



I-CAN

CRIME VICTIMS ASSISTANCE NETWORK

A pair of ornate brass scales of justice is the central focus of the page. The scales are highly detailed with scrollwork and are set on a wooden surface. The background is a blurred interior, possibly a courtroom or a library, with warm lighting. A green rectangular box is overlaid on the scales, containing the title and subtitle.

PAROLE HEARINGS

A Guide for Victims

This Guide has information and resources about parole hearings in California. This is general information, NOT legal advice.



About this guide

We wrote this Guide to support, educate, and empower victims of crime. The Guide explains one of your most important rights – telling the parole board about how the crime has affected you and your loved ones, emotionally, physically and financially.

The Guide explains what parole hearings are like, and how to prepare for one, and the different ways you can participate in the hearing.

Participating in a parole hearing is a way to:

- Protect your safety and your community's safety, and
- Hold the offender accountable for the harm they caused.

This Guide and I-CAN will help you through every step of the process.

Ways I-CAN will help you

We will:

- Explain the parole hearing process,
- Help you get ready to go to prison for the hearing,
- Go to the hearing with you and give you the support you need, or
- Go to the hearing for you and speak as your representative (if a staff person is available).

We can also help you write your Impact Statement. That's the statement that explains to the Parole Board how the crime has affected your life. All of our services are free, and available in English and Spanish.

For more information about I-CAN, call or visit us online.

 916-273-3603

 www.ican-foundation.org

What is a parole hearing?

Some people who are sent to prison with a life sentence have the “possibility of parole.” That means they may be allowed to leave prison after completing a certain number of years if the state believes they are no longer dangerous.

But parole is *not* automatic. First, there must be:

- A parole hearing, and
- At that hearing, a parole board must agree they qualify for parole.

Where is the parole hearing?

Parole hearings take place at the inmate’s prison. The hearing will be in a small room at the prison.

If you want to go the hearing in person, a prison official will escort you and stay with you at all times while you are at the prison. This may feel scary. But remember, the prison staff will help to keep you safe.

When is the inmate eligible for a parole hearing?

The date of eligibility depends on the inmate’s *minimum* sentence.

The first parole hearing would be 1 year before the minimum eligible parole date.

Eligibility for parole for elderly and younger prisoners is different.

They would be eligible if:

- The inmate is 60 years old and has served 25 years in prison (*Elder Parole*), or
- The inmate committed the crime before the age of 26 and has served 15 years in prison (*Youthful Offender Parole*).



Who will be at the parole hearing?

Commissioners

There are usually two Commissioners. They are in charge of the hearing. The Commissioners decide if the inmate gets parole or not.

Inmate

The inmate can go to the parole hearing, but does not *have* to go. The inmate may hire a lawyer to speak for him or her at the hearing. If the inmate cannot afford a lawyer, the state will appoint a lawyer for him or her.

District Attorney (DA)

Usually, the county where the crime took place sends a district attorney to the hearing. We suggest you call the District Attorney's Office when you get a notice of the time and date of the hearing. Ask the questions below. If they cannot answer your questions when you call, ask them to call you back *before* the hearing with answers, if possible.

- How is the inmate's behavior in prison?
- Is the inmate sorry for what he or she did?
- Have they taken any responsibility for the crime?
- If the inmate gets paroled, where will he or she live?
- Is your office sending a DA to the hearing?

Victims, Relatives, and Support Person

Victims may go to the hearing. Each victim or victims' legal next of kin (if the victim is deceased) may designate two representatives and one support person to attend with them. Additionally, each family member attending may bring a support person. Representatives may speak at the hearing, but support people may **not**.

News Media and Other Observers

Occasionally there are observers at parole hearings. And rarely, the media may go to a hearing. Anyone who wants to go must get permission from the Parole Board.

How will I know the date of the parole hearing?

You must *ask* to be notified about the parole hearing. If you ask, the Board of Parole Hearings must send you a notice at least **90 days** before the parole hearing.

To do this, fill out Form 1707. Then mail it to the address on the form. Find this form at www.cdcr.ca.gov/Victim_Services/docs/victim_form.pdf

If you already filled out Form 1707, please contact OVSRS to make sure they received it. Call or email them.

 Toll-free: 1-877-256-6877

 Email: victimservices@cdcr.ca.gov

Who will send me the Notice?

The Board of Parole Hearings will send you a letter with the Notice.

You can choose to be notified by:

- E-mail,
- Regular mail, or
- Certified mail.

We recommend *certified* mail. It gives proof you got the Notice.

Can I go to the parole hearing?

Yes. You can go to the hearing if you are a:

- victim,
- victim's next of kin or other relative,
- victim's representative or support person.

Do I have to tell CDCR if I plan to go to the hearing?

Yes. You must tell the Office of Victim and Survivor Rights and Services (OVSRS) at least **30 days** before the hearing if you plan to go. Call or email them.

 Toll-free: 1-877-256-6877

 Email: victimservices@cdcr.ca.gov



They must do a background check on you *before* you go.

They will need your:

- Name
- Address
- Date of birth
- Valid driver's license number (or valid state ID)

What if I miss the 30-day deadline?

Contact OVSRS as soon as possible. Explain your situation. Sometimes they can make an exception.



Can I give input without going to the hearing?

Yes. Depending on the equipment at the prison and at your district attorney's office, you may be able to attend the hearing by:

- Video conference,
- Audio conference, or
- Phone (from any location).

Check with your district attorney's office or the Office of Victim and Survivor Rights and Services to see what options are available.

Other Options:

- Send a representative to the parole hearing to speak for you or to read your victim statement.
- Write a letter or send a video or audiotape with your statement. If you do this, you must also include your statement in writing.

To Send a Written Statement

The Notice you receive in the mail will explain how to send a written statement. If not, contact the Office of Victim and Survivor Rights and Services for instructions on how to send your statement.

 Toll-free: 1-877-256-6877

 E-mail: victimservices@cdcr.ca.gov

Send your statement at least **3 weeks** before the hearing to make sure the Board of Parole Hearings receives it on time.

You may send it by mail, email, or fax:

 Mail: The address will be listed on the Notice.

 E-mail: BPH.correspondenceunit@cdcr.ca.gov

 Fax: The number will be listed on the Notice.

After you send your statement, call the Office of Victim and Survivor Rights and Services. Ask them to make sure the Board received your statement.

I-CAN may also be able to send an advocate to the hearing to read your statement. Call us for more information: **916-273-3603**

What should I say in my statement?

If you are not sure what you want to say, you may use the questions below to help you write your statement. Speak from your heart. Tell the Commissioners what life is like now for you and how this crime changed your life.

If you plan to read your statement at the hearing, consider typing it, double-space and use large print. That will help you to not lose your place. If for any reason you are unable to read your statement, or finish reading your statement, you may ask the DA or someone else to read it for you.

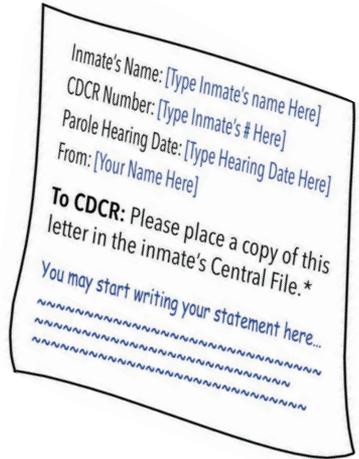
Make 2 or 3 extra copies of your statement. Give them to the district attorney (if present). They may give a copy to the Commissioners and the inmate's lawyer.

Your Statement Must Have This Information On Page 1

Start your statement like this.

Put your address on the envelope **ONLY**.

- If you do *not* want the inmate to see your letter, you may write **CONFIDENTIAL** in big bold letters at the top of your letter. But if you do this, the parole board may **not** see your letter.



Questions to help you write your impact statement

Use the questions below to help you write your statement.

Answer some or all. Add more details to tell your story.

- What is your name?
- What is the victim's name and relationship to you?
- When did the crime happen (*date*)?
- If you are not the victim, how did you hear about the crime?
- What was your first reaction?
- How did this crime affect you and your family? Explain the emotional, financial, physical impact.
- How does the crime still affect you now? Think about holidays, special events, or times when you remember your loved one.
- Do you have any concerns about your safety if the inmate is released from prison?





Can I talk about anything I want?

The law says that you can talk at the parole hearing about whatever you want, for as long as you want. But it is best to keep your statement short: 5-10 minutes or less. Focus on how the crime has affected you and any other pertinent information you want the Commissioners to know. Try not to repeat yourself.

If you are attending with another family member or representative, talk to each other about your statements before the hearing. Try not to say the same thing as another person.

For more information on how to submit a written, audio or video statement, contact Office of Victim and Survivor Rights and Services. Ask them to send you the *Board of Parole Hearings Handbook*.



Sometimes it's better to **NOT** send a statement

Do **not** mail your statement if

- You are going to the hearing, or
- Someone will read your statement at the hearing...

That's because the inmate will probably get a copy of your statement before the hearing. He or she will have time to respond to all of your concerns at the hearing.

Instead, give a copy of your statement to the district attorney assigned to the hearing. If something happens that prevents you from going to the hearing, the DA will be able to read or submit your statement to the panel.

What has the most impact in the parole hearing?

Hearing from the people who knew or know the victim has the most impact on the Parole Board. If you are the victim, having you in the hearing room talk about how the crime changed your life.

If the victim is a loved one who was killed, have people who knew the victim talk, or send letters, about what he or she was like and what their life is like without the victim.

How to get ready for the parole hearing

Start early! Don't wait for your Notice to start getting ready.

Think about what you want to say and make notes.

Your statement is very important. What you say helps the Commissioners see how serious the crime is and how it affected you and your loved ones. What do you want the Commissioners to know about you and the other victims? They mostly know about the inmate and the crime.

Going to the hearing lets the Commissioners see you, the victim.

They also want to know if the inmate is a risk to public safety. If the state decides an inmate is a risk, the inmate will NOT be paroled.

What should I wear to the parole hearing?

Dress in business clothes, like you are going for a job interview:

- Slacks, pants or a skirt (below the knee)
- Shirt or blouse
- Neat shoes

You should *not* wear:

- Clothes that are tight, show your belly or cleavage
- Short skirts
- Tank tops, tube tops, or sleeveless shirts
- High heels over 3", open toe shoes, sandals or flip-flops
- Jeans
- Blue, orange or camouflage clothing.
(Inmates wear blue, denim and orange clothing.)

The night before the parole hearing

- If someone from the DA's office is going to the hearing, call to check in and see if there are any last minute changes. Plan where you will meet the next day.
- Have your clothes ready.
- Have your statement and any photos you want to take ready to go. Put them in a bag or by the front door, so you won't forget them.
- Please see the list below of things you can and cannot take to a prison.
- Plan your trip to the prison, including how long it takes to get there.
- Try to eat dinner, go to bed early, and get a good night's sleep.

The morning of the parole hearing

- Try to eat breakfast, even if you are not hungry. It is going to be a long day.
- Get there at least 30 minutes before the hearing.

You must bring:

- Picture ID (driver's license, state ID card, or armed forces ID card, or other government ID with photo.) Check with OVSRS for a list of acceptable forms of ID.
- Your gate clearance. OVSRS or the prison will send it to you before the hearing.

You can take:

- Handkerchief or tissues
- A pad of paper and a pen or pencil
- A book
- Small clear change purse
- Snack, such as fruit, granola bar, candy bar, or small sandwich
- Bottle of water
- Medications or medical equipment and supplies you need
- Photos of the victim, if the victim has died. Photos can be any size, but cannot be in a frame. Bring an extra photo for the DA's file.



You may NOT take:

- Chewing gum
- Purse or briefcase
- Cell phone, pager, recording device or camera
- Tobacco
- Pocketknives
- Car keys (check these at the gate)
- Tablets or iPads

When you arrive at the prison

You will check in with a Correctional Officer. You will go through a metal detector. If you have any metal on you, such as an underwire bra or metal plates, you may set off the alarm. If your bra sets off the alarm, a female guard will scan you with a hand “wand.”

After you check in and go through security, a prison officer will take you to a waiting room. You will wait here until the parole hearing starts.

What happens at the parole hearing?

The Commissioners will ask the inmate questions to decide if the inmate is ready for parole.

The inmate and/or the inmate’s lawyer will answer questions.

They will try to show that the inmate has become a better person while in prison.

The inmate and lawyer may NOT ask you or anyone representing the victim any questions.

The Commissioners will want to know if the inmate:

- Behaved well or got in trouble while in prison,
- Learned a trade so they can get a job if released,
- Completed high school/college while in prison,
- Is participating in therapy or self-help programs, like drug and alcohol counseling, and
- Has a plan for what they will do, where they will live, etc. if they are released from prison.

Note: The Commissioners will praise the inmate for good behavior and progress made in prison. They may also point out problems the inmate had while in prison. This does not mean they believe the inmate is or is not ready for parole.

The crime will be described

The Commissioners will describe the crime in detail. If you do not want to hear these details, ask leave the room for that part of the hearing.

Do not react to what the Commissioners, the inmate and their lawyer says. It is okay if you become emotional. If you need a break, let the Commissioners know.



Important! Even if you get upset at the hearing, you must act appropriately. Do not talk, have outbursts, swear or threaten the inmate during the hearing. The parole hearing may last for a couple hours, or it may last several hours. Wait quietly until your turn to speak.

When is it my turn to speak?

You will be the last person to speak.

Speak clearly. Speak directly to the Commissioners. Do not speak to the inmate or the inmate's lawyer.

It can be scary to speak at a parole hearing.

If you become too emotional to speak:

- Let someone else speak until you are ready,
- Have someone else read your statement, or
- Ask to take a short break.

If you can't speak at all, it is OK. Just being at the hearing makes a difference. You can give your written statement to the Commissioners. Ask the district attorney, your support person, representative, or the Commissioner to read your statement for you.

How do the Commissioners decide?

After you speak, the Commissioners ask everyone to leave the room. They may take up to an hour (sometimes more) to make their decision. Then they call everyone back and say their decision.

The Commissioner's Decision

The Commissioners can either:

- *grant* (approve) parole, or
- *deny* (not approve) parole.

If they decide the inmate is **not** suitable at this time, they will *deny* parole. They may deny parole for 3, 5, 7, 10, or 15 years. The number of years depends on the reason for the denial. If you want to get Notices about future parole hearing, make sure the OVSRS has your correct contact information.

If they decide the inmate **is** suitable at this time, they will *grant parole*. They will explain how and why they made their decision. The inmate is not set free right away. The Board of Parole Hearings and the Governor must review the decision. The inmate will stay in prison until the review is complete. This can take up to 4 months.

If you disagree with the decision to grant parole, you may contact the Governor's Legal Affairs Secretary and ask them to reject parole. The Governor's Office contact information is at the end of this Guide.

You may ask that the inmate not be allowed to live near you

If you are the direct victim of the crime, you may fill out form CDCR 1707 to ask that the inmate not be allowed to live within 35 miles of you. Contact OVSRS for help updating your form. Call: **1-877-256-6877**



Reimbursement

The Office of Victim and Survivor Rights and Services may reimburse you for some of your travel costs to go to the parole hearing, such as hotel or plane fare, up to a certain amount. Call to find out: **1-877-256-6877**.

I-CAN Crime Victims Assistance Network

Helps victims of violent crimes by providing free services and support in Spanish and English, including therapy services, emotional support, help applying for victim's compensation, court/parole hearing support, referrals to community resources for victims and their families.

 916-273-3603

 www.ican-foundation.org

 getinfo@ican-foundation.org

Resources

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

 P.O. Box 942883
Sacramento, CA 94283-001

Find valuable information at the OVSRS website to help you get ready for the parole hearing.

 1-877-256-0VSS (6877)

 [www.cdcr.ca.gov/
Victim_Services](http://www.cdcr.ca.gov/Victim_Services)

California District Attorneys Association

They can give you a list of each District Attorney Office in California, and their contact information.

 916-443-2017

 [www.cdaa.org/
district-attorney-roster](http://www.cdaa.org/district-attorney-roster)

California Victim Compensation Board

Helps reimburse victims of violent crimes for certain crime-related expenses. Victims have the right to apply for reimbursement for losses such as: medical, funeral, relocation, income, and others.

 1-800-777-9229

 www.victims.ca.gov

Office of the Governor

 State Capitol Building
Sacramento, CA 95814

 916-445-2841

 Fax: 916-558-3160

 www.gov.ca.gov



I-CAN's mission is to support, educate and empower victims of crime. We provide free services to victims and their loved ones, in English and Spanish. This publication is about Parole Hearings. Learn more about I-CAN's services, resources, and referrals. Call or visit us online.

 916-273-3603

 www.ican-foundation.org

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