will continue to drive and the public generally does not perceive jail as necessary for traffic offenses.

The key element must be a supervised program upon release which stresses driver education, adherence to rules and related requirements, addresses the risks of illegal driving, and which focuses on the underlying problems. Court approved community driver education programs, including those available through a motor vehicle department, provide expert direction and guidance.

A gradual and supervised return to driving is more likely to result in a successful outcome than the sudden return to society, after a full term of custody, with no orientation or supervision geared to traffic issues.

F. Drunk Driver/Antebuse Parole

Sentencing of the drunk driver provides one of the most effective potential uses of county parole.

It has become increasingly popular for society to demand incarceration of drunk drivers. Led by groups such as Mothers Against Drunk Drivers (MADD), there is continuing pressure to legislate mandatory jail time and judicial sentencing patterns. Third and fourth generation drunk driver sentences tend to be for long periods of custody, which has made the drunk driver one of the major sources of jail crowding in the past ten years.

However, jails rarely have the resources to "reform" the repeat drunk driver. Few programs focus on the drinking and driving problems of the wide variety of offender types who are incarcerated for driving under the influence. Not surprisingly, the conventional wisdom is that these individuals are very likely to drink and drive again, often soon after release from custody.

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Antebuse represents a possible solution in the form of a "program in a bottle". Released part way through a DUI sentence, county parole is conditioned on a daily antebuse pill which would make the parolee violently nauseous on any contact with alcohol.

Typical programming for the DUI offender on parole involves a morning drop-in appointment with the county health department to supervise the administration of the pill. Failure to appear daily is a basis for parole revocation.

The assumption underlying this program approach is that drivers will learn new patterns without drinking before the end of their sentence which serves to increase the odds that the offender's behavior will change. It is this assumption that has resulted in broad local community support for such efforts, and the perception that structured parole greatly enhances the jail sanction.

G. Release to Other Agencies

One extremely valuable use of county parole involves the transfer of an offender to another jurisdiction. Transfer may be appropriate for various reasons: to resolve police charges or questions, to ensure the offender's presence for a trial or possible sentence on a more serious violation, to clear an out-of-town warrant, in response to a subpoena, to provide speedy testimony, to avoid extradition proceedings, or to permit access to Immigration and Naturalization hearings.

Parole can be conditioned on travel, transfer, and/or cooperation with the other jurisdiction. When an inmate is in custody chiefly to guarantee availability to testify or to face charges elsewhere, parole may offer a means of maintaining control without the necessity of housing. If the local offense is a misdemeanor, and a felony prosecution awaits, parole may not involve release from custody so much as voluntary transfer to another forum. Usually, when county parole is used in this way and release conditions are met, the offender does not later return to local custody.

In addition to reducing jail population and institutional and community costs to the locality, release to other agencies also enables county parole to

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enhance the justice system objectives of distant agencies.

H. Courtesy Supervision

Sometimes parole release, supervision, and programming of an offender requires residence outside the jurisdiction. For example, the parolee may need to return to home or family, to stay away from a person or situation, or to be near medical or other special resources. Conversely, outside parolees may need to reside locally for the same sorts of reasons.

In these situations, cooperative arrangements between the two jurisdictions are necessary to oversee the home agency's parolee in another setting. Fee-for-services and "trades" tend to be the most typical intergovernmental solutions, but there are a variety of other mechanisms for accomplishing parole at a distance. Nearby jurisdictions, or those with frequent overlaps of this kind, may even enter into general agreements to accommodate the anticipated costs.

The critical issue is to employ courtesy supervision as a way of overcoming obstacles to county parole.

I. Medical Parole

One of the major challenges facing county jails of all sizes is the problem of providing and underwriting adequate medical care. As legal standards have been established and enlarged in the context of litigation and large damage awards, and as AIDS and other serious and expensive conditions have increased in number and expense, some facilities have experienced a large budgetary impact just from the custody of a single offender. Typically, the jail is trapped into difficult security and housing arrangements, in addition to unexpected medical costs.

Medical care may be available elsewhere but is precluded by the imposition of a custody sentence. In these instances county parole can provide a flexible and cost-effective answer.

A simple example of this approach is to release an offender in the middle of a custody term for major surgery and rehabilitation. County parole also can be made available to inmates with medical problems who can

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function in a non-custody situation as well as to those for whom in-jail treatment would be extremely disruptive, costly, or both. Release can be conditioned on specific medical treatment in a particular situation, and supervision can be tailored to both the existing medical and security needs.

(It should be noted that since the offender is still in constructive custody, an inmate may be able to force the county to pay the medical bills.)

Section Two
ADMINISTRATIVE
PROCEDURES

Chapter III

INMATE PROCESSING

- A. Application Procedures**
- B. Intake**
- C. Investigation**
- D. The Parole Hearing**
- E. The Decision-Making Process**

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

III. INMATE PROCESSING

A. Application Procedures

Applications for early release must be submitted by those who are interested. Although it is possible to leave full responsibility to the inmate, county parole is most effective when it is characterized by an active notification and solicitation process on the part of program staff.

An inmate notification system works best if it is set up to provide for early notification of all inmates. When advised of release possibilities well before eligibility deadlines, all possible parolees are provided with an incentive for good behavior while in jail. Moreover, realistic timelines will likely serve to generate more applications. It is vital to reach every one incarcerated, and to establish procedures which apply equally to all categories. If, for example, males, but not females, were informed of the parole option, the program could be attacked on legal grounds. Blanket disclosure also should help minimize incidents in which potential parolees are overlooked.

Prompt and widespread communication can be accomplished by using conspicuously posted notices and part of the orientation-processing system which takes place upon arrival at the facility. At that time, inmates may be given a summary of the program which outlines:

- A brief description of county parole, including the conditions which the offender may be expected to meet if released;
- A list of eligibility requirements; and,
- Details about the application process, with a phone number and address to contact, if interested.

Aside from these general measures, all inmates' files should be reviewed automatically. Parole staff can then solicit potential applicants. Although this increases staff workload, it maximizes the impact of the program.

All parole forms and instructions should be easy to read and help should be available for whomever needs it. A prospective parolee who cannot read beyond grade-school level may be unable to understand complex

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instructions but be unwilling to admit to this deficiency. If the inmate bypasses the application process, it could result in the loss of a suitable candidate.

A sample notice and application form are shown in Appendix A.

Eligibility requirements and various classifications of offenders have been discussed in the preceding section.

B. Intake

Parole procedures should stipulate that applications are due a specified number of days before the legally required minimum jail term. Structuring sufficient lead time for notification, investigation, and the hearing should preclude interference with the offender's earliest possible release date.

As soon as applications are received at the intake point, they must be screened against the eligibility criteria and a preliminary determination made. If immediately notified of ineligibility and appeal procedures, inmates can present evidence contrary to the finding and reapply without losing much time. Inmates accepted for consideration need to be advised of their rights in case they wish to prepare testimony or solicit support.

Examples of a case closure form, a notice to inmates regarding procedure and eligibility, and an intake sheet covering the flow of events from application to parole termination or discharge are also included in Appendix A.

At this juncture, a tentative hearing date can be set and an investigator can be assigned to the case.

Upon acceptance of a case for investigation, the sentencing judge should be notified in writing, as illustrated in Appendix A. If this is not required by the enabling legislation or local board, it should be undertaken at the staff level in the interest of fostering cooperative interagency relationships. Your jurisdiction may further wish to adopt a policy whereby parole is rejected outright when the judge recommends denial of the applications. (California's Penal Code requires notification and allows the judge the

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opportunity to make a recommendation which must be given "careful consideration" by the parole board.)

When the sentencing judge is informed of inmate eligibility, it is helpful if a county parole information sheet is included in the packet to aid in the Bench's understanding and acceptance of the early release process. Interestingly, many judges report much less resistance to parole than might be expected (in that it does represent a change to the judge's original sentence).

C. Investigation

Once an inmate is determined to be eligible for county parole, a background investigation needs to be conducted. The information gathered through this process will be provided to parole board members to help them ascertain an applicant's suitability for release. If the inmate is granted parole, this information will also help the parole officer decide upon the amount and type of supervision that is appropriate within the context of existing policy.

In some cases the prospective parolee will be found to be ineligible only after the investigation has already progressed. It is most efficient, then, to develop an investigative procedure that looks first at the requirements that applicants most often fail to meet.

The parole investigation report will draw information from a number of possible sources:

- Criminal and court records;
- Jail records;
- Applicant interviews;
- Medical and Psychological reports;
- Former employers; and
- Family members and friends.

The report usually focuses on the following areas in an effort to determine the candidate's risk potential:

- Personal History
age, socio-economic background, family composition and stability, education/I.Q., medical and mental health, residence, employment history, lifestyle, drug or alcohol abuse patterns;
- Specifics of Present Offense

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- Institutional Adjustment
jail disciplinary record and staff-reported attitude, work behavior in custody, participation in available programs;
- Criminal Record
arrests, convictions, prior commitments (and where), pattern of offenses, use of violence, pre-trial rearrests; past experience on probation/parole;
- Life Support Plan
future employment and housing (including proposed housemates), willingness to enter educational, vocational, counseling or treatment programs;
- Statements of Interested Parties
applicant, family, associates, victims.

Your reporting requirements and format will be determined, in part by your board's consideration of such issues as the victim's perspective and the inmate's prior criminal involvement, both of which are more fully discussed below.

Depending upon board policy, the written findings presented to the board may contain a staff evaluation and recommendation of whether to grant or deny parole, along with suggestions for special conditions, if appropriate. Or, it may be neutral, allowing members to draw their own conclusions based upon the facts within the report. Appendix A has an example of a typical summary report format. A sample detailed report is contained in Appendix B.

Information gathered as part of this investigation is confidential and should not be released without authorization. Procedures for such authorization and guidelines for disclosure among criminal personnel should be established.

D. The Parole Hearing

Copies of the parole investigation report are sent to members of the parole board a few days before the scheduled hearing. Many jurisdictions find it useful to provide the inmate with a copy. This helps prepare for the procedure and gives the applicant a chance to correct any mistakes.

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All board members should become familiar with the file, but one person may be assigned the case (and lead the inquiry while other board members ask questions when they wish).

The prospective parolee may be permitted to attend the hearing and to speak on behalf of the application, or be allowed to submit written materials, such as letters, in support of release.

A caseworker or attorney may accompany the applicant depending upon the rights granted by policy governing your jurisdiction. The hearing is not a trial, but an informal fact-finding procedure, and if a lawyer is present, it is to assist the inmate in presenting the case for parole.

In some areas, the prosecuting attorney and/or victims may be notified of the hearing and the public may attend subject to the parole board's discretion. Those who wish may often submit written information, either in favor of parole or against it.

E. The Decision-Making Process

When the hearing is concluded, the board reviews all the information to determine the offender's suitability for parole. The chief guidelines used are generally 1) current offense, 2) institutional adjustment, and 3) prior record.

One of the issues your board will have to grapple with is whether and how pre-incarceration data -- such as past criminal record and circumstances surrounding the instant offense -- should be taken into consideration. This would no doubt flesh out the picture of the inmate and help board members reach conclusions regarding probability of parole success. It can be argued, however, that it is unfair to reuse criteria already weighed by the sentencing judge in establishing the original term. If the inmate is aware of this information it may also lessen the effect of early release as an inducement to good institutional behavior.

Board members often take into account their best predictions about future behavior. If the chances the inmate will return to crime and the estimated danger to the community are perceived to be high, the outcome is

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

not likely to be favorable. Some of the factors which bear upon a finding of unsuitability are:

- The serious nature of the offense;
- Previous performance on probation or parole;
- Unstable employment history;
- Transitory residential pattern; and
- Persistent recent arrest history.

Subjective considerations of risk are always open to criticism because, aside from their unreliability, it is hard to justify keeping an inmate in jail now because of what might occur in the future. It is best to develop written guidelines so that the parole board's decisions are fair, consistent, and equitable for all applicants and are in keeping with the philosophy of the program. In order to objectify risk criteria, and minimize discretion, the board may further wish to devise a scored "matrix system" with points for various factors.

The decision-making process is not necessarily confined to an examination of facts about the prospective parolee. It is also one in which the parole board may juggle indirectly related information, such as the length of time served by offenders for similar crimes and the probable community reaction to early release.

The parole board may make one of several decisions:

- Grant parole;
- Deny parole;
- Grant parole contingent upon satisfaction of a particular condition;
- Delay its decision (continue the hearing) pending further information.

Some parole boards notify the applicant of their decision immediately after they have made it, and in person. Others inform the applicant by mail.

When parole is denied, an inmate may generally reapply only if:

- the board has specifically agreed to such re-application; or,
- there has been a significant change in the inmate's situation which merits a re-examination of the facts.

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As part of its procedure, the board may routinely notify other interested parties of its actions. For example, the sentencing judge may be informed of the result as illustrated in Appendix A. Sample forms advising inmates of board action and an appeal process are also included. Appendix B contains a summary of parole board hearing results.

Chapter IV

PAROLE IMPLEMENTATION

- A. Inmate Release Procedures**
- B. Conditions of Parole**
- C. Supervision**
- D. Revocation of Parole**

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IV. PAROLE IMPLEMENTATION

A. Inmate Release Procedures

In some jurisdictions, once granted parole the applicant is assigned to the same parole officer who conducted the original investigation because that officer is already familiar with the case.

On the day of release the parole officer should meet with the new parolee and thoroughly explain all the conditions of parole. The offender should sign a form agreeing to these terms and testifying to an understanding of return to custody if the conditions are violated; see Appendix A for an example.

If required to participate in a rehabilitation program, the parolee should also sign a consent form, as shown in the appendix, giving the parole officer access to program records. This access allows the officer to better monitor treatment progress. (The board may wish to confine program resources to those which agree, as a matter of policy, to release relevant information upon request.)

Before the inmate is actually set free, there should be a final check for outstanding warrants.

B. Conditions of Parole

The parole board is responsible for setting the terms of parole as authorized by prevailing statute.

Some conditions are standard and apply to all parolees.

These may include:

- Obey all laws;
- Cooperate fully with parole officer and board;
- Report to parole officer at least _____ per _____
- Submit to home and worksite check;
- Submit to person, property, and/or vehicle search;
- Maintain a properly licensed and insured car;
- Maintain a job;
- Do not associate with drug users or possess drugs;
- No possession of firearms or access to firearms;
- Remain in a given area;

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- Notify parole officer of any arrest/citation within 24 hours;
- Notify parole officer of any job, residence, or housemate change within 24 hours.

Some conditions are devised on a case-by-case basis and depend upon the parolee's specific background and offense. These conditions should be tailored to the individual, relate to the likelihood of criminal behavior, and be sufficiently explicit to make the board's expectations clear. Examples include:

- Educational, psychiatric, psychological, drug, alcohol or other rehabilitative programming;
- Alcohol or narcotic testing;
- Pay fine or restitution;
- Support legal dependents;
- Stay-away order;
- Driving restriction;
- Dispose of car or other property related to crime;
- No blank check or bank account;
- Do not associate with children less than _____ years old;
- Do not travel to a specific place;
- Curfew.

Some of these special terms -- such as treatment and counseling programs -- can be viewed as a means of enhancing the adequacy of the release plan and its odds for success as it relates to the personal history of the offender.

Although its power to formulate conditions is considerable, a parole board may not be discriminatory or unreasonable. California's appellate courts have developed a test of reasonableness when applied to a specific individual. A parole requirement will be considered reasonable if it meets one of the following criteria:

- Can reasonably be expected to bear on possible future criminality;
- Does not restrict non-criminal behavior; and
- Bears on the original offense.

Parole conditions are intended to function as guidelines for expected behavior and successful re-entry. They may also serve as the basis for revocation. Parole boards may wish to impose terms which are not only reasonable and effective, but which

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are limited to those likely to result in termination of parole if violated. Authorities suggest that many requirements could be eliminated without reducing the number of returns to jail. Your board may want to monitor their parole experience over time to determine the frequency of violation for various conditions and to discard those which rarely justify revocation.

C. Supervision

The main reasons for parolee supervision are:

- Surveillance -- to reduce the chance that the parolee will engage in new criminal activity, both by restricting actions and by continuous observation;
- Counseling -- to assist the parolee in building a new, crime-free life.

This division of purposes is somewhat mechanical. It is commonly believed that the first goal is achieved through success at the second. That is, the chances that a parolee will return to crime are reduced to the extent that (s)he is able to find a job and settle into a stable living situation.

The form the supervision takes will be determined by board policy and available resources. In small jurisdictions, with limited staff, supervision capability may suffer.

Supervision consists primarily of regular contacts with the parolee. Sometimes cases will be categorized and assigned to an officer on the basis of the level of supervision required. Therefore, the minimum number of contacts per month, as stipulated, may depend upon the type of offense involved. In addition to periodic contact, the parole officer will attempt to verify certain components of the release plan. These might include an on-site residence check to determine address, worksite visits and examination of paycheck receipts to verify job, and rehabilitation program checks to verify attendance and progress. Criminal information will be scanned for evidence of new crime activity or outstanding warrants. A sample parolee supervision summary form has been included in Appendix A.

Although the intense supervision is about what to expect if still incarcerated, the parolee is, in fact,

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still in legal "custody." As a condition of parole, the parolee has given up the right to privacy under the fourth amendment. That is not to say that the parolee may be searched whenever and wherever a parole officer decides to do so. There must be a "reasonable suspicion," though it may be based upon nothing more than the parolee's nervousness. A warrant is not necessary. (The ability to search without warrant belongs to the parole officer only and does not extend to other law enforcement officers.) Refusal to submit to search by a parole officer usually constitutes a violation of parole.

Assuming that no violations occur during the course of parole that warrant termination, the parolee will be successfully discharged at the end of the prescribed period of time.

D. Revocation of Parole

An inmate who is released on county parole is still in legal "custody" and is considered to be serving the remainder of the sentence outside jail walls. Just as an incarcerated inmate is subject to disciplinary action for activity that is not necessarily criminal in nature, so the parolee may be disciplined, through revocation of parole, for non-criminal acts. A free-world person may choose to stay home from work on a particular day, for example. The parolee may not be allowed to do the same. A free-world person may travel at will, while a parolee who travels beyond certain specified perimeters, without permission, may be considered an escaped prisoner, and arrested as such.

The parole officer usually has some discretion in determining when a non-criminal parole violation is serious enough to justify a return to jail. After speaking with the parolee, the officer may decide that a warning will suffice. However, the parole officer may decide to revoke parole when lesser violations continue to occur and form a pattern which amounts to a return to crime.

Some of the first-time parole violations that may merit a warning rather than revocation of parole include:

- Failure to report to the parole officer as scheduled;
- Tardiness in reporting to the parole officer;
- Failure to report to treatment program;

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- Failure to report to work;
- Substance abuse; and
- Associating with other ex-offenders.

The board may wish to draft policies which spell out enforcement guidelines for each of the possible conditions of parole. This should help parole officers deal with minor violations fairly, consistently, and equitably.

The parole officer generally has less discretion when it comes to serious parole violations such as a parolee's arrest or citation. If the parolee is incarcerated, the officer will place an administrative hold on the parolee and set the revocation process in motion. The board need not wait until the parolee is convicted of a new offense before deciding to revoke parole. The board does not need to know "beyond a reasonable doubt" that the offense was committed, but need only have "clear and convincing" evidence of new criminal activity. Parole may be revoked even if the parolee is acquitted of the new charge, or if the charge is dropped.

The parolee has certain due process rights in connection with the parole revocation process. Depending upon the statutes governing your jurisdiction, these may include the right to:

- Written notice of the alleged parole violation and disclosure of evidence against the parolee;
- A pre-revocation hearing to examine the charges and determine whether an actual hearing is appropriate;
- A revocation hearing at which the parolee may appear and present witnesses and evidence and cross-examine witnesses; and,
- A written statement of the reasons for parole revocation.

When county parole is revoked the parolee is returned to jail to serve the remainder of the sentence. Most states hold that the time spent on parole will not be considered when computing the length of jail time which remains.

Pertinent forms, including a Parole Violation Request/Waiver Order for Revocation of Parole, and Warrant for Return to Custody are contained in Appendix A.

Section Three
PROGRAM ISSUES

Chapter V
STATUTORY SCHEMES AND
PROCESSES

- A. Overview of State Statutes**
- B. Basic Legal Principles**
- C. Developing Legislative Support**

V. STATUTORY SCHEMES AND PROCESS

The first step in developing a county parole program is to formulate enabling legislation establishing the formation of formal release mechanisms. This chapter will explore existing statutory schemes; model legislation and key legal principles to consider; and the process of obtaining legislative support.

A. Overview of State Statutes

Seventeen states and D.C. already have statutes authorizing the implementation of a county parole program. They are:

Alabama	Iowa	N. Dakota
Alaska	Kansas	Oregon
California	Maryland	Pennsylvania
Colorado	Missouri	Rhode Island
D.C.	New Jersey	Utah
Florida	N. Carolina	Vermont

Appendix C has a chart summarizing these statutes, state-by-state.

B. Basic Legal Principles

The kinds of program elements that may be addressed by state legislation are:

- Program and Legislative Intent
- Policy Board
 - composition -- type, number;
 - appointing authority;
 - terms;
 - powers and duties;
 - officers/roles of members;
 - deputies -- authority for, powers of;
 - expenses -- types reimbursed;
- Meetings
 - schedule -- regular and special;
 - quorum;
 - number required for transaction of business;
 - required records and public access to;
- Staff
 - administrative agency to implement program;
 - functions and authority;
 - reports and public nature of;

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- Parole Process
 - jurisdiction issues;
 - eligibility requirements -- minimum time served, ineligible factors, guidelines for;
 - classification criteria, including emergency considerations;
 - notification process and role of sentencing judge;
 - hearing process -- right to appear and speak, public attendance;
 - reapplications and appeal options;
 - duration and conditions of parole -- supervision requirements, general stipulations, disbursement of wages;
 - revocations -- reasons for, procedure, computation of unserved sentence, appeal process.

The state legislation may only establish broad parameters for the program. It may not detail all of the points listed above. As necessary and appropriate, then, and in conformance with the overall legal requirements, more specific definition must be filled in at the local policy level. Appendix B contains an example of the typical kinds of rules and regulations formulated by local boards.

Key issues that should be taken into account include immunity for public officials and the due process rights of applicants/parolees. The heightened visibility of public officials, together with demands for greater accountability and victim rights, have resulted in an increased number of civil liability suits against governmental entities and their employees.

Two model statutes -- those of Alabama and California -- have been set out in Appendix C. They may be useful in your state in developing the authority necessary for a legislated parole program.

C. Developing Legislative Support

Legislative support, at both the state and county levels, is critical to the development of a local parole program.

1. State

In the California Probation, Parole, and Correctional Association's handbook, "The Power of

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Public Support," strategies for constituency building are explored. One of the chapters provides the following pointers on affecting the legislative process:

- Organizational and Planning Stage

have a clear idea of your concept and what you want to accomplish -- identify the problem and gather data to prove the need for change, understand the issues;

work through how the proposed bill would operate as a practical matter;

develop a nucleus of helpers and on-call experts who will be able to testify.

- Use Legislative Advocate

identify a lead person to coordinate with the advocate;

meet regularly and make your instructions clear;

depend on the advocate's political skill and advice.

- Know Key Committee Members and Legislative Staff

maintain frequent contact, and ask and answer questions;

be as flexible as possible;

identify specific groups in support and opposition and work with them.

- Meet the Legislators

meet the legislators and choose one to author the bill;

be sensitive to their political needs;

keep the legislator informed of developments;

be prepared to compromise.

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- Build a Constituency

have on hand a variety of appropriate written materials;

develop media awareness and an organizational mechanism to work with the media;

meet and speak on the subject, solicit written support, minimize negative information;

keep in touch with network of contacts.

2. Local

Before approaching a local board of supervisors or commissioners, you must enlist the support of your jurisdiction's criminal justice system as well as local political groups.

The bench, law enforcement and corrections, and probation agencies are usually persuaded by the benefits of controlled early release, such as lower jail populations and improved sentencing impact.

Obtaining local political support is more chancey, but it can be critical to the formation of your program. For example, in a crowded jail system, where there is mandatory jail for drunk drivers, groups such as Mothers Against Drunk Driving can be educated regarding the advantages of parole. If these groups can be convinced that less jail time, combined with intense supervision and conditions such as antebuse control, will likely be a more effective deterrent than only jail, there is groundwork for legislative action. This is the case because local legislative and/or governing bodies are apt to be reluctant to counter the positions of entrenched interest groups perceived to be against the community corrections program.

Elsewhere in this manual there is discussion concerning the development of general community support.

Once the criminal justice components and political action groups side with the program, you are ready to contact the county legislators.

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The most crucial aspect of local legislative support is budgetary. Within that context, the cost-benefit approach is impressive. Assuming that jail is a scarce resource, and that effective community supervision can strengthen the impact of incarceration, advocates of county parole can figure out the trade-offs between increased construction and operations costs, and show enhancements to corrections from most combinations of custody and follow-on parole release. The costs and benefits, compared to jail alone, are usually easy to establish. Associated with this cost-benefit tactic is the potential for collecting parole supervision fees, which makes the calculation even more attractive.

Chapter VI

FUNDING

- A. Program Budgeting**
- B. Cost-Benefit Calculations**
- C. Obtaining Program Resources**

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VI. FUNDING

A. Program Budgeting

Exact costs for county parole are often difficult to isolate because the entire operation is usually subsumed within the overall budget of a parent agency, (e.g., the sheriff probation department, or corrections agency). Whatever the nature and extent of the program or its location, however, certain guidelines apply across the board.

The biggest expenses for county parole are generally as follows:

- personnel (and fringe benefits) = 85 - 95%
- office space = 5 - 15%
- communications
(phone, postage, computer) = 3 - 7%

Other charges, such as supplies and operating expenses, and travel, are small.

Costs will vary from jurisdiction to jurisdiction depending on a number of factors:

- Start-up Costs
Initially, the program will require such items as desks, file cabinets and phones, which are non-recurring costs. In addition, there may be some heavy expenditures in the beginning, in the nature of capital equipment, which, in the long run, should not only save money in staffing but improve the efficiency of the system as well, (e.g., word processing capability; direct computer access to criminal justice system data minimizes staff time.)
- Staffing
Personnel is the biggest expenditure by far for all county parole programs. (Personnel costs, however, must be evaluated in terms of staffing an overcrowded jail. There is a trade-off.) Specifically, the type and number of staff depend upon both existing resources and the policies of the parole board. What is expected in the way of investigation and supervision contacts, for example, as well as caseload standards, will largely determine the staffing pattern.

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- Administrative Costs

An administrator is necessary to oversee the program and its staff. If the operation is small, the administrator may perform a number of functions, but the salary will nevertheless be higher than it would be strictly for a parole agent. The bigger the operation, the higher the administrative assignment is likely to be, and the higher paid the position. Even with up to 15 or 20 staff, however, only one supervisor should be necessary.

- Communications

These costs are highly variable and depend mostly upon the type of computer hook-up, if any, and usage charges that are imposed.

A sample budget, for a program approximating \$100,000, has been included in Appendix D. The figures shown should be reviewed in the context of the above discussion.

B. Cost Benefit Calculations

Cost-benefit calculations are a potent means of obtaining funds for county parole because they demonstrate large savings by the program in an area that otherwise would require tremendous expenditures of money.

Basic program costs have been referenced above. Items such as staff, space, and communications are modest when compared with the alternative -- incarceration -- which requires large amounts of money for construction and twenty times more for operating costs over the life cycle of the facility.

The chief issue that must be addressed is the cost of victimization, whether injury or property, resulting from possible new crime by the parolee. While some might contend that offenders released early are likely to recidivate, this argument can be easily countered. Release from custody, at the end of a term, without the benefit of any supervision, counseling, and/or program involvement, is far more likely to result in new crime, losses by victims, and renewed system costs. Conversely, controlled and supervised release, before the end of the sentence, is likely to be more effective and have greater impact on the offender's odds of success.

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Cost-benefit figures can be developed by comparing the per day costs of parole supervision with the daily amortized and operational costs of jail incarceration. These comparisons will undoubtedly show that early release is far cheaper than jail alone, and that the combination of custody and parole programming results in lower costs and/or more savings.

C. Obtaining Program Resources

The greatest resource asset that county parole can develop is a solid funding base within the local jurisdiction and a regular budget with expectations of future funding. While grants and seed funds may serve to start a program, and/or demonstrate its viability, continuity requires an ongoing budget commitment.

Other resources, beyond an established budget, can aid a new program or extend the impact of an established effort. These may include in-kind contributions, such as loaned labor, materials and/or equipment; the use of volunteers; and training and technical assistance from government agencies which offer them without charge.

- In-Kind Contributions

Simple solicitations of needed resources, including supplies and equipment, is an effective means of obtaining them. Private companies, and some public agencies, when asked, will provide such items as desks, file cabinets, and printing forms, or underwrite long-distance telephone calls. It is also possible to seek donations for drug test equipment usage and other technological resources helpful to the program but beyond an initial budget. Tools for parolee employment can be solicited on a case-by-case basis, sometimes from prospective employers.

- Volunteers

Volunteer resources are of great assistance to under-funded programs, but volunteers, carefully screened and trained, can actually improve the quality of the operation in ways that go beyond the addition of more hands. Help may be deployed for simple clerical tasks, or the more difficult aspects of telephone and in-person parolee supervision. Senior citizens and college students represent pools of potential volunteers in these areas. Professionals, such as lawyers,

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doctors, counselors, and accountants may provide direct services to parolees.

The key to using volunteers effectively, is to screen and train them thoroughly, then exact a written commitment from them which spells out the schedule and duration of their services.

It should be noted that providing decision-makers with the "value" of volunteer services is often an effective budgeting strategy and certainly adds to the impact of a cost-benefit analysis for county parole.

- Technical Assistance

There are many excellent resources available in the form of free technical assistance and training.

Sometimes resources exist for specialty activities, such as the services for screening and training volunteers that are offered by the National Center on Volunteers in Criminal Justice.

The Community Corrections Division of the National Institute of Corrections will, upon application from a local jurisdiction, provide a wide variety of assistance, ranging from proposal and program planning and development, to budgetary and evaluation efforts. The Division can also help newly formed programs develop classification systems, and policies and procedures.

The National Academy of Corrections in Boulder, Colorado, provides training in several areas, including working with certain difficult offenders, influencing the external environment, and managing the changing organization. There are also courses available in supervision and mid-management.

Local colleges and universities are another source of help in that access to program data may be the only necessary "payoff" for a free evaluation study of the parole program or a single program issue.

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Generally, a county parole program will be enhanced as a result of obtaining free resources. The benefits usually go beyond the value of the resources themselves. Involvement in the local community is often a consequence of such solicitations, and this mutual interaction is advantageous to both entities.

Chapter VII

STAFFING

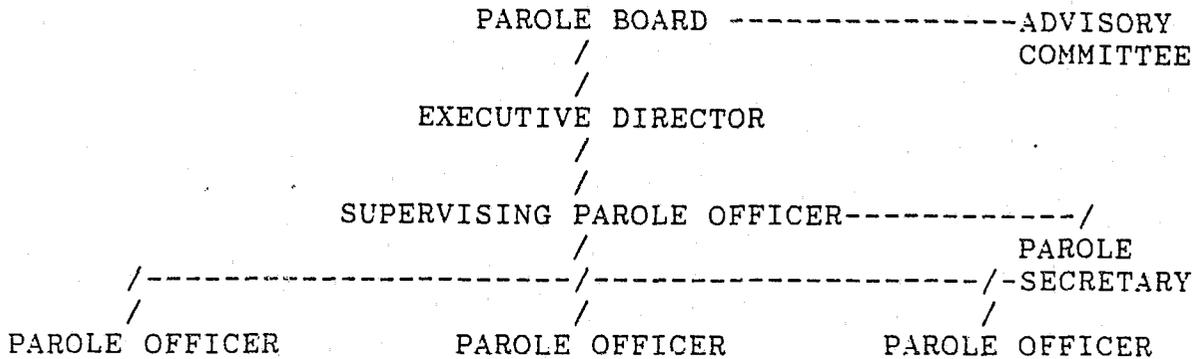
- A. Job Descriptions**
- B. Staffing Ratios**
- C. Exemplary Training Materials**

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VII. STAFFING

The structure of a model county parole system and its staffing needs are outlined below:

The following chain-of-command graphic shows the basic functions involved in county parole. It is typical of a larger program but is set fourth herein to show the various categories of personnel potentially required. Given funding constraints, a small jurisdiction may need to combine certain jobs.



A. Job Descriptions

1. The Parole Board

The parole board or board of commissioners is the policy-making body for the county parole system.

Membership of the board varies by law in some jurisdictions, and is more open in others. Though the number is stipulated, composition may be specifically spelled out or only generally referred to in the enabling legislation. If exact positions are not referenced, the criteria of expertness, community responsiveness, integrity and good judgment are often considered to be important. Members may be selected by the chief county administration or sheriff or the presiding judge and confirmed by the local commission. The terms of office, which are often staggered, range from serving at the pleasure of the county's chief administrative officer to a specific length of time.

In California, parole boards consist of the sheriff or head of the local department of

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corrections, the chief adult probation officer, and a member of the community appointed by the presiding judge. Board members may designate deputies of their respective offices as temporary commissioners when they are unable to serve. The deputies retain all the powers and responsibilities of the post during their tenure. By contrast, in Alabama, the board has five members, with no positions or qualifications listed.

The board meets at regular intervals -- commonly, once or twice per month. It is authorized to perform the following tasks:

- Establish parole eligibility requirements;
- Conduct application hearings;
- Grant or deny parole;
- Set conditions of parole;
- Provide for the supervision of parolees;
- Conduct revocation hearings;
- Issue warrants for return to custody.

It is advantageous to establish an advisory board to the parole board which is comprised of criminal justice system and citizen representatives. This advisory committee can be involved in the establishment and ongoing evaluation of policies and procedures, as well as help deal with concerns that arise during the course of the program. Both segments of the local community are critical to the success of county parole, and this type of participation -- structured from the inception and set up to provide continuous communication -- is more likely to result in a support network which is solid and stable. Conversely, the program benefits from the broader point of view and feedback that is built into the system.

2. Staff Functions

County parole is most often administered by the existing sheriff's or probations department, or corrections agency. The executive director, parole officers, and secretary are usually detailed from the parent agency.

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a. Executive Director

The executive director acts as the secretary to the parole board. Although not usually in charge of taking minutes, the director staffs the board, carries out its directives, and provides overall administration of the program. The director is the official liaison between the board and its staff and is the first line supervisor. In larger counties, the director may serve in a management capacity only. In smaller counties, the director may double as the senior parole officer and handle a portion, if not all, of the client caseload. Specific responsibilities include:

- Presents reports regarding applicants/parolees to the board;
- Establishes in-house procedures for administering early release;
- Develops plans for implementing special programs, such as courtesy supervision;
- Makes recommendations modifying program policy as determined by experience;
- Prepares summary reports of board activities.

The director is either appointed by the parole board as a whole or assigned by the parent agency. In the latter case, role problems could arise if there are conflicts between board policy and the "employer." This potential difficulty usually can be mitigated by choosing a person with sufficient experience and enough power to blend both roles without comprising the objectives of the parole program. The director needs to be able to relate at the highest levels, and generally should come from the supervisory ranks of the probation department or should have attained the level of sergeant or above if a sheriff's deputy. Certainly, the bigger the operation, the higher the administrative assignment.

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b. Parole Officer

Parole officers perform several main functions:

- Intake -- collect, organize, and process applications, screen against eligibility criteria;
- Investigation -- investigate inmate applicants and prepare appropriate reports;
- Supervision -- supervise parolees to ensure compliance with parole conditions and to assist them in establishing stable, crime-free lives through referral to appropriate resources;
- Revocations -- investigate circumstances and prepare report.

Both the investigation of parole applicants and their supervision involve considerable field work. The agent may contact a number of associates and criminal justice agencies and may visit the parolees' homes, workplaces, treatment centers, etc. Therefore, the nature of the job dictates the need for a flexible work schedule, with the understanding that assignments need to be completed within the required time frame.

Agents may act as either investigators or supervisors, or they may combine both positions. In some programs a process of "vertical integration" is used, in which officers are assigned to one case until discharge or termination, thereby facilitating a continuum of information.

The number of parole officers employed to carry out the program will depend on three factors: (1) the volume of cases; (2) available funding; (3) the policies of the parole board regarding applications (i.e., actively screening all possible inmates versus simply reviewing what is submitted), workload standards, and expectations of contact. Furthermore, if parolees are classified according to the need for supervision, allowing smaller caseloads for more difficult offenders, more agents will be required. The role of the parole officer is explicitly outlined in Appendix E.

c. Parole Secretary

Clerical support is necessary to perform work related to board meetings, reception, typing, filing, processing paperwork, and general clerical duties. If possible, the secretary may be used for search and retrieval of records. If direct computer access exists, criminal records and current court information can be easily obtained for a determination of eligibility. This would free up the parole officers' time and render the system more efficient.

B. Staffing Ratios

As indicated in the above discussion, staffing ratios depend upon parole board policies in conjunction with available resources. The parole board may wish to use state parole standards or local probation caseload standards as a guide but workloads must be determined locally, taking existing conditions into account.

In California, the state standard for intensive probation supervision (i.e., physically meeting the parolee at least once per week and having intimate knowledge of the parolee's activities), is 45 cases. In San Francisco, where parole officers perform both investigation and supervision, an actual caseload at any one time consists of 20 - 30 parolees, a number considered to be manageable. Each San Francisco parole agent is also expected to conduct 300 investigations annually. Additionally, all eligible candidates are screened; officers actively seek out applicants and help initiate the application process.

C. Exemplary Training Materials

In Appendix G to this manual is a resources section that lists a number of useful training materials suitable to a county parole program. Among these materials are standard items on parole supervision, offender classification, and program planning guides, as well as special items such as discussion of legal liability and the problems of working with special offenders, (e.g., foreign language, disabled, etc.)

Chapter VIII
GAINING COMMUNITY SUPPORT

- A. Involving the Victim**
- B. Involving the Criminal Justice System**
- C. Involving the General Public**

VIII. GAINING COMMUNITY SUPPORT

The general lack of public support for county parole is a major problem nationwide. Misunderstandings about the system are exacerbated by the unflattering media attention that is often experienced in the wake of the rare but newsworthy parole failure. Society's shifting emphasis towards retribution, incarceration, victims' rights, and damages for criminal acts may make the start-up of early release procedures problematical.

Any jurisdiction involved in beginning or maintaining a parole program should be cognizant of the need for involving the community and gaining its support. For purposes of our discussion, the "community" will be compartmentalized as victims, criminal justice system components, and the general public. In practice, however, all segments are interrelated, and educational and public relations efforts in any one area will spill over into the others.

A. Involving the Victim

In the recent past, the victim perspective has achieved increasing recognition. Proposition 8 in California is but one example of an initiative which requires involvement in the state parole release decision by the actual victim of the offender or by the victim perspective as mediated by a victim group. The victim's point of view has often been a rallying point for those opposed to community corrections. Victim rights, as well as the objectives of deterrence and public safety, can appear to be trampled upon by early release.

Although victims have been involved in actual sentencing decisions and programs, limits are being established. A recent Supreme Court case excluded victim information from juror deliberations in the death penalty area. Allowing victim involvement in the actual parole decision-making process may be open to local officials, but the opportunity for confrontation may not be constructive.

However, county parole can be a means of including the various and sometimes competing aspects of victim perspectives. Working with victim groups to formulate special parole programs, such as those for drunk drivers, probably represents a more productive approach and brings home the point that early release, when

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structured appropriately, can actually have greater benefits to victims through a tailored sentencing impact, than can jail alone.

In any case, victim notification is an issue that needs to be carefully worked out at the local level. The board will need to delineate procedures which will allow for meaningful participation without constituting unacceptable intervention.

There are several possible ways to structure a role for victims:

Generally:

- Invite victim groups to have input in developing release criteria;
- Include victim representation on parole boards;
- Notify victim groups about dispositions of parole applicants.
- Limit parole of offenders convicted for certain victim crimes;

Specifically:

- Tie victim compensation to offender restitution;
- Notify the victim that the inmate has applied for parole;
- Inform victim of critical dates and outcomes, i.e., the parole hearing and decision, and the discharge or termination from parole;
- Include the victim's perspective in the board's deliberations, either by interviewing the victim for the investigation report, providing for the submission of an independent written statement, or permitting the victim to speak at the hearing;
- Actively inform victims of the ability to participate in the decision-making process and assist them in exercising their right;
- Impose victim-oriented parole conditions, e.g., residency restrictions;
- Keep victim updated regarding offender's progress while on parole.

If the victim has already had a chance to speak to the original sentence and is not further given the opportunity to present a position, the victim may feel betrayed by the criminal justice system. The board's challenge is to enable the victim to be a full partner in the parole process without giving that single point of view undue weight. This general practice should serve to improve community acceptance of county parole

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and may even enhance supervision capability by encouraging the victim to notify authorities of violations.

B. Involving the Criminal Justice System

Whether program staff come from a custody agency or a community corrections agency, issues of system-wide collaboration are raised. Generally, a premium should be placed on interagency coordination.

To the extent possible, representatives from law enforcement, jails, probation, and the courts should be consulted when policy and procedures are decided upon. Those who have had a part in determining the operating philosophy are more likely to support it. This involvement can be formally structured through an advisory committee to the parole board which has members from all components of the local criminal justice network.

On an individual case basis, notifying the sentencing judge and prosecuting attorney about an inmate's application for parole has already been mentioned. Once the offender is released, county parole programs also should provide notice to law enforcement, and regular progress reports to the judiciary. Involving staff with the objectives and work of other criminal justice system elements can gain support for program efforts but, more importantly, can help avoid misunderstandings that can undermine the program.

One example is the "extra help" in supervising compliance with parole conditions that can be expected where police are made aware of parole for a locally known offender. Conversely, officers who know of an offender's incarceration and are not notified of early release, can be a source of friction and possible incidents.

C. Involving the General Public

The importance of having an informed, supportive community in an era of fiscal constraints and increased public advocacy cannot be underestimated. A parole program needs to engage in a continuous, active, and deliberate effort at support-building to "market the product" of early release and to develop a stable constituency that will transcend times of crisis, such

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as when new crimes are committed by parolees or when budget cutbacks occur.

The California Probation, Parole and Correctional Association received a National Institute of Corrections grant to develop strategies and model programs in "constituency building." The Support-Building Cycle described in that handbook is briefly outlined below:

- Phase I -- Fact Finding
Undertake a continuous process to solicit both internal and external feedback, evaluate the information received, and identify problems perceived to exist.
- Phase II -- Public Information
Disseminate concise, accurate, timely information basic to the public's right to know about the problem -- i.e., where, when, how, and who issues.
- Phase III -- Public Education
Provide a perspective on identified problems, address expectations, and inform the public about the realities of the program and why they exist.
- Phase IV -- Public Relations
Target messages to shape public opinion regarding identified problems.
- Phase V -- Citizen Involvement
Continue to deal with problems through innovative recruitment of volunteers.
- Phase VI -- Community Involvement
Develop symbiotic relationship between community and program; enlist community as co-participant in agency's mission and agency as co-participant in community needs (An advisory committee, with some citizen members, is an excellent vehicle for accomplishing this objective.)

This entire process should be developed through long-range planning. The key to implementing these phases, which are cyclical and interdependent, is the ability to take advantage of various types of communication tools. Speakers' bureaus, posters, handouts, open houses, and personal contacts are all important. Of greater impact, because of the extent of its audience, is the media in all its forms. Public service announcements, feature articles, news releases,

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

television panels, radio call-in shows, and responses to reporters during critical points should all be utilized.

Chapter IX
PROGRAM EVALUATION

- A. Collecting Data**
- B. Assessing Program Performance**
- C. Evaluation Assistance**

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

IX. PROGRAM EVALUATION

In order to survive in the political and economic environments of criminal justice systems, county parole must be able to demonstrate its worth. The program needs to be able to show it does what it intends to do, and that this effort has a positive impact on such issues as effective and efficient sanctions, jail crowding, public safety, deterrence, and rehabilitation. In order to generate this information, there needs to be a monitoring and evaluation plan at the outset of program development. Sample evaluation forms and reports are contained in Appendix F.

A. Collecting Data

There are a number of data measures which can be collected to establish the program's workload and general activity. These include:

- number of inmates;
- number eligible to apply for parole;
- number declined to apply or did not cooperate;
- number found to be eligible;
- number of investigations conducted and their dispositions;
- number denied parole and reasons;
- number granted parole;
- number placed on parole;
- number of parolees supervised;
- number successfully terminated from parole;
- number of paroles revoked and reasons, including types of new offenses;
- number of escapes/"walk-aways;"
- number of transfers to state prison or other jurisdictions;
- number of jail days saved and number reinstated;
- fees collected;
- restitution payments made; and,
- average term of parole.

These indices are not only useful for public consumption; they are important for internal program planning purposes as well. As examples, they can be used to project staffing needs, to analyze program procedures for possible modifications, and to review the value of various parole conditions. Moreover, advocates of the program need to present this type of information to local decision-makers to help justify program resources and to obtain subsequent budget allotments.

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

B. Assessing Program Performance

The sort of data listed above, when simply tallied, provide an excellent picture of program activity. In order to demonstrate program impact, however, further examination is required. Jail overcrowding and offender rehabilitation are the primary impacts that an evaluation must consider.

The simple measure of number of jail-bed-days saved as a result of early releases pertains to the program's experience in reducing jail population. The number of days times the amount per day it costs to house an inmate will show how much money the program has saved the county during the current fiscal year. When these figures are projected out and plugged into an analysis of future facility needs in the absence of parole, and construction and operation costs (twenty times construction) over the lifetime of the jail are taken into consideration, the impact of the program on local budgets is even more enlightening.

Data on parolees and those potentially eligible but not admitted to parole, will allow comparisons in the long-run regarding recidivism. Sophisticated longitudinal studies can carry out these comparisons even further. A breakdown of parole success as related to demographics of offenders and types of charges, can also help address the issue of rehabilitation and feature those crime and offender types most likely to succeed in the program.

This "control group" type of data may also be used to help determine whether county parole has truly reduced jail and system caseloads or is simply being employed to expand the range of criminal sanctions.

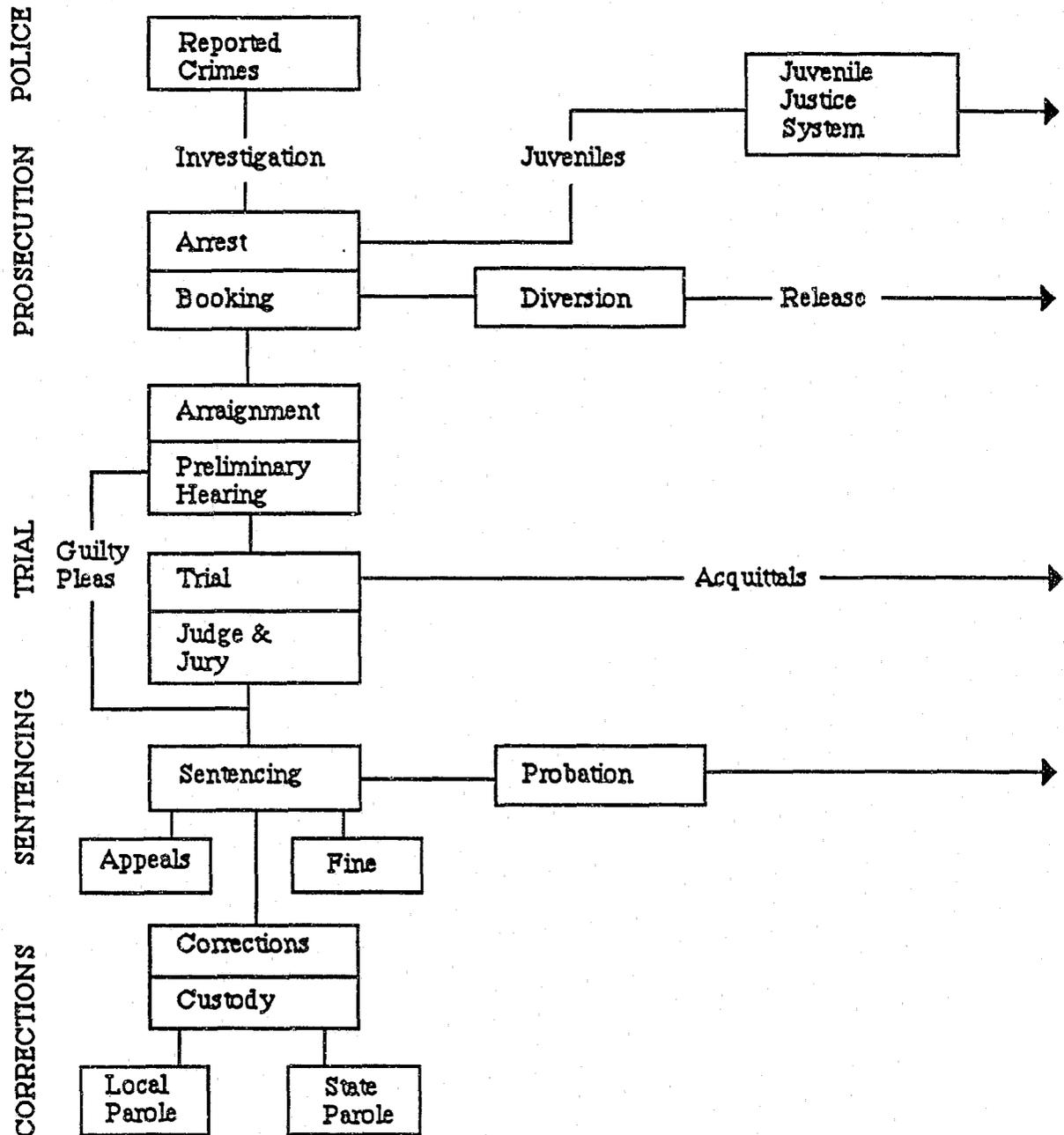
C. Evaluation Assistance

Program evaluation is a sophisticated undertaking. While necessary to justify program existence, and often required by local government, it is not easily accomplished. Sophisticated designs can require tremendous effort and a high level of training often unavailable in smaller jurisdictions. For this reason programs may wish to solicit the assistance of local colleges and universities in conducting evaluations that go beyond simple monitoring of program activities. Long-term and follow-up evaluations are particularly

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

well suited to such outside agencies and their efforts are often seen as more objective by local decision-makers.

A General View of the Criminal Justice System



Section Four
BENEFITS AND PITFALLS

Chapter X
ANTICIPATED BENEFITS and
PITFALLS

- A. Benefits of County Parole**
- B. Possible Pitfalls of County Parole**

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

X. ANTICIPATED BENEFITS AND PITFALLS OF COUNTY PAROLE

A. Benefits of County Parole

1. Reduction in Jail Overcrowding

There is little question that jail overcrowding is the biggest problem facing county corrections systems today. For whatever reasons -- an increase in the crime rate and/or the current "get tough on crime" attitude manifested in longer terms and more frequent consecutive sentencing -- the result is that most jails in the country house more inmates than the rated capacity.

The costs of new jail construction are staggering. Even where funds are available, jail beds cannot be built fast enough to accommodate the growing number of inmates, and once built, staffing is a larger obstacle.

The continuing budgetary impact on local government, while more often routine, is enormous and can be devastating. The money needed to staff the facility and to provide programs, including special requirements, such as those for persons with AIDS, can deal a crippling blow to limited resources.

Overcrowding generates additional complications. As the inmate/staff ratio grows, jail staffers feel that they are losing control. In fact, the opportunity for and the likelihood of, inmate violence increases dramatically. More staff time is consumed responding to incidents and walkaways from the facility. Overcrowding has adverse psychological effects as well and may actually result in living conditions which are not considered to be healthy. Programming also suffers when classes and counseling sessions are too full to be productive. Obviously, the county needs to reduce the jail population to levels which are manageable.

2. Rehabilitation and Reduced Recidivism

Early release can serve as an incentive for good behavior during incarceration. Parole boards often weigh carefully an inmate's in-jail adjustment when making their decision. The hope of parole may even prod potential applicants into taking actual steps toward successfully re-entering the community.

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

County Parole eases the actual transition, and may enhance the chances for success. When parolees leave the strict confinement of jail, they are not abruptly placed back on the streets. Supervision, counseling and parole stipulations can assist them in defining and making progress towards appropriate goals, such as rehabilitation programs or long-term employment.

If administered well, a parole program can enhance the effectiveness of incarceration by increasing the motivation to succeed in the outside world and by providing resources tailored to the offenders' needs to do so.

3. Improved Cost-Effectiveness

Jail is the most expensive local sanction available. County parole of non-violent and non-serious offenders leaves more beds for dangerous criminals and for career criminals. Alternatives to custody such as antebuse programs for drunk drivers or early medical release are far less costly to operate than the jail beds they replace.

4. Control for Sentencing Disparities

Many criminal justice officials feel that parole is warranted when the original sentence was harsh. It is seen as a balancing device to create equal treatment for offenders committing similar crimes. Interestingly, those who might be expected to oppose sentence-reduction, the judges, seem in favor of the use of parole to help eliminate sentencing disparities.

It has been suggested that a jurisdiction's average sentence length may go up after a parole system is in place. The theory is that judges begin to take early release into account when determining sentences. Your jurisdiction may wish to monitor this aspect of the justice system.

5. Additional Benefits

Other benefits which may accrue to the community as a result of a county parole program include extensive free community service work, and diminished emotional and psychological damage to offenders and their families that can result from long terms of incarceration.

B. Possible Pitfalls of County Parole

The various benefits of county parole have been featured throughout this manual. Nonetheless, it would be a mistake to assume that the local program cannot fail or cause serious problems. The following discussion raises a few of the potential pitfalls and suggests obvious mechanisms for addressing them. The most important protection, in general, is to have in place some sort of contingency planning so that those involved in administering the program can think about the possible difficulties in advance and prepare strategies to cope with them.

1. Recidivism

The most serious pitfall of a county parole program is the problem of new crime committed by parolees while under supervision. A new crime may be minor or unrelated to the original charge, such as a petty theft by a traffic repeater; or, it may be major, and/or directly related. Obviously, the more closely aligned with the basic offense, the more serious in nature, and the more newsworthy the incident, the more threatening it may be to the success of the program. For example, the drunk driver-parolee who drinks and drives and, worse, has an injury accident, can provoke a public reaction that ultimately results in the termination of county parole altogether. The "isolation" or "incapacitation" rationale for punishment is often raised under these circumstances. Such extreme repercussions are not uncommon regarding community corrections, because these programs are always pressured by competing values for crime and punishment.

The key point in regard to new crime, particularly serious crime related to the original offense, is to have a pre-planned response to the event. Clearly, parole can be revoked easily based on a violation of conditions. What is more difficult is to deal in a forthcoming and truthful manner with other elements of the criminal justice system as well as with the media and the public. For this reason, staff should have a draft press release. The announcement should note the re-arrest and consequent parole revocation, along with any other information useful to a general understanding of what happened. Facts about the offender's initial eligibility are often helpful in

HOW TO DEVELOP A COUNTY PAROLE PROGRAM

defending the program. Assurances that the entire program's caseload, including eligibility criteria and classification procedures, as well as supervision patterns, will be thoroughly reviewed, generally create a favorable climate for program continuity. By being frank, and offering complete disclosure, the program emphasizes the priority of public safety.

2. Misuse of County Parole

One of the possible complications with county parole is the potential danger of inappropriately using it to alleviate severe overcrowding. A parole program cannot be used as a substitute for inadequate jail space and procedures must be developed to ensure that unsuitable offenders are not released under such circumstances. This could shake public confidence in the program or, even worse, risk public safety.

3. Additional Pitfalls

Previous mention was made of the importance of reinforcing interrelationships with other agencies within the criminal justice system. Poor communication or lack of involvement by the judiciary and law enforcement would almost certainly build up resistance to parole and might even threaten its existence. Just as important is the need to win public confidence and approval. Establishment of an advisory committee, including justice system representatives as well as citizen members, is an excellent means for identifying and integrating outside concerns about early release and for providing an ongoing forum in which to resolve problems.

APPENDICES

Appendix A: Sample Forms

1. Rules and Regulations (concerning information for applicants)
2. Application for County Parole.
3. Case Closure.
4. Form to inmates notifying them if eligible.
5. County Parole check off sheet.
6. Notice to Court.
7. Report to the Parole Commissioners.
8. Letter to judge regarding board action.
9. Notice of Continuance.
10. Letter to applicant regarding denial of parole.
11. Notice of County Parole Appeal.
12. Order Granting Parole.
13. Parole agreement form, including conditions of parole.
14. Consent to Disclose Information.
15. Parolee Supervision Summary.
16. Hearing on Parole Violation Request/Waiver.
17. Order for revocation of parole and warrant for return to custody.

COUNTY OF SONOMA, STATE OF CALIFORNIA

BOARD OF PAROLE COMMISSIONERS

RULES AND REGULATIONS

ELIGIBILITY

Applications may be submitted by an inmate not precluded from parole consideration by the court at the time of sentencing who are (1) serving terms of sixty (60) days or more, and (2) who have served a minimum of thirty (30) days, and who have served one-half (1/2) of their total sentence based on good and work time credits. Applications from inmates with sentences of less than sixty (60) days or who have not served the thirty (30) days minimum and one-half (1/2) of their total sentence based on good and work time credits will be summarily denied. Inmates who do not have a record of good conduct while in confinement as certified by the Officer in Charge of the place of confinement will be summarily denied unless the approval of the parole officer is obtained and the Board finds satisfactory proof of extreme hardship, emergency situation or some unusual circumstance; however in such event, the parole shall be of limited duration.

PROCEDURE:

1. Applications (one copy only) must be submitted ten (10) days before the parole board meets, in order that the parole officer will have enough time to process the application and prepare a report, and the sentencing Judge has time to forward his comments.
2. The parole board meets regularly on the fourth Wednesday of each month. The Board consists of three (3) members: a Sheriff's Department representative, a Probation Department representative and a citizen member appointed by the presiding Judge of the Superior Court.
3. The Board will take one of three actions on a parole application. They may grant parole, deny parole, or continue the application for reconsideration at the next, or a later meeting of the board.

CONDITIONS

Parole may be set for a term not to exceed two (2) years with such conditions and under such rules and regulations as may seem fit and proper for the prisoner's rehabilitation. The prisoner shall be supervised by a parole officer.

Conditions such as restitution payment, chemical testing and search and seizure may be added to the standard conditions of parole. Parolees who leave the county without permission, shall be arrested as an escaped prisoner and held as such.

For further clarification of the above, contact the County Parole Officer in the Adult Probation Division.

Dated this _____ day of _____, 19 _____

Appointed Citizen Member

Sheriff of Sonoma County

Chief Probation Officer
of Sonoma County

The Board of Parole Commissioners of
Sonoma County, State of California

APPLICATION FOR COUNTY PAROLE

All of the information below is true. I understand that if I give any false information I can be denied parole, or if it is discovered after my release, my parole can be revoked and I can be returned to jail.

I. APPLICANT IDENTIFICATION

NAME: _____ DOB: _____ SEX: _____ S.S.#: _____

II. CRIMINAL HISTORY

Have you ever been to state prison? _____ Where: _____
Parole Discharge Date(s): _____ Ever Revoked? _____ P.O.: _____

Have you ever been on County Parole? _____ Year(s)? _____
Ever Revoked? _____

Have you ever been under the supervision of the San Francisco Adult Probation Department? _____ Name used: _____
P.O. Name: _____

Do you have any pending criminal charges or warrants? _____
What/Where: _____

III. INSTITUTIONAL ADJUSTMENT

Are you in any jail educational programs or being counseled by anyone? _____ Explain: _____

Have you had any jail "write-ups" or "lock-ups"? _____
Explain: _____

IV. BACKGROUND

Are you legally married or do you have a "common-law" spouse? _____
Name: _____ Address: _____

Children?	<u>NAME</u>	<u>DOB</u>	<u>ADDRESS</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Are you required by a court to pay child support?: _____
Amount: _____

Where will you live? (address/city/telephone) _____

Co-resident(s) (Who will you live with?):

<u>NAME</u>	<u>DOB</u>	<u>CALIF ID OR DRIVER'S LIC</u>	<u>SEX</u>	<u>EVER BEEN ARRESTED</u>
-------------	------------	-------------------------------------	------------	-------------------------------

Where were you born and raised? _____

When did you come to the Bay Area? _____

Where have you lived in the last five years? _____

Where did you go to High School? _____ When? _____

Any other Education/Training? _____

On release, do you have a job?: _____, if yes

Employer: _____ Hours: _____

Address: _____ Salary: _____

Telephone: _____ Duties: _____

Have you worked in the last five years? _____, doing what?

Any other income? (explain) _____

Do you have an alcohol or drug problem? _____ Explain: _____

V. OTHER INFORMATION

Give any other information which you feel the Parole Board should know in considering your request for parole. Use additional paper if necessary.

Date: _____ Applicant's Signature: _____

Important Information For Applicant

If you are granted parole you must meet the conditions of your parole or you will be returned to jail to complete your sentence. The conditions will include at least the following:

1. Obey all Municipal, County, State, and Federal laws.
2. Notify parole officer of changes in residence, co-residents, or employment.
3. Remain in Bay Area unless given specific permission by parole officer to travel elsewhere.
4. Report to your parole officer once a week or more.
5. Submit your person (including urinalysis), residence, automobile, and property to search by any county parole officer.
6. No possession of firearms.

Date _____

TO: Director

FR: Parole Officer

RE: Case Closure

It is recommended that this case be closed for the following reason(s):

- () 1. Declined to apply (see attached declined consideration form)
 - () 2. No response to notice of eligibility.
 - () 3. Failure to cooperate with investigation.
 - () 4. Unable to comprehend nature of parole process ("psych").
 - () 5. Detainer to serve a sentence in another jurisdiction after San Francisco incarceration.
 - () 6. Another concurrent or consecutive San Francisco jail sentence where the prisoner is ordered ineligible for parole per 3076 PC.
 - () 7. Pending San Francisco criminal charges.
 - () 8. Warrant outstanding (hold) from another jurisdiction to answer pending charges, that is not a traffic infraction citable under Sheriff's Department policy.
 - () 9. Unexpired concurrent sentence in another jurisdiction.
 - () 10. Federal Immigration Service hold.
 - () 11. Other _____
-

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

COUNTY PAROLE UNIT
200 WEST WOODWARD AVENUE
ALHAMBRA, CA 91801
(818) 308-5285

INMATE _____ Date _____

BKG # _____ Location _____

Your application for County Parole was received on _____.

I. Your case is being screened for eligibility. If there are not disqualifying reasons your application will be assigned to a Parole Investigator and you will be contacted as soon as possible.

II. You are not eligible for parole for the following reason(s):

1. The Superior County ordered "no County Parole".
2. You have a hold, warrant or case pending in court.
3. You are serving consecutive sentences. Eligibility for parole starts on _____.
4. Conviction of some offenses requires serving a specified minimum sentence. These offenses are 11550 A&B HSC, 647 (B) PC with prior(s) and 23152 VC with priors. You appear to be eligible on _____. Your application will be reconsidered then if sufficient time remains on your sentence to justify processing your case.
5. Other _____

If you have questions you may call or write the County Parole Office at the above location.

PROBATION: PROTECTION, CORRECTION, SERVICE

COUNTY PAROLE CHECK OFF SHEET

INTAKE

APPLICATION RECEIVED _____ RELEASE DATE _____
CUSTODY EVALUATION _____ RESTITUTION _____
PHOTOGRAPH _____ COURT NOTIFICATION _____
EMPLOYMENT REFERENCES _____ COURT RECOMMENDATION _____
PERSONAL REFERENCES _____ CII/FBI _____
OUTSIDE HOLDS _____ DMV _____
PROBATION RECORD _____

HEARING DATE _____ FILE CLOSED _____
PAROLED YES _____ NO _____ ACCOUNTING _____
FILE OPENED _____ FLASH _____
TERMINATED _____ CHEMICAL TESTING _____
REVOKED/WARRANT _____ SEARCH & SEIZURE _____
RETURN ON WARRANT _____

Court Information

COURT NO. _____
DATE _____
JUDGE _____
OFFENSE _____
SENTENCE _____

NAME _____ SHERIFF'S I.D. NO. _____
BIRTHDATE _____ PROBATION FILE _____

BOARD OF PAROLE COMMISSIONERS
PLACER COUNTY
CALIFORNIA

DATE:

DEPARTMENT:

TO: THE HONORABLE _____
JUDGE OF (SUPERIOR/MUNICIPAL) COURT

FROM: BOARD OF PAROLE COMMISSIONERS, PLACER COUNTY

RE: APPLICATION OF COUNTY PAROLE OF _____
COURT NUMBER: _____

THE BOARD OF PAROLE COMMISSIONERS, IN CONFORMITY WITH SECTION 3078(A) OF THE PENAL CODE, ADVISES THE SENTENCING JUDGE THAT THE FOLLOWING NAMED DEFENDANT HAS APPLIED FOR COUNTY PAROLE AND WILL APPEAR BEFORE THE BOARD ON _____ AT 8:15 A.M.

IF YOU HAVE ANY COMMENTS AND/OR RECOMMENDATION REGARDING THE APPLICANT, PLEASE FORWARD TO:

PAROLE OFFICER TO THE BOARD
11564 C AVENUE
AUBURN, CA 95603

NO LATER THAN THE SCHEDULED PAROLE HEARING DATE.

RECOMMENDATION OF THE COURT:

_____ NEUTRAL
_____ RECOMMENDED AGAINST PAROLE
_____ RECOMMENDED FOR PAROLE

COMMENTS:

DATE: _____

BY: _____
JUDGE

NOTICE TO COURT

PAR-1

REPORT TO THE PAROLE COMMISSIONERS
OF
SAN MATEO COUNTY

APPLICANT _____ Meeting Date _____
Date of Birth _____ Probation File _____
Sheriff's I.D. No. _____

O F F E N S E S

Court No:	_____	_____	_____
Date:	_____	_____	_____
Judge:	_____	_____	_____
Offense:	_____	_____	_____
Sentence:	_____	_____	_____
Computed Rel:	_____	_____	_____
Time Remain:	_____	_____	_____

E V A L U A T I O N

RECOMMENDED - CONDITION(S): _____

PAROLE GRANTED: _____ EFFECTIVE: _____ DAYS SAVED _____
PAROLE DENIED: _____ REASON(S): _____
APPLICATION CONTINUED TO: _____ REASON(S): _____

APPROVED BY MAJORITY VOTE

Respectfully submitted,

County Parole Officer

Acting Secretary to the Board
San Mateo County Parole Commissioner

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

COUNTY PAROLE UNIT
200 West Woodward Avenue
Alhambra, CA 91801
(818) 308-5285

Re: _____
Court # _____

Dear Judge _____:

Thank you for the letter and response regarding the parole application from the above subject. We appreciate your interest and concern in this matter, and wish to inform you of the following action taken by the County Parole Board.

[] Following preliminary investigation the applicant withdrew his/her request for parole consideration. The matter was closed.

[] Applicant was found ineligible for parole because of

[] Applicant appeared before the Parole Board on _____. Parole was Granted/Denied/Continued to _____.

Respectfully,

Arvid Peterson, Secretary
Los Angeles County
Board of Parole Commissioners

AP:1ml

PROBATION: PROTECTION, CORRECTION, SERVICE

NOTICE OF CONTINUANCE

TO: _____

THE BOARD OF PAROLE COMMISSIONERS OF THE CITY AND COUNTY OF SAN FRANCISCO having reviewed and considered your case, hereby continues consideration of your application for County Parole to

_____.

The reasons for this continuance are as follows:

ATTEST:

BY BOARD OF PAROLE COMMISSIONERS:

Executive Director

Sheriff, or Deputy Commissioner

Chief Adult Probation Officer,
or Deputy Commissioner

Date

Public Member

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

COUNTY PAROLE UNIT
200 West Woodward Avenue
Alhambra, CA 91801
(818) 308-5285

Inmate _____
BKG # _____

Date _____
Location _____

You appeared before the County Parole Board on _____.

Parole was denied for the following reasons as reflected in the minutes of the Board:

You have a right to submit a written statement or petition to the Board requesting they reconsider the decision to deny parole. This must be filed within 30 days, and specify the new and/or additional information that was not previously considered by the Board.

by _____
Arvid Peterson, Secretary
County Parole Board

AP:lml

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

COUNTY PAROLE UNIT
200 West Woodward Avenue
Alhambra, CA 91801
(818) 308-5285

NOTICE OF COUNTY PAROLE APPEAL

TO _____

DATE _____

BKG # _____

Parole was denied when you appeared before the Board on _____.

Your written appeal of this action has been received and was considered by the Board on _____. In addition, reports and documents in the case file were reviewed. The Board did not find any reasons to change their original decision, and your appeal is denied.

The following factors were considered to be significant in the Board's decision to not grant Parole or a rehearing:

- _____ Your appeal did not contain new or additional information beyond that which was available at the time of hearing.
- _____ Serious nature and/or aggravating circumstances in the instant offense.
- _____ Previous performance on Probation and/or Parole.
- _____ Unstable employment history.
- _____ Transitory residential pattern.
- _____ Persistent arrest history during recent years.
- _____ Prior felony conviction record.

By _____
Arvid Peterson, Secretary
County Parole Board

AP:lml
cc: file

BK# _____

COUNTY OF LOS ANGELES
BOARD OF PAROLE COMMISSIONERS
200 WEST WOODWARD AVENUE
ALHAMBRA, CA 90801
(818) 308-5285

ORDER GRANTING PAROLE

ATTENTION: THE SHERIFF OF LOS ANGELES COUNTY
THE LOS ANGELES COUNTY BOARD OF PAROLE COMMISSIONERS on _____
regularly heard and considered the application of _____
_____ Court Case # _____

for release on County Parole. The said petition is granted and
Parole is imposed for a period of _____.

EFFECTIVE _____

TO EXPIRE _____

IT IS HEREBY ORDERED THAT:

1. Applicant be allowed to go upon Parole outside of the Jail in which said applicant is now imprisoned.
2. Upon release Parolee to report to and be under the supervision of the Probation Officer of Los Angeles County.
3. Special terms and conditions: _____.

BOARD OF PAROLE COMMISSIONERS
OF LOS ANGELES COUNTY

Deputy Sheriff

Deputy Probation Officer

Commissioner

PI# _____

COUNTY OF LOS ANGELES
BOARD OF PAROLE COMMISSIONERS
200 WEST WOODWARD AVENUE
ALHAMBRA, CA 90801
(818) 308-5285

To: _____

Address: _____

By Order of the LOS ANGELES COUNTY BOARD OF PAROLE COMMISSIONERS, your Parole is hereby granted for a period of _____ and you are allowed to go upon Parole outside of the Jail in which you are now confined, on condition that you strictly observe and obey the following rules and regulations, to-wit that:

- (1) You report to your PAROLE OFFICER as instructed and at such times as may be required of you.
- (2) You always keep your PAROLE OFFICER informed of your current home address and your place of employment.
- (3) You do not leave the County of Los Angeles without permission of your PAROLE OFFICER.
- (4) You make every reasonable effort to keep employed.
- (5) You conduct yourself in all respects as a law-abiding citizen, obeying all laws and the lawful instructions of your PAROLE OFFICER.
- (6) You do not visit any Jail, Detention Camp or Honor Farm or communicate with any inmate thereof, during your period of Parole, without permission of your PAROLE OFFICER.
- (7) You observe the following SPECIAL CONDITIONS of your PAROLE, to-wit: Sections _____ as indicated on the reverse side.
- (8) You will be supervised by the Probation Officer of Los Angeles County. The Probation Officer will be your PAROLE OFFICER.
- (9) Your CIVIL RIGHTS ARE NOT SUSPENDED, but you should not enter into any important contract or assume any unusual obligation without approval of your PAROLE OFFICER.

While on Parole, a violation of any of the foregoing conditions shall be sufficient cause for your parole to be revoked and for you to be returned AT ANY FUTURE TIME to complete the maximum term of the sentence originally imposed upon you with no allowance being made for good time.

PAROLE AGREEMENT

I will report within 24 hours to the _____ Area Office of the Probation Department at _____
Tel: _____ Failure to report is a violation of the terms of my PAROLE.

I have read, or have had read and explained to me, the foregoing conditions of Parole, and I understand these conditions and instructions. I fully accept such conditions and promise to abide by all of them, realizing that my failure to do so will subject my parole to revocation and to my being returned to the jail from where I have been conditionally released.

Parole Date _____

Parolee Signature

Expiration Date _____

LOS ANGELES COUNTY BOARD OF
PAROLE COMMISSIONERS

By _____ Secretary

SPECIAL CONDITIONS

- (10) You make restitution in such amounts and manner as PAROLE OFFICER shall prescribe.
 - (11) You abstain from all alcoholic beverages and stay out of places where they are the chief item of sale.
 - (12) You cooperate with your PAROLE OFFICER in a plan for alcohol and/or drug abuse treatment program.
 - (13) You submit to periodic anti-narcotic testing as directed by the PAROLE OFFICER.
 - (14) You not use or possess any narcotics or narcotic paraphernalia and stay away from places where addicts congregate.
 - (15) You not associate with known narcotic users or sellers.
 - (16) You submit person and property to search or seizures at any time of day or night by any law enforcement officer with or without a warrant.
 - (17) You attend AA and/or NA meetings no less than _____ times per week until amended by your PAROLE OFFICER.
 - (18) You have no blank checks in your possession, not write any portion of any checks, not have bank account upon which checks may be drawn.
 - (19) You not gamble or engage in any bookmaking activities or have paraphernalia thereof in possession and not be present in places where gambling or bookmaking is conducted.
 - (20) You not associate with _____
 - (21) You not associate with children under 14 years except in the presence of responsible adults.
 - (22) You cooperate with your PAROLE OFFICER in a plan for psychiatric, psychological or other treatment.
 - (23) You enter the _____ day inpatient treatment program at _____ and not leave same without permission of your PAROLE OFFICER or Facility Director.
 - (24) Other _____
-
-

CONSENT TO DISCLOSE INFORMATION

TO: _____

I, _____, hereby authorize _____
(name of program)
to release all information relevant to my participation in your
program to the San Francisco County Parole staff.

I understand that this information will be utilized by the
Parole staff to verify my compliance with the conditions of my
parole.

This consent to disclose information expires on _____
(Parole
Termination Date)

Signature of parolee

Date

If additional information is desired, the below name parole
officer should be contacted at _____.

Parole Officer

PAROLEE SUPERVISION SUMMARY

NAME	: (a)	PAROLE OFFICER	: (j)
AKA	: (b)	DATE OF PAROLE	: (k)
DOB	: (c)	PAROLE TERMINATION	: (l)
SS #	: (d)	JAIL-DAYS REMITTED	: (m)
SF #	: (e)	SUPERVISION DAYS	: (n)
DL #	: (f)	TERMINATION STATUS	: (o)
OFFENSE	: (g)	CONDITIONS	: (p)
SENTENCE	: (h)		
PROB. OFF	: (i)		

RESIDENCE:

(q)

VERIFICATION

WHEN METHOD

(q)

EMPLOYMENT:

(r)

(r)

CO-RESIDENTS/FAMILY/FRIENDS:

(s)

COUNTY OF SAN MATEO, STATE OF CALIFORNIA
BOARD OF PAROLE COMMISSIONERS

HEARING ON PAROLE VIOLATION REQUEST/WAIVER

I have been advised that I am entitled to a hearing on the charges of parole violation and that at this hearing:

- A. I may be represented by counsel with the understanding that I am entitled to have appointed counsel represent me if I am indigent.
- B. I may speak on my own behalf, bring relevant physical evidence to the hearing, bring witnesses to speak on my behalf and cross examine the witnesses against me.

I have been advised that my hearing will take place on the _____ day of _____, 19 _____ at _____:_____ .M. at _____, California.

SIGN EITHER I OR II

I. Waiver of Hearing:

I waive my right to be personally present and waive my right to be represented by counsel in my absence.

Dated: _____
Parolee

II. Request for Hearing: (Check appropriate boxes)

A. I request appointed counsel to represent me

B. I request a personal appearance before the Board of Parole Commissioners

Dated: _____
Parolee

Dated: _____
Secretary to the Board
County Parole Commissioners

BOARD OF PAROLE COMMISSIONERS
COUNTY OF PLACER - STATE OF CALIFORNIA

THE PEOPLE OF THE
STATE OF CALIFORNIA,

Plaintiff,

Case No. _____

vs.

Defendant,

ORDER FOR REVOCATION OF PAROLE

IT IS THE ORDER OF THE BOARD OF PAROLE COMMISSIONERS THAT:

_____ A hearing be set before the above entitled Board on
_____ at _____ m.

_____ Parole heretofore granted in this matter be hereby
revoked.

_____ A Bench Warrant be issued for defendant's arrest and
return to jail pending further hearing.

_____ The Petition for Revocation be hereby dismissed.

Dated: _____

Chairman, Board of Parole Commissioners

WARRANT FOR RETURN TO CUSTODY

TO ANY SHERIFF, CONSTABLE, MARSHALL, POLICE OFFICER OR PEACE
OFFICER OF THE STATE OF CALIFORNIA:

Pursuant to the foregoing Order, YOU ARE HEREBY AUTHORIZED
AND DIRECTED forthwith to retake the above named _____
and return him/her to actual custody in the Placer County Jail,
Auburn, California, for the unserved portion of the maximum term
of original sentence.

Dated: _____, 19____

BOARD OF PAROLE COMMISSIONERS
PLACER COUNTY, CALIFORNIA

By: _____
Chairman

Distribution: Original: Parole Board
Copy: District Attorney
Copy: Defense Counsel
Copy: Jail

H-PPD:280(Rev.9/87)

APPENDIX B: SAMPLE REPORTS

- I. PAROLE BOARD RULES AND REGULATIONS.
- II. PAROLE APPLICANT INVESTIGATIVE REPORT.
- III. SUMMARY OF PAROLE BOARD HEARING RESULTS.

COMMISSION RULES

The San Francisco County Board of Parole Commissioners do hereby make and establish the following rules and regulations in accordance with the Statutes of the State of California.

1. MEMBERSHIP - The Board of Parole Commissioners shall consist of the Sheriff, the Chief Adult Probation officer and a member chosen from among the community, and shall hereafter in these rules be designated as the Board. The community member shall be appointed by the Presiding Judge of the Superior Court and shall hold office for a term of one year which shall commence on the date of his/her appointment, and shall continue until the appointment and qualification of his/her successor.

2. TEMPORARY COMMISSIONERS - Any member of the Board may appoint one or more deputy or temporary commissioners for purposes set forth by law or defined hereafter in these rules. Unless otherwise specified, any reference in these rules to members of the Board shall hereinafter mean not only members as defined in Rule 1, but also deputy or temporary commissioners. Names of deputy or temporary commissioners and proof of their appointment and qualifications shall be filled in the office of the Board.

3. STAFF - The administrative staff of the Board shall consist of Executive Director, hereinafter referred to as Director, and the Assistant to the Executive Director. Other personnel may be assigned to the staff when deemed necessary to carry out responsibilities of the Board.

4. REGULAR MEETINGS - Meetings of the Board shall be convened each month at the call of the Director at a date, place and time designated by the Director. Such meetings shall be presided over by the Sheriff who shall serve as Chairman of the Board. In the absence of the Sheriff, any member of the Board may preside over meetings of the Board upon agreement of any two members of the Board present at said meetings.

5. QUORUM - Attendance of two members of the Board shall constitute a quorum. The Board may not act without a quorum.

6. NOTICE - Not less than three days before each regular meeting the Director shall transmit to each member a notice of the date, time and place of meeting.

7. SPECIAL MEETINGS - In addition to regular meetings mentioned above, special meetings may be convened at the discretion of any two members of the Board, duly transmitted in writing to the Director, or upon the request of the Director. The Director shall notify all members thereof in the manner

provided for regular meetings, except that notice of the date, time and place of a special meeting may be made not less than twenty-four hours before said meeting. All business transacted at such meetings shall be valid as at regular meetings.

8. APPLICATIONS - Applications for parole shall be submitted to the Director at the office of the Board or to a person designated by the Director to receive such applications. Applications for parole shall be made upon forms as adopted by the Board, which are hereby designated as the only applications which may be submitted by the Director to the Board as such.

9. REPRESENTATIVES - Personal appearances before the Board by representatives of the applicant will be permitted at the discretion of the Board. Any pertinent evidentiary matter in favor of or in opposition to the granting of parole may be transmitted in writing to the Director who will submit the same to the Board with the application.

10. ELIGIBILITY - Any sentenced prisoner who is committed to the custody of the Sheriff, including prisoners assigned to Work Furlough or a Work Alternative Program, shall be eligible for parole after serving one-half of his/her sentence, unless the prisoner was convicted of a felony and the sentencing judge has ordered that parole not be granted. (Amended 05-22-85)

11. EMERGENCIES - In the case of a genuine emergency, a majority of the Board may vote to suspend Rule 10 and consider an applicant for parole at any time after he/she has been sentenced.

12. RECORDS - After receipt of an application for parole, the Director shall obtain from various agencies copies of all pertinent police reports, automated criminal records and pre-sentence reports, and shall submit said reports, and all other pertinent documents with the application at the next regular meeting of the Board. A notice of said application shall be transmitted to the sentencing judge indicating when said application will be heard and advising the procedure for providing information to the Board.

13. CALENDAR - At least two days in advance of each meeting, the Director shall prepare and submit to each Commissioner, or their designated deputy a calendar of business for such meeting. The calendar shall consist of items proposed by any Commissioner or the Director, except that items concerning amendment to Board rules shall only be calendared if proposed by a Commissioner. Additions to the calendar after its submission or at the meeting, shall be considered only upon a vote of the Board approving such consideration. (Amended 02-13-85)

14. ORDER OF BUSINESS - The order of business in meetings shall be:

1. Reading of minutes of last regular and any special meetings.
2. Reading of communications and action thereon.
3. Unfinished business.
4. Action on applications for parole.
5. New business.
6. Adjournments.

15. MINUTES - Minutes of each meeting of the Board shall be kept by the Director. The minutes shall record the action taken on each item calendared, including the reason(s) for denial of parole, issuance of a return to custody warrant, or revocation of parole, and the vote cast on an item by each Commissioner present. Minutes of a meeting shall be transmitted in writing to each Commissioner and calendared for approval at the next regularly scheduled Board meeting. Minutes shall not be made available to the public without prior approval of the Board. (Amended 02-13-85)

16. PERSONAL APPEARANCES - An applicant shall be permitted to make a personal appearance before the Board in support of his/her application for parole.

17. BOARD ACTIONS - Upon considering an application for parole the Board may take one of the following courses of action:

- 1) Grant parole and specify an effective release date. The Board may order any release conditional upon the submission of additional information to the Director. The Board further may order conditions and a term of parole and require applicants to sign an agreement accepting these conditions and restrictions as a condition of release on parole;
- 2) Deny parole giving written reasons for said denial;
- 3) Continue the matter until a specified date;
- 4) Hold the matter on calendar until further information may be obtained. The vote of the members of the Board may be polled by telephone by the Director after transmitting the requested information to the Board members.

The Director shall notify the applicant of the action of the Board as soon as possible.

18. STATE PAROLE VIOLATORS - Any sentenced prisoner eligible for county parole consideration who is also a state parole violator shall be unconditionally released to the State Department of Corrections upon notification by the Board of

Prison Terms that a revocation release date has been established that is on or after the prisoner's county jail sentence termination date. (Adopted 11-13-85; amended 06-17-87)

19. CERTIFICATION - In the event that parole is granted to a prisoner, the Director shall prepare and deliver to the Sheriff or officer who has custody of the prisoner, a certificate stating the action taken by the Board and directing such officer to release the paroled prisoner in accordance with the terms of said parole.

20. REAPPLICATION - After denial of parole by action of the Board, a prisoner may only re-apply if:

a) The Board, at the time of its denial of parole, established specific conditions under which the prisoner could re-apply and such conditions have been met, or

b) There has been a material change in the prisoners' circumstances that in the opinion of the Director justifies a reapplication. (Adopted 11-13-85)

21. APPLICATION WITHDRAWAL - Any applicant may withdraw his/her application or reapplication at any time by transmitting such intent in writing to the Director.

22. RESCISSION - A hearing may be held at any regular or special meeting of the Board of the purpose of considering whether or not to rescind a parole which has been granted but un-executed prior to the effective release date based upon a motion to rescind by the Sheriff, Chief Adult Probation Officer, or duly appointed citizen member or at the request of the Director. Such a motion may be made on grounds of new information. The hearing shall conform to minimum due process requirements and is mandatory unless waived by the applicant in writing.

24. RECONSIDERATION - A vote to deny parole may be reconsidered and changed by a Board member telephoning the Director on the same day as the meeting and by transmitting said change to the Director in writing forthwith.

23. REVOCATION - All paroled prisoners shall during the term of their parole comply with the requirements which have been imposed as a condition of parole by the Board. In the event that a parolee does not abide by the conditions and requirements of his parole, the Board may, in its discretion, hold a hearing at any regular or special meeting of the Board to revoke his/her parole and remand him/her into custody. Said hearing shall conform to minimum due process requirements and is mandatory unless waived by the parolee in writing.

24. PUBLIC ATTENDANCE - Members of the public, not officially connected with the Board, may be allowed to attend meetings of the Board only upon unanimous consent of the members of the Board.

26. LIMITED DURATION PAROLE - The Director may authorize the parole, for a period not to exceed twelve hours, of any prisoner eligible for parole consideration under Rule 10 at any time after commencement of his sentence. The prisoner during this limited duration parole shall be subject to the standard conditions of parole and any additional conditions, including escort, deemed appropriate by the Director. The Director may require the prisoner to reimburse the county, in whole or in part, for expenses incurred due to the limited duration parole. The Director shall notify the Board, at its next regularly scheduled meeting, of any application of this rule and the reason for the particular grant of a limited duration parole.
(Amended 03-18-87)

27. GUIDELINES - The Board may adopt written guidelines for parole release consideration in the interest of promoting the consistent exercise of discretion and fair and equitable decision-making. Any guidelines so adopted may not serve to deprive in any way, either directly or indirectly, any sentenced prisoner otherwise eligible of his/her statutory right to parole release consideration on an individual case basis. Such guidelines, if adopted, shall be made available by the Director at all Board meetings for the information and direction of Board members. The Board may review such guidelines at its discretion and may revise or modify them at any time as deemed appropriate.

(The following guidelines were adopted September 21, 1976.)

"The Board may parole a prisoner who is otherwise eligible if in the opinion of the Board such release would not jeopardize the welfare of society. In determining whether or not the release of an eligible prisoner is compatible with the public safety and welfare, the Board shall consider the following factors:

- (1) The opinion of the sentencing judge if available;
- (2) The nature and circumstances of the offense;
- (3) The prior criminal record of the prisoner;
- (4) The institutional performance of the prisoner;
and

(5) The adequacy of his/her release plans given the prisoner's personal and social history."

In effect: September 15, 1957

Amended: January 8, 1974

Amended: March 12, 1974

Amended: September 14, 1976

Amended: March 19, 1979

Amended: February 13, 1985 (Rule 13 & 15)

Amended: May 22, 1985 (Rule 10)

Amended: November 13, 1985 (Rule 18 & 20)

Amended: March 18, 1987 (Rule 26)

Amended: June 17, 1987 (Rule 18)

APPLICANT: _____
HEARING : 09-24-86
PAROLE OFF: William Yoost

PAROLE APPLICANT INVESTIGATIVE REPORT

I. APPLICANT IDENTIFICATION

NAME : _____
ALIAS : _____
DOB/AGE : 03-03-57 (27)
SF# : 389834
JAIL # : 207465
LOCATION : County Jail #3
CONVICTION CHARGE(S) : 647B PC/M (PROSTITUTION)
SENTENCE (S) : 6 MOS
148.9 PC (GIVING FALSE IDENTIFICATION)
30 DAYS concurrent
166.4 PC (CONTEMPT)
5 DAYS concurrent
RELEASE DATE : 10/29/86
OR
SWAP REMAINING : 30 DAYS

II. CRIMINAL HISTORY

A) CURRENT OFFENSE

Ms. _____ was arrested on March 12, 1986, for 647b PC, 148.9 PC, and 148 PC (Resisting Arrest). The charge of 148 PC was discharged by the District Attorney and Ms. _____ plead guilty to the other two charges and was sentenced on March 28, 1986, with a stay of execution to April 9, 1986. Ms. _____ failed to surrender on April 9 and a bench warrant was issued. On May 3, 1986, the bench warrant was served and Ms. _____ was given five days for 166.4 PC (contempt) to be served concurrently with her previous sentences which she commenced to serve on May 4, 1986.

SOURCE(S): SFPD Report 860375010
SFPD Report 860435670
Jail Commitment Act. No. M94001
Jail Commitment Act. No. M36021

B) PRIOR ARREST RECORD WITHOUT CONVICTION:

Ms. _____ has been arrested over 20 times since 1974 for the following offenses which were either discharged by the DA or dismissed by the court: ARSON OF PROPERTY, ASSAULT W/DEADLY WEAPON, BATTERY, BEGGING, BURGLARY, DISTURBING THE PEACE, MARIJUANA POSSESSION, POSSESSION OF DANGEROUS DRUGS, RECEIVING STOLEN PROPERTY, TRESPASSING, AND PROSTITUTION.

SOURCE(S): SF Criminal Record
CII State Criminal Record
FBI Criminal Record

C) PRIOR CONVICTION RECORD

09-12-74	LAS VEGAS, NEV VAGRANCY DISPO: (date unk)	JAIL: 5 DAYS
06-25-75	SAN FRANCISCO 602.5 PC DISPO (08-03-75) DISPO (04-02-76)	ENTRY W/O CONSENT SS 30 D; PROB: CT/6M PROB. REVOK; CJ: 30 D
08-08-76	SAN FRANCISCO 647F PC DISPO: (date unk)	UNDER INFLUENCE DRUGS CJ: 30 DAYS
04-28-77	SAN FRANCISCO 11556 HS DISPO: (04-30-77)	PLANT OR POSS. MARIJUANA CJ 30 DAYS
09-06-82	SAN FRANCISCO 11556 HS DISPO: (10-14-82)	PLANT OR POSS. MARIJUANA CJ: 30 DAYS
04-04-83	SAN FRANCISCO 647b PC DISPO: (04-30-83)	PROSTITUTION JCOP: 30D; CJS: 6M; PROB; CT/36M
03-01-84	MARTINEZ 211PC/F 245 (A) 459 PC 10851 VC DISPO: (06-14-84)	ARMED ROBBERY ASSAULT W/DEADLY WEAPON BURGLARY TAKE VEH W/O OWNER'S CONSENT STATE PRISON: 1 YR, 8 MOS

SOURCE(S): SF Criminal Record
CII State Criminal Record
FBI Criminal Record

D. PROBATION STATUS AND CONDITIONS

STATUS : Active San Francisco APD
OFFICER : Michael Jones 553-4268
TERMINATION : March 1, 1988
CONDITIONS : Restitution to victim of \$1,500.00.

SOURCE(S) : SFAPD Notice to Probationer

III. INSTITUTIONAL ADJUSTMENT:

A. JAIL EDUCATION, VOCATIONAL AND COUNSELING PARTICIPATION:

Ms. _____ is attending English and Typing classes five days a week and attends Alcoholics' Anonymous meetings twice a week.

B. JAIL DISCIPLINARY RECORD

5 days confined to cell for fighting with another prisoner on June 5, 1986, over selection of television station. No injuries sustained by either prisoner.

SOURCE(S): Notice of Violation of Inmate Rules of Conduct, submitted by Dep. E. Jones on June 5, 1986.

OR

III. SWAP PARTICIPATION HISTORY:

A. DATE SENTENCED:
02-06-86

B. SWAP START AND ESTIMATED COMPLETION DATE:
START : 03-15-86
COMPLETION: 10-10-86

C. SWAP REPORTING SCHEDULE
Saturdays and Sundays

D. SWAP NON-ATTENDANCE:
Has attended all days as scheduled

E. SWAP DISCIPLINARY:
No formal discipline but Sgt. Blue, SWAP Director, reports Ms. _____ has difficulty following instructions and works at a very slow pace.

SOURCE: Sgt. Blue's verbal report on 09-10-86 to this parole officer.

IV. BACKGROUND AND REINTEGRATION PLAN

A) FAMILY

SPOUSE : _____
DOB: 03-01-52 (34)
Married in 1978 and separated since 1983
Whereabouts unknown

CHILDREN : _____ (6)
_____ (5)
Both living with maternal grandmother,
(61), at 1423 Third Ave, SF

SOURCE(S) : Applicant statement

B) EDUCATION

Ms. _____ attended public school in Oakland through 10th grade. She has very limited reading and writing skills (see application as example). She is addressing her deficiencies by attending classes while in jail (see III B) and plans to prepare for and take GED exam upon release.

SOURCE(S) : Sr. Dep. Jacobs, Educational Coordinator, confirmed class schedule. Applicant statements as to intentions upon release and prior schooling.

C) RESIDENCE

ON RELEASE: 1423 Third Ave, SF 94183
TEL: 415-586-1736
with her mother, _____ and children

PRIOR FIVE YEARS: 1983-86: Same as above
1981-83: 586 Main Street, San Mateo
with husband and children

PLACE OF BIRTH: George, Iowa; moved to Oakland at age 5 and resided there throughout childhood

SOURCE(S) : 1423 Third Ave confirmed by telephone contact with mother on 09-09-86 and letter from mother dated 09-10-86. 586 Main St and Place of Birth unconfirmed, applicant statement only.

D) EMPLOYMENT

ON RELEASE: Employer : Johnson's Music Box
Address : 1518 Maple, SF
Telephone : 415-593-1412
Hours : 9 a.m. - 1 p.m. Mon-Fri
Salary : \$3.35 hr.

PRIOR FIVE YEARS: No single employer for over three months. Worked at McDonald's, 1st and Mission Sts.; Swanson's Shoe Store, Serramonte; Phillip's Escort Service, 33 Payton Place, SF.

SOURCE(S): Johnson's Music Box confirmed by telephone contact with Joseph Johnson, owner, on 9-12-86 and by letter from Mr. Johnson dated 9-12-86. SF telephone directory lists this employer as reported. Prior employment unconfirmed, applicant statement only.

E) SUBSTANCE ABUSE

Ms. _____ has two convictions (1977 and 1982) for possession of marijuana as well as arrests for the same offense and possession of dangerous drugs. She admitted to continued use of marijuana and cocaine. She has not sought nor received counseling or treatment regarding drug abuse. She has indicated a desire to receive counseling on an out patient basis in order to eliminate her continued use.

SOURCE(S): Interview with applicant on 9-10-86

V. OTHER INFORMATION

Ms. _____ mother, _____, is recovering from a heart attack suffered in August and is having difficulty caring for Ms. _____'s two children.

SOURCE(S): Statement of Ms. _____ to parole officer in telephone conversation on 09-09-86.

VI. ATTACHMENTS

Application of Ms. _____
SFPD Report 860375010
SFPD Report 860435670
Jail Commitment Act. No. M94001
Jail Commitment Act. No. M36021
SFAPD Pre-sentence Report dated 04-12-86

prepared by _____
William Yoost, Parole Officer, 09-15-86

PAROLE DENIED

APPLICANT IS SERVING 365 DAYS AS A CONDITION OF PROBATION FOR BURGLARY. A HIGH SCHOOL DROPOUT WITH LIMITED SKILLS, HE HAS HARDLY WORKED AT ALL THE PAST FEW YEARS. HE HAS A NUMBER OF ARRESTS THAT HE GLIBLY EXPLAINS AWAY. HIS WIFE SEEMED EVASIVE AND DELIBERATELY VAGUE. THE BOARD FELT THEIR STORIES CONFLICTED AND A GREAT DEAL WAS LEFT UNSAID, AND THAT UNDER THE CIRCUMSTANCES AN EARLY RELEASE WAS OUT OF THE QUESTION.

VISITORS
WIFE

ONE YEAR PAROLE (117 DAYS)

APPLICANT IS SERVING 285 DAYS FOR REVOCATION OF A CONDITIONAL GRANT FOR DRIVING WITH A REVOKED LICENSE CONSECUTIVE TO SEVEN OTHER SENTENCES FOR A VARIETY OF MISFIT MISDEMEANOR MATTERS FROM ANTELOPE VALLEY MUNICIPAL COURT. HE HAS BEEN IN COUNTY JAIL OVER A YEAR BUT USED HIS TIME TO GET A GED AND DO A FEW OTHER POSITIVE THINGS. HE WAS AGREEABLE TO 2 AA MEETINGS PER WEEK AS A CONDITION.

VISITORS
MOTHER AND
BROTHER-IN-
LAW AVAILABLE

PAROLE DENIED

APPLICANT IS SERVING 365 DAYS AS A CONDITION OF PROBATION FOR GRAND THEFT PERSON - SNATCHING A NECKLACE FROM A PEDESTRIAN. HE WENT TO CAMP AS A JUVENILE AND HAS A LONG, LONG ARREST HISTORY FOR DRUGS AND THEFT. HE EXPRESSES HIMSELF WELL AND SEEMS SINCERE BUT HIS LACK OF EMPLOYMENT AND ONGOING ARRESTS RULED OUT AN EARLY RELEASE.

VISITORS
NONE

PAROLE DENIED

APPLICANT IS SERVING ONE YEAR AS A CONDITION OF PROBATION FOR GRAND THEFT. HE WAS CAUGHT IN THE ACT OF STEALING SOME INDUSTRIAL STEEL BEAMS, AND RATIONALIZED WHAT HE WAS DOING. DRUGS AND THEFT DOMINATE HIS

VISITORS
NONE

ARREST RECORD, AND HE GETS ARRESTED AT LEAST ONCE A YEAR. HE WAS SEEN AS TOO UNRELIABLE AND UNTRUTHFUL TO BE CONSIDERED FOR AN EARLY RELEASE.

CONTINUED TO 1-14-88

APPLICANT WAS NOT TRANSPORTED FROM THE HONOR RANCH.

VISITORS
NONE

ONE YEAR PAROLE (38 DAYS)

APPLICANT IS SERVING ONE YEAR AS A CONDITION OF PROBATION FOR ROBBERY. HE HAS A PRIOR DUI, AND ADMITS A DRINKING PROBLEM AND QUITE A BIT OF DRUG USE. HE WAS AGREEABLE TO A TESTING ORDER IN TRADE FOR THE TIME HE OWES.

VISITORS
PARENTS
AVAILABLE

INELIGIBLE

THE DAY BEFORE THE HEARING THE INTAKE OFFICER DISCOVERED A PENDING CASE IN A957722 APPEARING IN DIVISION 43 CHARGED WITH 11351.5 H&S ON 1-7-88.

VISITORS
NONE

PAROLE DENIED

APPLICANT IS SERVING 182 DAYS AS A CONDITION OF PROBATION FOR POSSESSION OF METHAMPHETAMINE. HIS LAST ARREST WAS FOR BANK ROBBERY 30 YEARS AGO. WHILE HE DID NOT HAVE MUCH TIME LEFT HIS INTENTION WAS TO RETURN HOME TO SACRAMENTO, AND THE BOARD FELT THIS WAS NOT WITHIN THE LIMITATIONS IMPOSED BY THE PENAL CODE.

VISITORS
NONE

APPENDIX C: LEGISLATION

- I. State-by-state summary of existing legislation
- II. Model Statutes
 - A. California
 - B. Alabama

STATE	MISD. PAROLE	FORMAL MODIFICATION
ALABAMA	Mayor may appoint 5 member municipal parole board. Jurisdiction over any muni. court sentence, although <u>not</u> over probation. (ALA. code 15-22-70; 15-22-72; <u>BROWN V. CITY OF BIRMINGHAM</u> (1975) 142 So. 2.1329)	
ALASKA	State Parole Bd. jurisd. for any sent. of 181 days or more. (Alaska comp. Laws 33.16.010; 33.16.020; 33.16.900)	Modification by written order of sent. court within 60 days of imposition (Alaska Comp. Laws 12.55.088)
ARIZONA		
ARKANSAS		
CALIFORNIA	County Parole Board composed of Sheriff, Prob. Officer and either judge or citizen selected by judge can parole inmates from local facilities. (Cal. Pen. Code Sect. 3074-3088)	
COLORADO	Misdemeanants sentenced to Dept. of Corrections may be paroled by State Parole Bd. (Col. Rev. Stat. 16-11-302.5: 17-22.5-104)	
CONNECTICUT		

STATE	MISD. PAROLE	FORMAL MODIFICATION
DELAWARE		Sentencing Court may modify within 90 days of imposition. (Del. Code Ann. 11-4204 (5))
DISTRICT OF COLUMBIA	District Parole Bd. has jurisdiction to parole any inmate serving sent. of 180 day or more. (D.C. Codes Ann. 24-208)	Sent. Court may reduce sent. within 120 days of imposition, or at any time with recomm. of Parole Board. (D.C. Code Ann. 24-201c; Rule Cr. P. 35)
FLORIDA	State Parole Bd. had jurisdiction over aggregate misd. sentences of 12 mos. or more. (Fla. State Ann. 947.16)	
GEORGIA		
HAWAII		
IDAHO		
ILLINOIS		
INDIANA		
IOWA	"Aggravated" misdemeanor sentences of 1-2 years under jurisdiction of state parole board. (Iowa Code Ann. 903.4; 906.1)	Sentencing court may "reconsider" sentence at its discretion, within 30 days of commitment. (Iowa Codes Ann. 903.2)

STATE	MISDO. PAROLE	FORMAL MODIFICATION
KANSAS	Municipal court has parole jurisdiction over sentences resulting from muni. code violations. (Kan. gen. stat. 12-4511)	
KENTUCKY		
LOUISIANA		Sentencing court may modify cond. of prob. including jail, at any time during probation. (L.C.Cr.P. 896)
MAINE		
MARYLAND	State parole board has jurisdiction over any sentence of 6 mos. or more to any facility in state. (Md. Code 1957 41:129)	Sent. court may modify within 90 days after imposition. (Mar. Rule 4-345)
MASSACHUSETTS		
MICHIGAN		Court may reduce prior to service of sent. (MCLA 28.1097)
MINNESOTA		
MISSISSIPPI		
MISSOURI	City and county parole boards composed of judges (MO. Vernon's Ann. Stat. 549.361-549.480)	

STATE

MISD. PAROLE

FORMAL MODIFICATION

MONTANA

NEBRASKA

NEVADA

NEW
HAMPSHIRE

NEW
JERSEY

County jail inmates
eligible for parole
after 60 days by state
parole board input from
judge and jailer; (N.J.
Stat. Ann. 30:4-123.51)

Magistrate may
discharge jail or
workhouse inmates
from further custody.
(N.J. Stat. Ann. 2A:
8-22)

NEW
MEXICO

NEW YORK

NORTH
CAROLINA

State prison sentences or
180 days or more under state
parole comm. jurisdiction.
(N.C. Gen. Stat. 15A-1352;
15A-1371)

NORTH
DAKOTA

State parole jurisdiction
over misd. state farm sent.
of 6 mos. or more. Sent. court
jurisdiction over county jail
sent. (N.D. Stat. Ann. 12-
59-05; 12-53-04)

OHIO

OKLAHOMA

STATE	MISD. PAROLE	FORMAL MODIFICATION
OREGON	Committing magistrate may parole county jail inmates. (OR. Rev. Stat. 137.520)	Sentencing court modification (OR. Rev. Stat. 137.540; 144.331)
PENNSYLVANIA	Courts or quarter sessions over + terminal may parole county jail inmates (PA. Prudon's Stat. 61:314)	Court may modify if probation granted. (PA. Prudon's Stat. 42:9771)
RHODE ISLAND	State parole board jurisdiction for any sentence over 6 mos. (R.I. Gen. Laws 13-8-8; 13-2-1)	
SOUTH CAROLINA		
SOUTH DAKOTA		
TENN.		Sentencing court may modify and release from custody at any time during probation (Tenn. Code Ann. 40-35-308)
TEXAS		
UTAH	Board of pardons has jurisdiction to parole misdemeanants committed to Dept. of Corrections (Utah Code Ann. 77-27-5)	
VERMONT	State parole authorities may parole "any inmate" (VT. Stat. Ann. 28:501)	

STATE

MISD. PAROLE

FORMAL MODIFICATION

VIRGINIA

Court may modify sentence not fully served. (VA. Code 1950 19.2.303)

WASH.

Judge may reduce up to 1/3 for good behavior (WA. Rev. Co.)

WEST
VIRGINIA

Sent. court may reduce within 120 days of imposition. (R.CR.P. 32.1;35)

WISCONSIN

Modification by sent. court, upon motion, within 90 days from imposition. (WIS. Ann Stat. 973.19)

WYOMING

Court may reduce within 120 days of sent. (R.CR.P. 36)

(STATE OF CALIFORNIA)

3074

TERM OF IMPRISONMENT
ARTICLE 3.5
COUNTY BOARD OF PAROLE COMMISSIONERS

SEC.

- 3074. Legislative finding and declaration.
- 3075. Membership.
- 3076. Meetings: rules and regulations.
- 3077. Jurisdiction to grant parole.
- 3078. Notice of application; recommendation.
- 3079. Vote on grant or denial; appearance of applicant.
- 3080. Departure from county; treatment as escape.
- 3081. Retaking paroled prisoners; duration and conditions of parole; violation; order as warrant; computation of unserved sentence.
- 3082. Aliens; unconditional release to return to native land.
- 3083. Aliens; powers of temporary commissioners.
- 3084. Parole violators; release to department of corrections.
- 3085. Deputies; service as temporary commissioners.
- 3086. Admission of guilt; prohibition against requirement when setting terms or discharge dates.
- 3087. Supervision requirement.
- 3088. Supervision by parole officer.

Article 3.5 was added by Stats.1953, c. 1384, p. 2960,2

3074. Legislative finding and declaration

The Legislature finds and declares that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for a county to provide for the supervision of parolees, and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge.

3075. Membership

There is in each county a board of parole commissioners, consisting of the following: (1) the sheriff or, in a county with a department of corrections, the director of such department, (2) the probation officer, and (3) a member not a public official to be selected from the public by the presiding judge, if any, or, if none, by the senior judge in point of service, of the superior court. The public member of the county

board of parole commissioners shall be entitled to his actual traveling and other necessary expenses incurred in the discharge of his duties.

In addition the public member shall be entitled to per diem at such rate as may be provided by the board of supervisors. The public member shall hold office for a term of one year and in on event for a period exceeding three consecutive years. The term shall commence on the date of appointment.

3076. Meetings; rules and regulations

(a) The board may make, establish and enforce rules and regulations adopted under this article.

(b) The board shall act at regularly called meetings at which two-thirds of the members are present, and shall make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is confined in or committed to any county jail, work furlough facility, industrial farm, or industrial road camp, or in any city jail, work furlough facility, industrial farm, or industrial road camp under a judgment of imprisonment or as a condition of probation for any criminal offense, unless the court at the time of committing has ordered that such prisoner confined as a condition of probation upon conviction of a felony not be granted parole, may be allowed to go upon parole outside of such jail, work furlough facility, industrial farm, or industrial road camp, but to remain, while on parole, in the legal custody and under the control of the board establishing the rules and regulations for his parole, and subject at any time to be taken back within the enclosure of any such jail, work furlough facility, industrial farm, or industrial road camp.

(c) The board shall provide a complete copy of its written rules and regulations and reasons therefor and any amendments thereto to each of the judges of the county's justice, municipal and superior courts.

The board shall provide to the persons in charge of the county's correctional facilities a copy of the sections of its written rules and regulations and any amendments thereto which govern eligibility for parole, and the name and telephone of the person or agency to contact for additional information. Such rules and regulations governing eligibility either shall be conspicuously posted and maintained within each county correctional facility so that all prisoners have access to a copy, or shall be given to each prisoner.

3077. Jurisdiction to grant parole

Whenever a prisoner is sentenced in one county and incarcerated in another county, only the county in which he was sentenced shall have jurisdiction to grant parole.

3078. Notice of application; recommendation

(a) The board shall notify the sentencing judge of an inmate's application for parole.

(b) The sentencing judge may make a recommendation regarding such application, and the board shall give careful consideration to such recommendation.

3079. Vote on grant or denial; appearance of applicant

(a) No application for parole shall be granted or denied except by a vote of the board at a meeting at which a quorum of its members are present. This paragraph shall not be applied to the denial of applicants who are ineligible by order of the superior court, or to the granting of parole in emergency situations.

(b) An applicant shall be permitted to appear and speak on his behalf at the meeting at which his application is considered by the board.

3080. Department from county; treatment as escape

If any paroled prisoner leaves the county in which he is imprisoned without permission from the board granting his parole, he shall be arrested as an escaped prisoner and held as such.

3081. Retaking paroled prisoners; duration and conditions of parole; violation; order as warrant; computation of unserved sentence

(a) Each county board may retake and imprison any prisoner upon parole granted under the provisions of this article.

(b) Each county board may release any prisoner on parole for a term not to exceed two years upon such conditions and under such rules and regulations as may seem fit and proper for his rehabilitation, and should the prisoner so paroled violate any of the conditions of his parole or any of the rules and regulations governing his parole, he shall, upon order of the parole

commission, be returned to the jail from which he was paroled and be confined therein for the unserved portion of his sentence.

(c) The written order of each county board shall be a sufficient warrant for all officers named therein to authorize them, or any of them, to return to actual custody any conditionally released or paroled prisoner. All chiefs of police, marshals of cities, sheriffs, constables, and all other police and peace officers of this state shall execute any such order in like manner as ordinary criminal process.

(d) In computing the unserved sentence of a person returned to jail because of the revocation of his parole no credit shall be granted for the time between his release from jail on parole and his return to jail because of the revocation his parole.

3084. Parole violators; release to department of corrections

Each county board may release to the State Department of Corrections for return to a state prison or correctional institution any county or city jail inmate who is a state parole violator, when notified by the Board of Prison Terms.

3085. Deputies; service as temporary commissioners

The members of the board may for the purpose of considering applications for parole of prisoners from city or county jails, or industrial farms, or work furlough facilities, or industrial road camps, designate deputies of their respective offices to serve for them as temporary commissioners when they are unable to serve.

3086. Admission of guilt; probation against requirement when setting terms or discharging dates

Each county board shall not require, when setting terms or discharge dates, an admission of guilt to any crime for which an inmate was committed.

3087. Supervision requirement

No prisoner shall be paroled without supervision.

3088. Supervision by parole officer

A prisoner who is released on parole shall be supervised by a parole officer of the county board of parole commissioners.

Municipal Parole Boards

15-22-70. Mayor may appoint parole board; membership, terms, etc.

The mayor, or the chief executive officer if there is no mayor, of any municipality of this state having a municipal court may appoint a parole board consisting of five members, one of whom he shall designate to serve at his pleasure as chairman, and such chairman, shall if in attendance, preside at all meetings of the board. In the chairman's absence, an acting chairman shall be selected by majority of the members present. One member of the initial board shall be appointed to serve a term of six years. Two members of the initial board shall be appointed to serve four-year terms and two members of the initial board shall be appointed to service two-year terms. Thereafter all members of the board shall be appointed for six-year terms.

15-22-71. Board meetings, quorum, number required for approval.

Meetings of the board shall be held on the first and third Wednesdays of each month and at the call of the chairman, when the business of the board shall warrant additional meetings. Three members of the board shall constitute a quorum for the transaction of the business of the board, and no action shall be taken by the board without the approval of at least two of its members.

15-22-72. Authority and duties; actions in writing

The board may remit fines and such costs as are payable to the city, and commute any sentence imposed by the municipal court or any court to which an appeal is taken, may grant paroles and work and educational releases, prescribe the terms upon which persons are paroled or released and may provide for the supervision of persons released on parole. Any period of parole may exceed the length of sentence but shall in no event exceed two years. Failure of any parolee to observe the conditions of his parole as prescribed by the board shall be sufficient cause for the board to revoke such parole.

The board's actions shall be in writing and shall be available to the governing body of such city and the mayor or other chief executive officer thereof.

15-22-73. Appointment of parole officers; duties and powers; reports, records, etc., privileged.

Parole officers may be appointed to investigate all cases referred by the board to such officers and shall furnish to each parolee under his supervision a written statement of the conditions of his parole, instruct each parolee regarding the same, and keep informed concerning the conduct and condition of each person on parole under his supervision. Each parole officer shall make such reports as the board may require. Each parole officer shall have, in the execution of his duties, the power of arrest and the authority to execute process as is given by law to police officers of such city. All reports, records and data assembled by any parole officer shall be privileged and shall not be available for public inspection except upon order of a court, except that in no case shall the right to inspect said reports be denied the defendant or his counsel.

15-22-74. Work and educational releases; revocation; deemed escapee.

Any prisoner released to work or further his education or training who violates any condition of his release as prescribed by the board may have such privilege revoked by the board. Any prisoner released to work or further his education or training who fails to return to city jail within the time prescribed by the parole board may, in addition, be deemed an escapee and shall be punished as such if said failure to return to city jail is willful.

15-22-75. Work release wages; payable to city; withholding confinement costs; disbursing balance.

The employer of an inmate who is released from custody under a work release program shall pay the inmate's wages direct to the city finance department. The mayor of the city may adopt regulations concerning the manner of disbursing any earnings of the inmates involved in the work release program. The mayor is authorized to withhold from an inmate's wages the costs incident to the inmate's confinement as the mayor shall deem appropriate and reasonable, provided however, that in no event shall the mayor withhold more than 20 per cent of such inmate's gross wages as the costs incident to such inmate's confinement. After the costs incident to the inmate's confinement have been deducted from the inmate's earnings, the remainder of the inmate's earnings shall be credited to the inmate's account with the city finance department, and upon his release from confinement shall be turned over to the inmate. The mayor is

authorized, however, to pay the balance of the inmate's earnings to his family to be used by them for their support while the inmate is confined, provided the inmate has consented to such payment.

15-22-76. Discharge; arrest for violation of parole, with or without warrant; brought before parole officer; hearing; serving sentence upon revocation.

Upon the expiration of the period of parole shall be discharged. At any time during the period of parole the parolee may be arrested for the violation of any condition of his parole, and after a hearing by the board his parole shall be subject to revocation. Any parole officer, police officer or other law enforcement officer may arrest a parolee with or without a warrant for the violation of any condition of his parole. In case of an arrest without a warrant, the arresting officer shall have a written statement by a parole officer setting forth that parolee has, in the judgment of the parole officer, violated the condition of his parole. Such statement shall be sufficient warrant for the detention of said parolee until he can be brought before a parole officer. Such parole officer, after advising said parolee in writing of the charged violation and hearing any evidence or explanation offered by parolee in his defense shall, if not satisfied from the evidence or explanation of the parolee, forthwith submit to the board a written report of such violation. Upon receipt of such report the board shall set a hearing date to determine if such parole shall be revoked. The parolee at such hearing may be represented by counsel and present evidence in his defense. In the event such parole is revoked, the board shall prepare a written opinion stating the evidence relied upon and the reason for such revocation. The parolee, upon such revocation, shall serve his sentence as though no parole had been granted him, notwithstanding his sentence would have ended but for the suspension thereof by parole.

15-22-77. Provisions of article cumulative; not repealer.

The provisions of this article are cumulative to the provisions of any other laws and shall not be construed to repeal or supersede any laws not inconsistent herewith.

APPENDIX D: SAMPLE BUDGET

SAMPLE BUDGET

(Small - medium size county)

Personnel		
Director of Parole		\$32,000
Parole Agent		26,000
Secretary		<u>13,000</u>
		71,000
Fringe Benefits		
15% x 71,000		10,650
Office space		
1.10 cents/sq ft. x 1000 sq ft x 12		13,200
Communications		
Phone, Postage, Computer Hook-up		5,000
Supplies and Operating Expenses		
Printing, xeroxing, paper, etc. \$200/month x 12		2,400
Travel		
.10/mi. x 400 mi./month x 12		480
		<hr/>
	Total	\$102,730

APPENDIX E: STAFFING

ROLE OF COUNTY PAROLE OFFICER

- 2.0 ROLE OF COUNTY PAROLE OFFICER
 - 2.1 Investigate information on application
 - 2.11 Contact spouse/children (when appropriate)
 - 2.12 Contact employer
 - 2.13 Contact personal references
 - 2.14 Check local police/Sheriff's records
 - 2.15 Check probation records
 - 2.16 Interview applicant
 - 2.161 Note attitude
 - 2.162 Explain conditions/penalties
 - 2.163 Ask applicant what went wrong with probation
 - 2.2 Degree of supervision
 - 2.21 Face to face
 - 2.211 Office
 - 2.212 Home
 - 2.213 Work
 - 2.22 Telephone
 - 2.23 Written
 - 2.24 Frequency of any of above
 - 2.3 Collateral Contacts
 - 2.31 Police agencies
 - 2.32 Mental Health Agencies (Whenever possible, refer parolee to qualified professionals)
 - 2.321 AA Secretary
 - 2.322 Psychiatrist/Psychologist/Group leader
 - 2.323 Administrator of residential treatment programs
 - 2.33 Physicians
 - 2.331 Verify prescriptions for drugs including antebuse
 - 2.34 Social Workers/Welfare Workers
 - 2.35 Employment agencies/counselors
 - 2.36 Children's Protective Services
 - 2.37 Teachers
 - 2.38 Probation Officers
 - 2.39 Board of Supervisors
 - 2.40 District Attorney
 - 2.41 Judiciary
 - 2.42 Custody staff
 - 2.4 RESTITUTION
 - 2.41 Always if an element of the present offense
 - 2.42 If owed on cases other than the present offense?
 - 2.43 If owed civilly?

2.0 ROLE OF COUNTY PAROLE OFFICER (CONTINUED)

2.5 COURTESY SUPERVISION

- 2.51 Establish formal procedure
- 2.52 Intrastate
- 2.53 Interstate Compact
 - 2.531 Legislation required?
 - 2.532 Department Policies
 - 2.5321 Accept misdemeanants/Felons
 - 2.5322 Chemical testing
 - 2.5323 Cost
- 2.54 Quarterly reports
- 2.55 Leaving the county.

3.0 PAROLE VIOLATION PROCEEDINGS

3.1 Types of violations

3.11 Technical

- 3.111 Failure to keep appointments
- 3.112 Failure to make restitution payments.
- 3.113 Failure to seek or maintain employment.
 - 3.1131 Attend school
 - 3.1132 Attend vocational counseling/training
 - 3.1133
- 3.114 Positive tests for alcohol and/or drugs
- 3.115 Failure to participate or cooperate in a treatment program

3.12 New offense

3.13 Absconding

3.2 When to "file" an affidavit

3.3 When to issue a warrant

3.4 Advising parolee of rights

3.5 Hearing procedures

3.6 Modifications

3.61 Weekends in jail

3.62 Adding/deleting or modifying parole conditions

3.63 Loss of good time (Jail disciplinary procedures)

3.631 Parole Officer reports violation to Parole Board

3.632 Parole Board recommends amount of days to be taken

3.633 Parolee may appeal to the Jail Disciplinary Board

3.64 Filing charge of Felony escape when parolee absconds by leaving the county without permission of the parole board

Appendix F: Sample Evaluation Forms and Reports

COUNTY PAROLE UNIT, 1987

							6 Month							6 Month	Year
	Jan	Feb	Mar	Apr	May	Jun	Total	Jul	Aug	Sep	Oct	Nov	Dec	Total	Total
Applications Received	200	222	337	384	258	509	1,910	384	232	350	246	400	266	1,878	3,788
Rejected During Screening	33	66	93	132	90	129	543	95	97	88	84	67	80	511	1,054
Assigned to Investigators	133	168	118	135	133	144	831	196	147	98	148	118	118	825	1,656
Withdrew	58	70	49	52	64	65	358	83	59	45	62	38	44	331	689
Ineligible	23	23	17	16	16	24	119	29	17	8	11	14	16	95	214
Active Wrp	1	3	-	-	2	-	6	1	1	2	4	1	2	11	17
Other	1	20	18	12	11	17	79	21	12	9	14	13	18	87	166
Board Hearing	50	52	34	55	40	38	269	62	58	34	57	52	38	301	570
Paroled	16	20	15	26	24	31	132	37	23	27	36	32	14	169	301
Jail Days Saved	1,424	1,421	1,109	2,090	1,724	2,284	10,052	2,661	1,815	1,974	2,538	2,312	1,001	12,301	22,353
Violations to Board	2	2	2	-	5	5	16	1	4	1	1	2	1	10	26
Revocations of Parole	2	1	2	-	3	4	12	1	3	1	1	2	0	8	20

*Ineligible, Insufficient time to process, etc.

SAN FRANCISCO COUNTY PAROLE
FISCAL YEARS 1976-77 TO 1986-87

<u>ELIGIBILITY INVESTIGATION</u>		<u>PAROLES GRANTED</u>	<u>NET JAIL-DAYS REMITTED</u>	<u>INCARCERATION COST SAVINGS</u>	<u>SUCCESSFUL COMPL RATE</u>
<u>76-77</u>	n/a	193	4803	n/a	n/a
<u>77-78</u>	n/a	114	2398	n/a	n/a
<u>78-79</u>	n/a	148	2821	n/a	n/a
<u>79-80</u>	n/a	108	2138	n/a	n/a
<u>80-81</u>	n/a	121	2331	n/a	n/a
<u>81-82</u>	n/a	165	4294	n/a	n/a
<u>82-83</u>	n/a	201	4925	n/a	n/a
<u>83-84</u>	n/a	121	3437	n/a	n/a
<u>84-85</u>	555	75	2974	\$142,752	74%
<u>85-86</u>	891	156	7593	\$364,464	79%
<u>86-87</u>	881	163	10922	\$644,398	74%

(preliminary)

Fiscal Year: July 1 through June 30

Eligibility Investigations

This measures staff activity by showing the amount of cases assigned for investigation (similar to a probation pre sentence report).

This measure is not applicable to years prior to 1984-1985. Full scale investigative reports on applicants appearing before the Board have only been conducted since May 1984.

Paroles Granted

This measures staff activity by showing the number of paroles granted and under supervision.

Net Jail-Days Remitted

This measures the impact of parole on jail overcrowding. Parole dispositions are unavailable for years prior to 1984-85. Therefore, to maintain statistical comparability, the gross days remitted for these years have been reduced by 20% to reflect an assumed successful completion rate of 80%.

Incarceration Cost Savings

This measures the costs avoided by successful paroles. Per prisoner per day costs are calculated by the Sheriff as \$48 for FY 1984-85, 85-86 and \$59 for FY 1986-87

Successful Completion Rate

This measures the percentage of community parolees that are not revoked for new criminal activity or other violations of the conditions of their parole. Unavailability of parolee dispositions makes calculation of this rate impossible for years prior to 1984-85.

STATISTICAL SUMMARY - FISCAL YEAR 1986-87
(as of August 5, 1986-87)

JAIL IMPACT MEASURES

Gross Jail-Days Remitted - Community Parolees (80)*	3819
Gross SWAP-Days Remitted - Community Parolees (6)	134
Jail-Days Reinstated - Revoked (14)	(616)
Jail-Days Reinstated - Declined (2)	<u>(77)</u>
Net Jail-Days Remitted - Community Parolees	3260
Jail-Days Remitted-Transferred CDC (75)	<u>7662</u>
Total Net Jail-Days Remitted	10922
Incarceration Costs Savings @ \$59 per day	\$644,398

AVERAGE PER COMMUNITY PAROLE

Mean Jail-Days Remitted per Parole (80)	48
Mean SWAP-Days Remitted per Parole (6)	22

SUPERVISION

Parole-Days Supervised	10209
Average Parole-Days per Parolee (86)	119
Pario Parole-Days/Jail & SWAP Days	2.6/1

STATUS OF PAROLE GRANTED

Paroles Rescinded	1
Paroles Contingent (Non Effected)	1
Paroles Declined	2
Paroles Revoked	14
Paroles Warrant Outstanding	8
Paroles in Progress	14
Paroles Successfully Completed	48
Paroles to CDC (Rule 18)	<u>75</u>
Total Paroles	163

REASON FOR REVOCATION**

New Criminal Activity	6
Abandonment of Residential Program	2
Substance Abuse	2
Failure to Report	4
Other	<u>0</u>
Total Revocations	14

SUCCESSFUL COMPLETION RATE***

74%

*Does not include rescinded or non-effected contingent parolees
 **Most revocations are based on multiple violations (i.e., new criminal activity and failure to report). Where multiple violations are found, only one reason is listed above to reflect the most serious violation.

***Paroles successfully completed and in-progress divided by this number plus paroles revoked and paroles with warrants outstanding.

RETURN TO CUSTODY WARRANTS

issued	17
served	15
recalled	4
outstanding	3

INVESTIGATIONS

Assignments:

carried from FY 1985-86	78
during FY 1986-87	885
carried into FY 1987-88	<u>(82)</u>
Net Total	881

Dispositions:

Declined/No response	316 (36%)
Pending charge/Detainer/Other	276 (31%)
Rule 18	75 (9%)
Calendared	<u>214 (24%)</u>
Total	881

INELIGIBLE COMMITMENTS RECEIVED*

court-ordered per 3076 PC	557
brevity of sentence/alternate sentence	<u>400</u>
Total	957

*Note: Does not include commitments that upon receipt by this office, indicate less than 15 days remaining to be served by defendant.

PAROLE BOARD ACTIONS

Calendared - Denied	122 (57%)
Calendared - Withdrew	4 (2%)
Calendared - Paroled	82 (38%)
Consent Calendar - Paroled	<u>6 (3%)</u>
Total	214

PAROLEE OFFENSES

SUBSTANCE ABUSE RELATED

23103 VC (Reckless Driving)	1
23152 VC (Drunk Driving)	28
11351 HS (Possession Narcotic)	3
11352 HS (Sale Narcotic)	2
11378 HS (For Sale Barbituates)	2
11379 HS (Sales Barbituates)	2
Subtotal	<u>38 (44%)</u>

THEFT RELATED

396 PC (Welfare Fraud)	1
459 PC (Burglary)	5
475 PC (Forged Checks)	2
487 PC (Grand Theft)	3
488 PC (Petty Theft)	3
666 PC (Petty Theft w/prior)	7
10851 VC (Auto Theft)	2
Subtotal	<u>23 (27%)</u>

ASSAULT RELATED

211 PC (Robbery)	4
236 PC (False Imprisonment)	1
245 PC (Assault)	6
242 PC (Battery)	3
273.5 PC (Injury to spouse)	1
Subtotal	<u>15 (17%)</u>

PROSTITUTION RELATED

647b PC (Prostitution)	7 (8%)
------------------------	---------

MISCELLANEOUS

278.5 PC (Vio. Custody Order)	1
12021 PC (Ex-Felon w/firearm)	1
20002a VC (Hit and Run)	1
Subtotal	<u>3 (4%)</u>

TOTAL

86*

* Does not include parolees released to the custody of California Department of Corrections under Board Rule 18, rescinded, or non-effected contingent paroles.

Return to Custody Warrants

issued	17
served	13
recalled	4
outstanding	3

Investigations

Assignments:

carried from FY 1985-86	78
during FY 1986-87	885
carried into FY 1987-88	<u>(82)</u>
Net Total	881

Dispositions:

Declined/No response	316	(36%)
Pending charge/Detainer/Other	276	(31%)
Rule 18	75	(9%)
Calendared	<u>214</u>	(24%)
Total	881	

Ineligible Commitments Received*

court-ordered per 3076 PC	557
brevity of sentence/alternate sentence	<u>400</u>
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*Does not include commitments that upon receipt by this office, indicate less than 15 days remaining to be served by defendant.

Parole Board Actions:

Calendared - Denied	122	(57%)
Calendared - Withdrew	4	(2%)
Calendared - Paroled	82	(38%)
Consent Calendar - Paroled	<u>6</u>	(3%)
Total	214	

Appendix G: Resource List

RESOURCE LIST

California Probation, Parole and Correctional Association,
The Power of Public Support: A Handbook for Corrections.

The Fisse Report, Part V: Parole - A Search for Justice and Safety New York: Research & Forecasts, Inc., 1985.

Hanrahan, Kathleen J., Handbook for New Parole Board Members, Training Center, National Council on Crime and Delinquency, Hackensack, New Jersey, 1982.

Hoffman, Ph.D., Peter and Adelberg, Ph.D., Sheldon, "The Salient Factor Score: A Nontechnical Overview," Federal Probation, Vol. 44, No. 1 (March 1980)

Jericho, Newsletter of the National Moratorium on Prison Construction, 1983

Los Angeles County, Rules and Regulations of the Board of Parole Commissioners, 1986

Bill Naber, County Jail Inmate Parole Rights, Sonoma County, CA, 1983.

Bill Naber, County Parole and Inmate Classification, Sonoma County, CA, 1983.

Bill Naber, Developing Strategies and "Risk Criteria" for Successful Parole, Sonoma County, CA, 1983.

Bill Naber, Picking Your Parolee, Sonoma County, CA, 1983.

Bill Naber, Using Classification in Making Parole Decisions or Establishing Parole Policy, Sonoma County, CA, 1983.

Napa County, Rules and Regulations of the Board of Parole Commissioners.

Napa County Board of Parole Commissioners, Policy Manual, Napa, California, 1979.

National Institute of Corrections, National Information Center, Boulder, CO.

Placer County Board of Parole Commissioners, Rules and Regulations of the Board of Parole, Auburn, California, 1987.

San Francisco Board of Parole Commissioners, Commission Rules and Administrative Policies and Procedures, San Francisco, 1987.

San Francisco County, San Francisco County Parole Annual Report, For Year Ending June 30, 1987, San Francisco, 1987.

San Mateo County Board of Parole Commissioners, Rules and Regulations, 1983

Sonoma County Board of Parole Commissioners, Rules and Regulations.

Star, Deborah and Berecochea, John E., Rationalizing the Conditions of Parole, Research Report No. 58, California Department of Corrections, 1977.

Struck, Doug, "The Prison Population Rises While the Crime Rate Drops," Baltimore Sun, September 4, 1984.

Studt, Elliot, Surveillance and Service in Parole, U.S. Department of Justice, Bureau of Prisons, National Institute of Corrections, 1978.

U.S. Department of Corrections, U.S. Parole Commission Rules, 1985.

U.S. Department of Justice, The Correctional Crisis: Prison Populations and Public Policy, Washington, D.C., 1983.

U.S. Department of Justice, National Institute of Corrections, Parole in the United States, Boulder, Colorado, 1985.

Wagstaffe, Stephen M., County Parole - Legal Issues, San Mateo, CA, 1983.