

**State of California
Office of Administrative Law**

In re:
Division of Juvenile Justice

Regulatory Action:

Title 15, California Code of Regulations

Amend sections: 4900, 4927, 4935, 4936,
4937, 4938, 4939
Repeal sections: 4939.5, 4961.1, 4972, 4975,
4977, 4977.5, 4977.6,
4977.7, 4978, 4979, 4980,
4981, 4982, 4983, 4983.5

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,
Section 100

OAL Matter Number: 2019-0207-03

OAL Matter Type: Nonsubstantive (N)

This action by the Division of Juvenile Justice amends and repeals regulations, without regulatory effect, regarding the revocation or suspension of juveniles on parole to align with Senate Bill 1021 (Stats. 2012, ch. 41).

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: March 21, 2019



Nicole C. Carrillo
Attorney

Original: Charles Supple, Director
Copy: Shelly Jones

STD. 400 (REV. 01-2013)

NO SUBSTANTIVE

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0207-03N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAR 21 2019

1:47 PM

2019 MAR 20 P 12:22
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Division of Juvenile Justice	AGENCY FILE NUMBER (if any) 18-002
--	---------------------------------------

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Board of Juvenile Hearings Parole Violation, Detention, and Revocation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL
TITLE(S) 15	See appendix A

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Shelly Jones	TELEPHONE NUMBER 916-683-7473	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) shelly.jones@cdcr.ca.gov
-----------------------------------	----------------------------------	-----------------------	---

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 3/19/19
TYPED NAME AND TITLE OF SIGNATORY Charles Supple, Director, Division of Juvenile Justice	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 21 2019

Office of Administrative Law

Appendix A

Agency File No. 18-002

Form 400 – Section B.2.

Amend: 4900, 4927, 4935, 4936, 4937, 4938, and 4939

Repeal: 4939.5, 4961.1, 4972, 4975, 4977, 4977.5, 4977.6, 4977.7, 4978, 4979, 4980, 4981, 4982, 4983, and 4983.5

TEXT OF PROPOSED REGULATIONS

In the following, ~~strikethrough~~ indicates deleted text and underline indicates additional text.

California Code of Regulations, Title 15, Division 4.5, Youthful Offender Parole Board

Table of Contents is amended in accordance with the succeeding regulatory changes to read:

- § 4927. Youth/~~Parolee/Parole Violator~~ Appearance and Audio Recording of Hearings
- § 4939. Authorized Appeal Actions for ~~Non-Revocation Related Appeals~~
- § 4939.5. Authorized Actions Relating to Parole Revocation Administrative Appeals [Repealed]
- § 4961.1. In-Custody Misconduct for Parole Violators [Repealed]
- Chapter 3. Board Rules Relating to Parole [Repealed]
- Article 1. General Provisions [Repealed]
- § 4972. Annual Good Cause Reviews [Repealed]
- § 4975. Parolees Living Out-of-State [Repealed]
- Article 2. Parole Violation [Repealed]
- § 4977. Protections Afforded a Parolee/Parole Violator in Parole Violation Matters [Repealed]
- § 4977.5. Not-In-Custody Hearings [Repealed]
- § 4977.6. Accommodations and Assistance for Parolees/Parole Violators with Disabilities and/or Effective Communication Needs [Repealed]
- § 4977.7. Remedies for Late Hearings in the Parole Revocation Process [Repealed]
- § 4978. Detention [Repealed]
- § 4979. Right to Legal Counsel [Repealed]
- § 4980. Rules for Parole Violation Hearings [Repealed]
- § 4981. Probable Cause/Detention Hearing [Repealed]
- § 4982. Violation of Parole [Repealed]
- § 4983. Disposition of a Parole Violation [Repealed]
- § 4983.5. Optional Waiver [Repealed]

Chapter 1. General Provisions

Article 1. Rules of Construction and Definitions

Section 4900 is amended to remove definitions for words specifically related to parolee and parole violator proceedings, and renumbered to read:

§ 4900. Rules of Construction and Definitions

(a) ~~(Reserved)~~

(b) ~~Definitions.~~ For the purpose of the regulations contained in this chapter the following words shall have the following meanings:

- ~~(1) Annual Good Cause Review. Reexamination of individual parolee cases by the Juvenile Parole Board which is held at intervals not exceeding one year for the purpose of determining whether existing orders and dispositions should be modified or continued in force.~~
- ~~(2) Board Coordinating Parole Agent. Juvenile Parole Board agent responsible for coordination and facilitation of parole revocation proceedings, ensuring coordination and communication with counsel and witnesses, assisting with the provision of necessary accommodations and effective communication for parolees, and providing security at parole revocation proceedings.~~
- ~~(3) Board Panel. A Juvenile Parole Board panel comprised of two qualified hearing officers. A quorum for a Board panel shall be two qualified hearing officers.~~

- ~~(4) Charges. Behaviors and corresponding codes describing the alleged violation(s) of parole conditions.~~
- ~~(5) Corrective Action Plan, DJJ 3.221 (REV 04/09), incorporated by reference. A treatment and supervision sanction in the community developed at the parole field unit level, imposed upon parolees in response to parole violations as an alternative to revocation for which detention is not warranted.~~
- ~~(6) Date of Discovery. The date that the Division of Juvenile Justice obtains knowledge that an alleged violation of parole has occurred.~~
- ~~(7) Day(s). Calendar days, unless otherwise specified.~~
- ~~(8) Detention Criteria. Factors or behavior(s) that may demonstrate a need for detention:~~
- ~~(A) Parolee is a danger to himself/herself;~~
- ~~(B) Parolee is a danger to the person or property of another;~~
- ~~(C) Parolee is a risk to abscond from parole supervision; or~~
- ~~(D) Parolee's mental state has deteriorated to the point where it is likely that there is a threat to public safety.~~
- ~~(9) Disability. A physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment or condition; or being regarded as having such an impairment or condition.~~
- ~~(10) Disciplinary Decision Making System. The Division of Juvenile Justice facility disciplinary system which has the ability to impose a sanction, deprive a youth of something possessed, or deny something which a youth reasonably expects as part of his/her prescribed program because the youth commits an institutional rule or law violation.~~
- ~~(11) Dismissal. Action required if there is insufficient evidence to support a probable cause finding at the Probable Cause Hearing, if there is insufficient admissible evidence to make a finding of good cause by a preponderance of the evidence at the Revocation Hearing or Revocation Extension Hearing, or in the interest of justice.~~
- ~~(12) Dual Commitment. A person who is under the jurisdiction of both the Division of Juvenile Justice and Division of Adult Operations of the California Department of Corrections and Rehabilitation.~~
- ~~(13) Effective Communication. Communication with persons with disabilities or those with limited English skills and reading ability that is as effective as communication with others. Effective communication may require the use of an appropriate auxiliary aid or service, or may be achieved by methods such as speaking clearly or using simple language and soliciting feedback to ensure understanding.~~
- ~~(14) Exit Interview. A meeting with a parole violator and a hearing officer of the Juvenile Parole Board prior to a parole violator's Revocation Release Date at which the general and special conditions of parole are issued and explained to the parole violator.~~
- ~~(15) Expedited Probable Cause Hearing. A Probable Cause Hearing held at an earlier stage in the proceedings upon sufficient offer of proof by the parolee or his/her counsel that there is a complete defense to all parole violation charges that are the basis for the parole hold.~~
- ~~(16) Full Board En Banc: A Juvenile Parole Board hearing conducted by a quorum of the five-member Juvenile Parole Board. Three members are necessary to form a quorum when making case decisions and no action shall be valid unless agreed to by a majority of those present.~~
- ~~(17) Full Board Panel: A Juvenile Parole Board panel comprised of three qualified hearing officers. A Commissioner shall be included in the panel when available.~~
- ~~(18) Good Cause. Justifiable, legitimate, and unforeseeable reason for the delay, asserted in good faith and caused by factors that are beyond the control of the Division of Parole Operations, the Juvenile Parole Board, or the Division of Juvenile Justice.~~
- ~~(19) Hearing Officer. A member or case hearing representative, who conducts youth case hearings.~~
- ~~(20) Not In Custody. A parolee who is not on a Division of Juvenile Justice Parole Hold.~~

~~(21) Not-In-Custody Hearing. A Revocation Hearing for a parolee who is not under a Division of Juvenile Justice parole hold.~~

~~(22) Notice of Charges, DJJ 3.274 (REV 04/09), incorporated by reference. An official action conducted by Division of Juvenile Justice staff to personally serve a parolee notice of the charges against him/her including a short factual summary of the charged conduct.~~

~~(23) Notice of Conditions of Parole, DJJ 3.207 (REV 04/10), incorporated by reference. A document that notifies a parolee of behavior and treatment requirements while under parole supervision.~~

~~(24) Notice of Parole Revocation Rights and Acknowledgement, DJJ 3.270 (REV 08/10), incorporated by reference. An advisement to a parolee of his/her procedural and due process rights in parole revocation proceedings.~~

~~(25) Parole Hold. Any invocation by the Division of Juvenile Justice of their authority to involuntarily detain a parolee for revocation proceedings and/or commence revocation proceedings pursuant to Welfare & Institutions Code §1767.3. This term shall not apply to the detention of a parolee who has absconded from the State of California until he or she is physically returned to the State of California and is in custody.~~

~~(26) Parole Placement Plans. A report prepared by the Division of Juvenile Parole Operations and provided to the Juvenile Parole Board in preparation for a parole violator's release to parole supervision, which includes but is not limited to: identified placement, recommended special conditions of parole, supervision plans, educational/vocational plans, and community treatment plans.~~

~~(27) Parole Violator. A parolee who violated a condition of parole, and who has been revoked and returned to custody.~~

~~(2811) Preponderance of Evidence. Standard of proof that requires a finding that it is more likely than not that a fact or charge is true.~~

~~(29) Probable Cause. Facts as would lead a person of ordinary caution and prudence to conscientiously entertain a strong suspicion that an alleged charge is true.~~

~~(30) Probable Cause Hearing. A hearing in which the juvenile parolee appears and at which it is determined whether there is probable cause to believe that the juvenile parolee has violated a condition of parole and, if so, whether the juvenile parolee should be detained during the revocation process.~~

~~(3412) Projected Juvenile Parole Board Date. Formerly known as parole consideration date, it is an interval of time in which a youth may reasonably and realistically be expected to achieve readiness for parole. It is not a fixed term or sentence, nor is it a fixed parole release date. It applies to youth who are serving their initial commitments to Division of Juvenile Justice and have not been paroled yet.~~

~~(3213) Reasonable Accommodation. A modification or adjustment that will help provide equal access to programs, activities and services for parolees with disabilities or effective communication needs.~~

~~(3314) Referee. Any qualified hearing officer sitting alone for the purpose of hearing cases.~~

~~(3415) Rescission Hearing. A Juvenile Parole Board hearing which may result in rescinding a youth's referral to parole.~~

~~(35) Return to Custody Assessment or Revocation Extension Assessment. A recommended disposition offered by the Juvenile Parole Board which is presented to the parolee prior to a Probable Cause Hearing (also referred to as "The Offer").~~

~~(36) Revocation Extension Hearing. The two-phase hearing (evidentiary and disposition) in which a parole violator appears before the Juvenile Parole Board, at which it is determined whether the preponderance of the evidence shows that the parole violator committed Willful Program Failure or Serious In-Custody Misconduct, and in which the parolee's parole violator's parole revocation period may be extended. A parole violator's parole revocation period may not~~

~~be extended because of the Division of Juvenile Justice's failure to provide a recommended program at all or in a timely manner.~~

~~(37) Revocation Extension Probable Cause Hearing. A hearing in which the parole violator appears and at which it is determined whether there is probable cause to believe that the parole violator committed either Serious In-Custody Misconduct or Willful Program Failure.~~

~~(38) Revocation Hearing. A two-phase hearing (evidentiary and disposition) at which it is determined whether the preponderance of the evidence shows that a parolee violated a condition of parole and whether the parolee should be returned to parole supervision or remanded to custody.~~

~~(39) Revocation Proceeding/Revocation Process. All stages of the process by which a parolee/parole violator may be returned to or retained in custody following an alleged parole violation up to and including the Revocation or Revocation Extension Hearings and any administrative appeal. In the case of alleged parole violators who are not in custody, the revocation process begins when the parolee is notified of the pending charges and of his or her rights.~~

~~(40) Revocation Release Date. The date in which a parole violator will be released to the community.~~

~~(41) Serious In-Custody Misconduct. In-Custody behavior by a parole violator that poses an immediate and serious threat to the safety and security of youth, staff or property within the facility.~~

~~(42) Sufficient Offer of Proof. A reasonable likelihood that a parolee would produce uncontroverted evidence of his/her innocence at an expedited probable cause hearing.~~

~~(43) Victim. A person against whom a parole violation has been committed.~~

~~(44) Violation Levels.~~

~~(A) Level 1: Minor violations of parole for which detention may not be warranted.~~

~~(B) Level 2: Selected minor law violations, moderate technical violations, or repetitive Level 1 behavior for which detention may not be warranted.~~

~~(C) Level 3: Any behavior that the Division of Juvenile Parole Operations believes represents a risk or threat to public safety. Level 3 violations are mandatory referrals to the Juvenile Parole Board.~~

~~(45) Willful Program Failure. Repeated and intentional refusal to attend and/or participate in a treatment and training program. The repeated refusal shall be documented by treatment staff. Staff shall specify the dates of non-participation and shall include information demonstrating that the parole violator does not have a mental or physical impairment that prevents him/her from fully participating in the program. A parole violator shall not be charged with willful program failure when program unavailability, facility lockdown, instructor absence or other circumstances beyond the parole violator's control prevent him/her from completing the program prior to the expiration of his/her revocation term.~~

Note: Authority cited: Section 1725, Welfare and Institutions Code. Reference: Sections 1711, 1714, 1716, 1719, 1720 and 1723, Welfare and Institutions Code.

Article 6. General Rules on Hearings

Section 4927 is amended to remove reference to parolees, parole violators, and proceedings related to parolees and parole violators, to read:

§ 4927. Youth/Parolee/Parole Violator Appearance and Audio Recording of Hearings

(a) All hearings shall be audio recorded when the youth/parolee/parole violator is present, with the exception of Probable Cause Hearings and Exit Interviews. The youth/parolee/parole

violate who is the subject of the hearing, his/her attorney, and with the youth's consent, anyone else eligible to appeal a Juvenile Parole Board Order, shall be permitted to listen to the recording. Recordings shall be retained for a period of 15 months from the date of the hearing.

(b) A youth shall attend all Division of Juvenile Justice facility hearings, with the exception of:

(1) Youth unable to attend due to medical reasons as determined by Division of Juvenile Justice medical staff.

(2) Youth housed at or committed to any non-Division of Juvenile Justice facility.

~~(3) Annual and/or progress reviews for youth on parole.~~

~~(c) Subsection (b) does not apply to revocation proceedings.~~

Note: Authority cited: Sections 1001, 1004, 1712 and 1719, Welfare and Institutions Code.

Reference: Sections 224.70(e), 1703(d) and 1723, Welfare and Institutions Code.

Article 7. Appeals

Section 4935 is amended remove reference to parolees, parole violators, and appeal of parole revocation proceedings, to read:

§ 4935. General Policy

An appeal is a written request to the Executive Officer or his/her designee for relief from any Juvenile Parole Board Order or policy which affects an individual youth/~~parolee/parole violator~~. Appeals may be filed by the youth/~~parolee/parole violator~~, parent or duly appointed guardian if the youth/~~parolee/parole violator~~ is under 18 years of age, or by an attorney representing the youth/~~parolee/parole violator~~. A youth/~~parolee/parole violator~~ shall be provided an Appeal Form, DJJ 1.316 (Rev 10/07) ~~for appealing non-revocation related issues or an Appeal of Parole Revocation Decisions form, DJJ 3.290 (NEW 01/09) for revocation related issues,~~ both incorporated by reference, to submit appeals, while other eligible appellants may appeal by letter. The time limitations in which an appeal may be filed as set forth in this chapter may be waived by the Executive Officer or his/her designee.

Note: Authority cited: Section 1719, Welfare and Institutions Code. Reference: Section 1723, Welfare and Institutions Code.

Section 4936 is amended remove reference to parolees and parole revocation proceedings, and renumbered to read:

§ 4936. Appeal Criteria

The basis for appeal shall be one or more of the following:

(a) The decision of the Juvenile Parole Board was based on a mistake of law.

(b) The decision of the Juvenile Parole Board was based on a mistake of fact.

~~(c) The parolee was unable to understand the proceeding and/or provided ineffective assistance of counsel due to mental illness or other physical disability that was not adequately accommodated.~~

~~(d)~~ (d) The Juvenile Parole Board failed to provide an impartial hearing officer.

~~(e)~~ (e) The decision of the Juvenile Parole Board was contrary to any of the provisions contained in Division 4.0, Chapter 4, Article 5 and Division 4.5 of Title 15, California Code of Regulations, and the outcome of the hearing would have been substantially different had the provisions been followed.

~~(f)~~ (f) The audio recording of the hearing is inaudible.

~~(g)~~ (g) There are extraordinary circumstances involved in the case which require Juvenile Parole Board action in order to further the interest of justice.

Note: Authority cited: Section 1766, Welfare and Institutions Code. Reference: Sections 1719 and 1723, Welfare and Institutions Code.

Section 4937 is amended remove reference to appeals of parole revocation proceedings, and renumbered to read:

§ 4937. Appeals

- (a) All appeals will be decided by the Executive Officer or his/her designee.
- ~~(b) For appeals relating to the parole revocation and revocation extension proceedings, there is only one level of appeal.~~
- ~~(c) For appeals relating to all other proceedings:~~
- (1**b**) The first level of appeal is the Executive Officer or his/her designee.
- (2**c**) The second level of appeal is the appeal panel which has the same composition as a Full Board Panel. Whenever possible, the appeal panel shall not include those persons whose decision is being appealed.
- (3**d**) The final level of appeal is the Full Board En Banc.

Note: Authority cited: Section 1725, Welfare and Institutions Code. Reference: Sections 1719 and 1723, Welfare and Institutions Code.

Section 4938 is amended remove reference to parolees and parole violators, to read:
§ 4938. Time Limits

- (a) There is a 20 business day time limit from the date of receipt of the written decision to file an appeal.
- (b) The Executive Officer or his/her designee shall decide on the appeal within ten (10) business days of receipt of the appeal.
- (c) No appeal shall be dismissed or denied because of technical defects.
- (d) The appeal decision shall be served on the youth/~~parolee/parole violator~~ within five (5) business days of the appeal decision.
- (e) Appeals from the decision of the Executive Officer or his/her designee shall be filed within ten (10) business days of receipt of the decision, and may be filed only when there is substantial new evidence not previously available to the Juvenile Parole Board.
- (f) Rehearings for appeals shall be scheduled within ten (10) business days of the order of any appeal body. Rehearings may be granted when a determination is made that there is insufficient information upon which to make an informed decision. Factual material deemed critical to the case decision shall be made known to those conducting the rehearing. Whenever possible, the rehearing shall be conducted by persons other than those persons whose decision was appealed.

Note: Authority cited: Section 1719, Welfare and Institutions Code. Reference: Sections 1723 and 1725, Welfare and Institutions Code.

Section 4939 is amended remove reference to appeals of parole revocation proceedings, to read:

§ 4939. Authorized Appeal Actions for ~~Non-Revocation-Related Appeals~~

- (a) The Executive Officer or his/her designee may take any one of the following actions:
 - (1) Deny the appeal.
 - (2) Order a rehearing.
 - (3) Order the matter referred to the appeal panel.
 - (4) Order the matter referred to the Full Board En Banc, when the Executive Officer or his/her designee:
 - (A) Determines a unanimous Full Board En Banc panel decision merits further action.

- (B) Determines an appeal justifies reconsideration of a Juvenile Parole Board policy.
- (b) The Executive Officer or his/her designee shall not modify prior Juvenile Parole Board actions.
- (c) The appeal panel may grant the appeal, deny the appeal, modify prior Juvenile Parole Board action, order a rehearing, or refer the case to the Full Board En Banc.
- (d) The Full Board En Banc may grant the appeal, deny the appeal, modify prior Juvenile Parole Board action, order a rehearing, and/or may consider a change in policy as a result of the appeal.

Note: Authority cited: Section 1719, Welfare and Institutions Code. Reference: Sections 1723 and 1725, Welfare and Institutions Code.

Section 4939.5 is repealed in its entirety as it is specifically related to appeals of parole revocation proceedings.

§ 4939.5. Authorized Actions Relating to Parole Revocation Administrative Appeals [Repealed]

~~(a) The Executive Officer or his/her designee may take any one of the following actions:~~

- ~~(1) Deny the appeal,~~
- ~~(2) Reverse the decision and grant appropriate relief,~~
- ~~(3) Grant a new hearing within ten (10) business days after the issuance of the Appeal Board Order, DJJ 1.311 (Rev 11/08), incorporated by reference. New hearings shall be scheduled according to Section 4938 and shall be conducted by a hearing officer other than the original hearing officer.~~

~~(b) If a new hearing is granted solely because the audio recording was inaudible, at the rehearing the Juvenile Parole Board shall not order a revocation term longer than the term imposed at the initial hearing.~~

Note: Authority cited: Section 1719, Welfare and Institutions Code. Reference: Sections 1723 and 1725, Welfare and Institutions Code.

Chapter 2. Board Rules Relating to Wards in Institutions and Camps

Article 4. Actions in Institutions

Section 4961.1 is repealed in its entirety as it is specifically related to parole violators.

§ 4961.1. In-Custody Misconduct for Parole Violators [Repealed]

~~(a) Disciplinary Decision Making System as set forth in Sections 4630 through 4654 applies to parole violators where the sanctions imposed do not extend a parole violator's confinement or Revocation Release Date.~~

~~(b) Any recommendation for an extension of the Revocation Release Date shall be referred to the Juvenile Parole Board for revocation extension proceedings. Parole violators undergoing revocation extension proceedings shall be provided the rights and processes outlined in Sections 4853 and 4977.~~

~~(c) Extensions of a parole violator's Revocation Release Date shall not occur except where the Juvenile Parole Board finds by a preponderance of the evidence that a parole violator has committed Serious In-Custody Misconduct or Willful Program Failure as defined in Section 4900.~~

~~(d) Pending a District Attorney Referral. If Level 3 Serious In-Custody Misconduct has been referred to the District Attorney for prosecution and charges have been filed, a parole violator may conditionally accept the Revocation Extension Assessment and conditionally waive a~~

~~Revocation Extension Hearing. He/she retains, however, the option to request a hearing once criminal proceedings are completed.~~

~~(1) This type of waiver is referred to as an "optional waiver".~~

~~(2) In order for a parole violator to be eligible to optionally waive his/her Revocation Extension Hearing, criminal charges must have been filed with the District Attorney on the same behavior as the Level 3 Serious In-Custody Misconduct.~~

~~(3) A hearing request must be received by the Juvenile Parole Board no later than 35 days before expiration of the revocation period as ordered by the Juvenile Parole Board.~~

~~(4) Upon receipt of a hearing request, the Juvenile Parole Board shall schedule an Optional Waiver Review. At the hearing, the hearing officer may take any appropriate action not to exceed the Revocation Extension Assessment.~~

~~(e) Dual Commitment Cases. The Division of Juvenile Parole Operations shall be responsible for revocation extension referrals for parole violators housed in institutions other than those operated by the Division of Juvenile Justice.~~

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1719, Welfare and Institutions Code.

Chapter 3 is repealed in its entirety as it is specifically related to parole.

Chapter 3. Board Rules Relating to Parole [Repealed]

Article 1 of Chapter 3 is repealed in its entirety as it is specifically related to parole.

Article 1. General Provisions [Repealed]

Section 4972 is repealed in its entirety as it is specifically related to proceedings for parolees.

§ 4972. Annual Good Cause Reviews [Repealed]

~~The Board shall at least annually reexamine the case of each parolee. This shall be for the purpose of determining whether the existing order or disposition shall be modified or continued in force.~~

~~(a) Initial Review. The initial annual review shall be conducted no later than one year from the date of a parolee's last institution appearance prior to his/her release on parole. A Board review or a disposition report which describes a parolee's progress to date while on parole may serve as an annual review. When this occurs the next annual review date shall be no later than one year from the review of a disposition report.~~

~~(b) (Reserved)~~

~~(1) The parolee shall be notified of the date, time, and place of his/her scheduled annual review at least ten days prior to such review. Along with this notice, the parolee shall be provided a copy of the report submitted to the Board by his/her parole agent.~~

~~(2) The parolee may appear before the Board for his/her annual review unless he/she chooses not to or when he/she is in custody in a non-Youth Authority institution.~~

Note: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1761 and 1720, Welfare and Institutions Code.

Section 4975 is repealed in its entirety as it is specifically related to parolees.

§ 4975. Parolees Living Out-of-State [Repealed]

~~The Board authorizes a parole agent to grant permission for a parolee to leave the State of California and take up residence in another state when it is in the best interests of the parolee.~~

Note: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Section 1300, Welfare and Institutions Code; and Section 1203, Penal Code.

Article 2 of Chapter 3 is repealed in its entirety as it is specifically related to parole.

Article 2. Parole Violation [Repealed]

Section 4977 is repealed in its entirety as it is specifically related to parolees, parole violators, and parole violation proceedings.

§ 4977. Protections Afforded a Parolee/Parole Violator in Parole Violation Matters [Repealed]

~~(a) Parolees/parole violators detained in custody will have the following rights in revocation and revocation extension proceedings:~~

~~(1) To receive written notice of the rights outlined herein. For parole revocation cases, this notice of rights must be served on the parolee within three (3) business days after the parole hold.~~

~~(2) To receive written notice of the charges against him or her. For parole revocation cases, this notice of charges must be served on the parolee within three (3) business days after the parole hold.~~

~~(3) To receive a copy of all evidence that will be used against the parolee/parole violator unless it is deemed confidential.~~

~~(4) An attorney to represent the parolee/parole violator during the revocation and revocation extension process in accordance with Section 4979. A parolee/parole violator has the right to retain a private attorney or to be represented by his/her public defender.~~

~~(5) A Probable Cause Hearing.~~

~~(A) In the revocation process this shall occur within thirteen (13) business days following the parole hold.~~

~~(B) In the revocation extension process this shall occur within thirteen (13) business days following service of the notice of rights to the parole violator.~~

~~(C) The parolee/parole violator has the right to request an expedited Probable Cause Hearing if there is evidence that shows he or she is completely innocent of the charges.~~

~~(6) If the charges are not resolved at the Probable Cause Hearing, the parolee/parole violator will have a right to a Revocation or Revocation Extension Hearing.~~

~~(A) Revocation Hearings shall take place within thirty-five (35) calendar days following a parole hold.~~

~~(B) Revocation Extension Hearings shall take place within thirty-five (35) calendar days following the notice of rights to the parole violator.~~

~~(C) He/she shall have the right to receive notice of the date and time of the hearing.~~

~~(7) To be heard in person and to present witnesses and documentary evidence in his/her defense at a Revocation or Revocation Extension Hearing.~~

~~(A) For Parole Revocation Hearings, the parolee shall have the right to subpoena witnesses and present evidence to the same extent and on the same terms as the Division of Juvenile Justice, including the right to question live witnesses through his/her attorney.~~

~~(B) For Revocation Extension Hearings, the right to call witnesses and present documentary evidence is limited by institutional safety and correctional goals.~~

~~(8) To accommodations and assistance sufficient to ensure equal access to and effective communication during the revocation/revocation extension process as outlined in Section 4977.6.~~

~~(9) To a neutral and detached hearing officer.~~

~~(10) To a written decision by the hearing officer addressing the evidence relied on and the reasons for the decision.~~

~~(11) To receive an audible audio recording of the Revocation or Revocation Extension Hearing within ten (10) business days from the date the Juvenile Parole Board receives a written request for the recording.~~

~~(12) To file an appeal with the assistance of an attorney within 20 business days of receipt of the written hearing decision.~~

Note: Authority cited: Section 1766, Welfare and Institutions Code. Reference: Sections 1719 and 1723, Welfare and Institutions Code.

Section 4977.5 is repealed in its entirety as it is specifically related to parolees, parole violators, and parole revocation proceedings.

§ 4977.5. Not-In-Custody Hearings [Repealed]

~~(a) A parolee who is not detained in custody on a Division of Juvenile Justice parole hold while undergoing revocation proceedings is considered to be a Not-In-Custody status case.~~

~~(b) A parolee charged with a violation of parole who is Not-In-Custody has the following rights:~~

~~(1) To receive written notice of the rights outlined herein within ten (10) business days after the date of discovery.~~

~~(2) To receive written notice of the charges against him/her within ten (10) business days after the date of discovery.~~

~~(3) To receive a copy of all evidence that will be used against the parolee unless it is deemed confidential.~~

~~(4) An attorney to represent the parolee during the revocation process in accordance with Section 4979. A parolee has the right to retain a private attorney or to be represented by his/her public defender.~~

~~(5) A Revocation Hearing that shall take place within sixty (60) calendar days after the parolee has been served with the notice of rights and charges.~~

~~(6) To be heard in person and to present witnesses and documentary evidence in his/her defense at the Revocation Hearing.~~

~~(7) To accommodations and assistance sufficient to ensure equal access to and effective communication during the revocation extension process as outlined in Section 4977.6.~~

~~(8) To a neutral and detached hearing officer.~~

~~(9) To a written decision by the hearing officer addressing the evidence relied upon and the reasons for the decision.~~

~~(10) To receive an audible audio recording of the Revocation Hearing within ten (10) business days of Juvenile Parole Board's receipt of a written request.~~

~~(11) To file an appeal with the assistance of an attorney within twenty (20) business days of receipt of the written hearing decision.~~

~~(c) A parolee charged with a violation of parole who is Not-In-Custody does not have the right to a Probable Cause Hearing.~~

Note: Authority cited: Sections 1001, 1004 and 1712, Welfare and Institutions Code. Reference: Sections 1714, 1719 and 1723, Welfare and Institutions Code.

Section 4977.6 is repealed in its entirety as it is specifically related to parolees, parole violators, and parole revocation proceedings.

§ 4977.6. Accommodations and Assistance for Parolees/Parole Violators with Disabilities and/or Effective Communication Needs [Repealed]

~~(a) Parolees/parole violators shall have the following rights to reasonable accommodations and effective communication during revocation and revocation extension proceedings to ensure meaningful participation:~~

- ~~(1) To receive accommodation for disabilities and effective communication assistance throughout the revocation or revocation extension process.~~
- ~~(2) To receive help talking, reading, hearing, seeing, understanding or getting to hearings.~~
- ~~(3) To receive help in meeting with counsel.~~
- ~~(4) To receive the assistance of a foreign language interpreter if the parolee/parole violator does not speak English.~~
- ~~(5) To receive the assistance of a sign language interpreter if the parolee/parole violator is deaf and uses sign language.~~
- ~~(6) To receive help reading all related forms and papers.~~
- ~~(7) To use special transportation if needed to attend hearings.~~
- ~~(8) To file a grievance or appeal if the parolee/parole violator did not receive the help he/she needed.~~

Note: Authority cited: Section 1766, Welfare and Institutions Code. Reference: Sections 1714, 1719 and 1767.35, Welfare and Institutions Code.

Section 4977.7 is repealed in its entirety as it is specifically related to parolees, parole violators, and parole revocation proceedings.

§ 4977.7. Remedies for Late Hearings in the Parole Revocation Process [Repealed]

~~(a) Any reduction for timeframe violations that a parolee is entitled to as explained within this section shall not affect the hearing officer's determination of the appropriate case disposition.~~

~~(b) Late Probable Cause Hearing Remedy.~~

~~(1) If the Probable Cause Hearing for an In-Custody parolee occurs after the thirteenth (13th) business day but before the thirty-fifth (35th) calendar day following placement of the parole hold without a showing of good cause, the remedy shall be a hearing to be held at the earliest possible date.~~

~~(2) If the Probable Cause Hearing for an In-Custody parolee occurs after the thirty-fifth (35th) calendar day following placement of the parole hold without a showing of good cause, the parolee shall be entitled to a reduction in his/her return to custody by one day for every day the Probable Cause Hearing occurs beyond the thirty-fifth (35th) calendar day.~~

~~(c) Late Revocation Hearing Remedy.~~

~~(1) If the Revocation Hearing for an in-custody parolee occurs after the thirty-fifth (35th) calendar day following placement of the parole hold without a showing of good cause, the parolee shall be entitled to a reduction in his/her return to custody by one day for every day the Revocation Hearing is late.~~

~~(2) If the Revocation Hearing for an In-Custody parolee occurs after ninety (90) calendar days following the placement of a parole hold without a showing of good cause, prejudice shall be presumed, the case shall be dismissed, the Division of Juvenile Justice parole hold must be withdrawn and, assuming there are no other holds, the parolee released as soon as possible but no later than three (3) business days from the ninety-first (91st) day.~~

~~(d) Late Not-In-Custody Revocation Hearing Remedy.~~

~~(1) If the Not-In-Custody Revocation Hearing occurs after the sixtieth (60th) calendar day following service to the parolee of the notice of charges without a showing of good cause, the remedy shall be a hearing unless the parolee can demonstrate actual prejudice as a result of the delay.~~

~~(e) Late Revocation Extension Hearing Remedy.~~

~~(1) If the Revocation Extension Hearing occurs after the thirty-fifth (35th) calendar day following service to the parolee of the notice of charges with or without a showing of good cause, the hearing shall be held at the earliest possible date.~~

~~(2) For parole violators held beyond their Revocation Release Date due to pending revocation extension charges, if the Revocation Extension Hearing occurs after the thirty-fifth (35th) calendar day following the notice of charges without a showing of good cause, the parole violator shall be entitled to a reduction in his/her extension by one day for every day the Revocation Extension Hearing is late.~~

~~(3) For parole violators held beyond their Revocation Release Date, if the Revocation Extension Hearing does not occur within ninety (90) calendar days following the notice of charges without a showing of good cause, prejudice shall be presumed, the case shall be dismissed, an Exit Interview shall be conducted, the Division of Juvenile Justice parole hold must be withdrawn and, assuming there are no other holds, the parole violator released as soon as possible but no later than three (3) business days from the ninety-first (91st) day.~~

Note: Authority cited: Section 1766, Welfare and Institutions Code. Reference: Sections 1719 and 1723, Welfare and Institutions Code.

Section 4978 is repealed in its entirety as it is specifically related to parolees, parole violators, and parole revocation proceedings.

§ 4978. Detention [Repealed]

~~(a) Criteria for Detention. A parolee may be detained when it is determined it is more likely than not there is a substantial risk that unless he/she is detained:~~

~~(1) The parolee is a danger to himself/herself;~~

~~(2) The parolee is a danger to the person or property of another;~~

~~(3) The parolee is a risk to abscond from parole supervision; or~~

~~(4) The parolee's mental state has deteriorated to the point where it is likely that there is a threat to public safety.~~

~~(b) Authority to Detain.~~

~~(1) The Juvenile Parole Board may detain a parolee upon a determination that a criterion for detention criteria has been met and that probable cause exists to believe a parolee has violated a condition of parole.~~

~~(c) Time Limits on Detention Prior to Juvenile Parole Board Hearings.~~

~~(1) No later than two (2) business days after the parole hold is placed, the Parole Agent and the Supervising Parole Agent will confer to determine:~~

~~(A) Whether there is probable cause to believe that the parolee violated a condition of parole.~~

~~(B) Whether the parolee meets any of the detention criteria and should be detained pending a formal Probable Cause Hearing.~~

~~(2) A parolee who is in custody and has been charged with a parole violation has a right to a Probable Cause Hearing before the Juvenile Parole Board within thirteen (13) business days of a Division of Juvenile Justice initiated parole hold to determine:~~

~~(A) Whether there is probable cause to believe that he/she has violated a condition of parole; and~~

~~(B) Whether he/she should remain in custody pending the outcome of the revocation proceedings.~~

~~(3) If the Juvenile Parole Board finds that a criterion for detention has not been met, or that there is no probable cause to believe that a parolee violated a condition of parole, the Division of Juvenile Justice parole hold must be withdrawn and, assuming there are no other holds, the parolee released as soon as possible but no later than three (3) business days from the date of the hearing.~~

~~(d) Changes to Conditions Supporting Detention.~~

~~(1) A Parole Agent shall ensure that a detained parolee can communicate with him/her at any reasonable time when the parolee has new information which might possibly change a detention decision.~~

~~(2) When a hearing officer has ordered a parolee detained, release from detention requires approval by the Juvenile Parole Board. Parole staff shall contact the hearing officer making the original order, or in his/her absence, another hearing officer when new information indicates detention is no longer required. The hearing officer may give verbal approval for withdrawal of the detention order with the stipulation that a written report will be presented at a non-appearance parole calendar explaining the action.~~

~~(3) When court action is extended and the parolee is detained, the Division of Juvenile Justice may consider placing the parolee in a Division of Juvenile Justice facility. This may occur when it is deemed to be in the best interest of the parolee, and provided it does not interfere with the court process.~~

~~(e) Parolees undergoing court action in other states and/or being held by the Division of Juvenile Justice in other states, will be processed in the same manner as other parolees in the violation process except as follows:~~

~~(1) Detention of parolees in other states by the Division of Juvenile Justice will be reported to the Juvenile Parole Board at a parole calendar within sixty (60) days of such detention.~~

~~(2) Revocation process time limits for parolees being detained out of state will be suspended until the date the parolee is returned to California.~~

Note: Authority cited: Sections 1767.3 and 1767.6, Welfare and Institutions Code. Reference: Sections 1719, 1766 and 1767.35, Welfare and Institutions Code.

Section 4979 is repealed in its entirety as it is specifically related to parolees, parole violators, and parole revocation proceedings.

§ 4979. Right to Legal Counsel [Repealed]

The Juvenile Parole Board shall appoint counsel to represent all parolees and parole violators in the revocation and revocation extension processes.

(a) Appointment of Attorneys

~~(1) For revocation proceedings, the Division of Juvenile Parole Operations shall notify a parolee's counsel of record or public defender, who represented him/her for the committing court offense, of the imposition of a parole hold within four (4) business days after the hold.~~

~~(2) An attorney will be appointed to represent a parolee/parole violator:~~

~~(A) On or before the eighth (8th) business day following the parole hold for detained/in-custody parole revocation proceedings.~~

~~(B) On or before the twenty-first (21st) business day following service of the Notice of Charges, DJJ 3.274 (REV 04/09), for Not-In-Custody parole revocation proceedings, or~~

~~(C) On or before the eighth (8th) business day from the date of notice to the parole violator for revocation extension proceedings.~~

~~(3) A parolee/parole violator shall have the right to be represented by counsel during the administrative appeal of the Juvenile Parole Board's revocation or revocation extension decision.~~

~~(4) A parolee/parole violator shall have the right to obtain counsel of his or her own choosing at his or her own cost. Such counsel shall have the same rights, except as to compensation, as to counsel appointed by the Juvenile Parole Board.~~

~~(b) Attorney Access.~~

~~(1) At the time of appointment, counsel shall be provided with all of the evidence in the State's possession on which it intends to rely or which may be exculpatory.~~

~~(2) A parolee/parole violator's counsel shall not be denied reasonable access to all of his/her client's files.~~

~~(3) At the time of appointment, counsel representing parolees/parole violators who have difficulty in communicating or participating in revocation or revocation extension proceedings because of a disability or effective communication needs, shall be informed of the nature of the difficulty, including but not limited to mental illness, other cognitive or communication impairments, illiteracy, limited-English language proficiency, and the need for a foreign language or sign language interpreter.~~

~~(4) Counsel shall be given reasonably adequate time to represent the parolee/parole violator properly at each stage of the proceeding, including administrative appeals.~~

Note: Authority cited: Section 1766, Welfare and Institutions Code. Reference: Sections 1714, 1719 and 1767.35, Welfare and Institutions Code.

Section 4980 is repealed in its entirety as it is specifically related to parole revocation proceedings.

§ 4980. Rules for Parole Violation Hearings [Repealed]

The Juvenile Parole Board has established the following rules for all hearings relating to parole violation proceedings.

~~(a) When a parolee is being held in custody, the hearings to determine probable cause or violation of parole shall be held within the county or within fifty 50 miles of where the alleged violation occurred, absent a waiver.~~

~~(b) The parolee shall be present during the hearing. If the parolee is under 18 years of age, the parents or guardians shall be notified and may attend the hearing.~~

~~(c) The hearing officer shall familiarize himself/herself with necessary reports and supporting evidence prior to the hearing. This review will be limited to those materials relevant to the type of hearing to be conducted.~~

~~(d) The parolee may challenge any allegation of a violation brought exclusively by the Division of Juvenile Justice but cannot challenge a court conviction.~~

~~(e) The hearing officer shall limit the scope of the hearing to issues relevant to the particular hearing which is being held.~~

~~(f) During Probable Cause Hearings, the hearing officer may assume staff reports are true unless the accuracy of the information is successfully challenged at the hearing.~~

~~(g) Parolees shall have the right to subpoena witnesses to appear at a Revocation Hearing. The parolee shall be advised of the witnesses that the Division of Juvenile Justice intends to subpoena. If a hearing officer determines based on objective factors that a witness is fearful and that face-to-face confrontation would result in significant emotional distress to the witness, that witness may testify outside of the presence of the parolee. The hearing officer shall allow the parolee's counsel to cross-examine the witness and a reasonable amount of time to consult with the parolee about the witness's testimony.~~

~~(h) Evidence or documents not provided to the parolee's counsel at least forty-eight (48) hours prior to the hearing shall not be admitted or considered in the hearing unless the Division of Juvenile Justice can show good cause for the delay.~~

~~(i) The use of hearsay evidence in a Revocation Hearing shall be limited by the parolee's confrontation rights in the manner set forth in controlling legal authority.~~

~~(j) Any person, including the parolee, who disrupts a hearing, may be excluded from further participation by the hearing officer.~~

~~(k) The hearing officer is responsible for assuring that the parolee has had a full opportunity to present all relevant information in his/her own behalf.~~

~~(l) The hearing officer shall record findings of specific violations with respect to the charges shown in the notice of charges. He/she shall record all orders made at the hearing.~~
~~(m) All Revocation and Extension Hearings shall be audio recorded and a written record will be made for the proceeding. The parolee shall be informed of his/her right to receive an audible copy of the audio recording of the hearing. Division of Juvenile Justice shall take necessary steps to ensure that such proceedings are appropriately recorded. Probable Cause Hearings/Optional Waiver Reviews may not be recorded.~~

~~Note: Authority cited: Section 1766, Welfare and Institutions Code. Reference: Section 1723, Welfare and Institutions Code.~~

Section 4981 is repealed in its entirety as it is specifically related to parole revocation proceedings.

§ 4981. Probable Cause/Detention Hearing [Repealed]

~~(a) A parolee who is in custody while undergoing parole revocation proceedings initiated by Division of Juvenile Justice has a right to a Probable Cause Hearing before the Juvenile Parole Board. This hearing shall be conducted no later than thirteen (13) business days after imposition of a Division of Juvenile Justice parole hold. The Probable Cause Hearing has two (2) purposes:~~
~~(1) To determine whether there is probable cause to believe the parolee has violated a law or condition of parole. Probable cause requires facts that would lead a person of ordinary caution and prudence to conscientiously entertain a strong suspicion that the alleged charge is true.~~
~~(2) To determine, where probable cause is established the Juvenile Parole Board, whether the parolee should continue to be detained pending resolution of the alleged charges.~~
~~(b) Probable cause for a law violation may be established by:~~
~~(1) A finding by a court that a crime was committed and that the parolee committed the crime. In this instance the hearing officer shall establish probable cause by determining the parolee appearing before him/her is the same subject who appeared before the court.~~
~~(2) A finding by the hearing officer that a violation of law occurred and that there is probable cause to believe the parolee was the person who committed the crime.~~
~~(c) A hearing officer may order a parolee detained following the establishment of probable cause provided the parolee meets a criterion for detention as set forth in Section 4978.~~
~~(d) When a hearing officer finds probable cause but orders that a parolee not be detained pending resolution of the charges, the Division of Juvenile Justice parole hold must be withdrawn and assuming there are no other holds, the parolee released as soon as possible, but no later than three (3) business days from the date of the hearing. If released, the parolee will have a Not In-Custody Revocation Hearing. Regardless of whether the parolee is being held on other holds, timeframes for Not In-Custody Revocation Hearings will apply.~~
~~(e) When a hearing officer dismisses the charges or orders that the parolee be continued on parole, the Division of Juvenile Justice parole hold must be withdrawn and, assuming there are no other holds, the parolee released as soon as possible, but no later than three (3) business days from the date of the hearing.~~

~~Note: Authority cited: Section 1719, Welfare and Institutions Code. Reference: Sections 1719, 1723 and 1766, Welfare and Institutions Code.~~

Section 4982 is repealed in its entirety as it is specifically related to parolees, parole violators, and parole revocation proceedings.

§ 4982. Violation of Parole [Repealed]

~~(a) When a parolee is alleged to have violated a condition of parole, he/she is placed into the violation process. There are two (2) categories of parole violations:~~

~~(1) Law Violation. A court finding of a violation of law establishes a violation of a condition of parole.~~

~~(2) Technical Violation. A violation of a general or special condition of parole.~~

~~(b) The Division of Juvenile Parole Operations violation process has three (3) levels:~~

~~(1) Level 1: Minor violations of parole for which detention may not be warranted.~~

~~(2) Level 2: Selected minor law violations, moderate technical violations, or repetitive Level 1 behavior for which detention may not be warranted.~~

~~(3) Level 3: Any behavior that the Division of Juvenile Parole Operations believes represents a risk or threat to public safety. This includes serious technical and/or law violations, and/or any Level 1 or Level 2 behavior that is exacerbated by repetition, severity and/or relation to the youth's original commitment offense.~~

~~(c) Level 1 and Level 2 behavior may be resolved at the field parole unit level through the imposition of a Corrective Action Plan, DJJ 3.221 (REV 04/09). Level 3 behavior shall be reported to the Juvenile Parole Board. However, the Juvenile Parole Board must first establish that there has been a violation of a condition of parole before a parolee may be deprived of his liberty through revocation of parole.~~

~~(d) A preponderance of the evidence standard of proof shall be applied by the Juvenile Parole Board during a Revocation Hearing to determine whether a parolee has violated a condition of parole. This means a hearing officer shall decide whether it is more likely than not that a parolee did violate a condition of parole as alleged.~~

Note: Authority cited: Section 1766, Welfare and Institutions Code. Reference: Sections 1719, 1723 and 1767.3, Welfare and Institutions Code.

Section 4983 is repealed in its entirety as it is specifically related to parole revocation proceedings.

§ 4983. Disposition of a Parole Violation [Repealed]

~~(a) The Juvenile Parole Board shall make a written order documenting its findings and imposing a disposition in all parole revocation proceedings. A copy of this written board order shall be provided to the parolee and to his/her attorney at the conclusion of the hearing.~~

~~(b) The dispositions that the Juvenile Parole Board may consider are:~~

~~(1) Dismissal of the charges is warranted~~

~~(2) Continuing the parolee on parole.~~

~~(3) Revoking parole and imposing a revocation term based upon the Parole Revocation Assessment Matrix, REV 11/2008 or the Revocation Extension Matrix, REV 12/2008, established by the Juvenile Parole Board. Upon revocation, the hearing officer shall establish a Revocation Release Date.~~

~~(4) Granting the parolee's request for an Optional Waiver~~

Note: Authority cited: Section 1719, Welfare and Institutions Code. Reference: Sections 1714, 1723 and 1766, Welfare and Institutions Code.

Section 4983.5 is repealed in its entirety as it is specifically related to parole revocation proceedings.

§ 4983.5. Optional Waiver [Repealed]

~~(a) A parolee, who is in custody and undergoing criminal prosecution for the same behavior that is grounds for an alleged violation, may conditionally waive a Revocation or Revocation Extension Hearing while still retaining the option to request a hearing at a later date. Upon receipt of a signed request by the parolee in which he/she elects to optionally waive his/her Revocation or Revocation Extension Hearing, his/her parole will be revoked or extended for the~~

~~time assessed by the Juvenile Parole Board based upon the established Parole Revocation Assessment Matrix, REV 11/2008 or the Revocation Extension Matrix, REV 12/2008.~~

~~(b) A parolee may later request a Revocation or Revocation Extension Hearing prior to the end of the optional waiver period. He/she is entitled to no more than one activation of an optional waiver. A hearing request must be postmarked and received by the Juvenile Parole Board no later than 35 days before expiration of the optional waiver revocation period ordered by the Juvenile Parole Board.~~

~~(c) If a parolee is still undergoing criminal prosecution when the optional waiver revocation period ends, the Division of Juvenile Justice parole hold will be dropped. However, the parolee may remain in local custody pending the outcome of the criminal prosecution.~~

~~Note: Authority cited: Section 1719, Welfare and Institutions Code. Reference: Sections 1714, 1723 and 1766, Welfare and Institutions Code.~~

Appeal of Parole Revocation Decision

DJJ 3.290 (NEW 01/09)

Log Number: _____

Name: _____ YA# _____

APPEAL OF PAROLE REVOCATION DECISION

You have the right to appeal a decision of the Juvenile Parole Board. You have the right to have your attorney help you with the appeal. There is only one level of appeal. You must send your appeal to the Juvenile Parole Board within twenty (20) work days from the date you get the written hearing order. (Please print neatly)

Juvenile Parole Board
Attn: Administrative Appeals
4241 Williamsborough Drive #217
Sacramento, CA 95823
Fax: (916) 262 2682

Date of Hearing _____ Type of Hearing _____ Location of Hearing _____

Attorney Information (if applicable):

Attorney Name: _____

Attorney Address: _____

Telephone Number: _____ Fax Number: _____

Email Address: _____

Basis of Appeal (check all that apply):

- The decision was a legal mistake (contrary to state/federal statute or controlling caselaw).
- The decision of the Juvenile Parole Board was based on a mistake of fact (there was not enough evidence to support the decision).
- I did not get the help I needed to read, see, hear, get to, speak at, or understand my hearing.
- The Juvenile Parole Board failed to provide an unbiased and fair hearing officer.
- The decision of the Juvenile Parole Board was contrary to a Juvenile Parole Board policy and the decision would have been different if the hearing officer followed the rules.
- The audio recording of the hearing is not understandable.
- There are extraordinary circumstances involved in the case which require Juvenile Parole Board action in order to further the interests of justice.

Explanation for reason for appeal (attach additional sheets as necessary):

Parolee Signature

Date

Attorney Signature

Date

REVOCATION EXTENSION MATRIX

Level 3 Violations, Categories and Codes

The following behaviors are Level 3 violations that may warrant referral to the Juvenile Parole Board for revocation extension proceedings. Each underlined major category contains a subset of descriptive violations. All facilities shall use the following violation codes for parole violators:

- 3A. **Individual, or group battery with or without a weapon or vile substance on staff, youths or any persons not in custody. (PC 242 - A battery is any willful and unlawful use of force or violence upon a person of another)**
- 3AA. Battery on staff without a weapon/no significant injury
 - 3AB. Battery on staff without a weapon/significant injury
 - 3AC. Battery on staff with a weapon or vile substance
 - 3AD. Group battery on staff without a weapon
 - 3AE. Group battery on staff with a weapon or vile substance
 - 3AF. Battery on youth without a weapon
 - 3AG. Battery on youth with a weapon or a vile substance
 - 3AH. Group battery on youth without a weapon
 - 3AI. Group battery on youth with a weapon or a vile substance
 - 3AJ. Battery on person not in custody without a weapon
 - 3AK. Battery on person not in custody with a weapon or a vile substance
 - 3AL. Group battery on person not in custody without a weapon
 - 3AM. Group battery on person not in custody with a weapon
 - 3AN. Conspiracy to commit a code 3A offense
- 3B. **Assault on staff, youth, or person not in custody with or without a weapon, or by throwing a vile substance. (PC 240 - An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on a person of another)**
- 3BA. Assault on staff without a weapon
 - 3BB. Assault on staff with a weapon or a vile substance
 - 3BC. Assault on person not in custody without a weapon
 - 3BD. Assault on person not in custody with a weapon or a vile substance
 - 3BF. Assault on youth with a weapon or a vile substance
- 3C. **Participating in any sexual act mutual or forced (youth to youth)**
- 3CA. Mutual sexual act
 - 3CB. Forced sexual act
 - 3CC. Attempt or conspiracy to commit a code 3C offense

- 3D. **Making a verbal epithet, written comment, or gesture of a sexual nature**
- 3DA. Making verbal or written comments of a sexual nature toward staff
 - 3DB. Making gestures of a sexual nature toward staff
 - 3DC. Exposure of genitals
 - 3DD. Masturbation with exposure in view of others
 - 3DE. Making body contact of a sexual nature not including battery
 - 3DF. Intentionally sustained masturbation without exposure in view of others
- 3E. **Possession of, control of, access to, or manufacture of, a weapon, explosive device, or other object, the primary intent or purpose of which is to inflict injury or property damage**
- 3EA. Possession, control or manufacture of a weapon, explosive device or other object
 - 3EB. Access to a weapon, explosive device or other object
 - 3EC. Attempt or conspiracy to commit a code 3E offense
- 3F. **Unlawfully using, possessing, having access to, manufacturing, selling, or bringing into an institution any controlled substance, (dangerous drug or narcotic), or other substance which alters the normal functions of the body or mind, or possessing drug paraphernalia**
- 3FA. Using any controlled substance, drug or alcohol
 - 3FB. Possessing any controlled substance, drug or alcohol
 - 3FC. Having access to any controlled substance, drug or alcohol
 - 3FD. Manufacturing any controlled substance, drug or alcohol
 - 3FE. Bringing into the institution any controlled substance, drug or alcohol
 - 3FF. Possessing drug paraphernalia
 - 3FG. Attempt or conspiracy to commit a code 3F offense
- 3G. **Escaping, or walking away, or attempting to escape or walk away, or aiding an escape or walk away from Division of Juvenile Justice custody**
- 3GA. Escape or walk away without use of force
 - 3GB. Escape with use of force on a person
 - 3GC. Attempted escape or walk away without force
 - 3GD. Attempted escape with use of force on a person
 - 3GE. Aiding an escape or walk away without force
 - 3GF. Aiding an escape with use of force on a person
 - 3GG. Attempt or conspiracy to commit a code 3G offense
- 3H. **Taking a hostage for the purpose of compelling a demanded course of action**
- 3HA. Taking a hostage
 - 3HB. Attempt or conspiracy to commit a code 3H offense

- 3I. **Submitting false evidence or tampering with, destroying or concealing evidence to prevent the detection of a crime or Level 3 violation**
- 3IB. Tampering with, destroying, or concealing evidence
- 3J. **Pressuring or extorting any staff, youth, or person not in custody**
- 3JA. Pressuring any staff member
- 3JB. Pressuring any youth
- 3JC. Pressuring any person not in custody
- 3JD. Extorting any staff member
- 3JE. Extorting any youth
- 3JF. Extorting any person not in custody
- 3JG. Attempt or conspiracy to commit a code 3J offense
- 3K. **Planning, inciting, or participating in a group disturbance (fighting or altercation involving six (6) or more people)**
- 3KA. Planning a group disturbance that occurred
- 3KB. Planning a group disturbance that did not occur
- 3KC. Inciting a group disturbance
- 3KD. Participating in a group disturbance where no weapons were used and/or there were no injuries requiring hospitalization
- 3KE. Participating in a group disturbance where weapons were used and/or there were injuries requiring hospitalization
- 3KF. Attempt or conspiracy to commit a code 3K offense
- 3L. **Participating in or gang activity by membership recruitment, initiation, tattooing, or use of force or violence or threat of force or violence with or without a weapon**
- 3LA. Gang-related tattoo obtained during incarceration at a DJJ facility
- 3LB. Participating in any gang membership recruitment or initiation
- 3LC. Gang activity resulting in use of force or violence on a staff, youth or person not in custody with a weapon
- 3LD. Gang activity resulting in use of force or violence on a staff or person not in custody without a weapon
- 3LE. Gang activity resulting in use of force or violence on a youth without a weapon
- 3LF. Gang activity resulting in the threat of violence toward a staff, youth or person not in custody
- 3LG. Attempt or conspiracy to commit a code 3L offense
- 3M. **Igniting or causing a fire**
- 3MA. Igniting or causing a fire without injury or property damage
- 3MB. Igniting or causing a fire with injury and/or property damage
- 3MC. Attempt or conspiracy to commit a code 3M offense

- 3N: **Refusing a search or refusing to provide required specimens**
- 3NA: Refusing a search
 - 3NB: Refusing to provide a specimen for the detection of prohibited substances
 - 3NC: Refusing to provide a specimen mandated by the penal code
 - 3ND: Attempt or conspiracy to commit a code 3N offense
- 3O: **Refusing to work or to cooperate during any off grounds assignment including camp or during an emergency**
- 3OD: Refusing to cooperate during any emergency situation
 - 3OE: Conspiracy to commit a code 3O offense
- 3P: **Using, tampering with, damaging, or destroying any emergency or security device**
- 3PA: Unauthorized use of an emergency or security device
 - 3PB: Tampering with or destroying an emergency or security device
 - 3PC: Attempt or conspiracy to commit a code 3P offense
- 3Q: **Engaging in a physical altercation**
- 3QA: Engaging in a physical altercation and failing to stop when instructed to do so
 - 3QB: Engaging in a physical altercation that requires the use of chemical and/or physical restraints to stop the altercation
 - 3QC: Engaging in a physical altercation that results in injury
 - 3QD: Engaging in a physical altercation that is gang related
 - 3QE: Attempt or conspiracy to commit a code 3Q violation
- 3S: **Disruptive behavior that requires additional staff or use of chemical and/or physical restraint or removal of the youth to restore order**
- 3SA: Disruptive behavior that requires additional staff or removal of youth to restore order
 - 3SB: Behavior that necessitates the use of chemical and/or physical restraint
 - 3SC: Attempt or conspiracy to commit a code 3S violation
- 3T: **Making verbal or written threats towards staff, youth or person(s) not in custody**
- 3TA: Making verbal or written threats of physical harm towards staff
 - 3TB: Making verbal or written threats of physical harm towards a youth(s)
 - 3TC: Making verbal or written threats of physical harm towards a person(s) not in custody
 - 3TD: Attempt or conspiracy to commit a code 3T violation
- 3U: **Possessing more than one (1) pack of cigarettes/tobacco**
- 3UA: Possessing more than one (1) pack of cigarettes/tobacco

3V. ~~**Possessing \$50.00 or more in currency**~~

~~3VA. Possessing \$50.00 or more in currency~~

3W. ~~**Possessing vital staff information, i.e., telephone number and/or address**~~

~~3WA. Possessing vital staff information, i.e., telephone number and/or address~~

3X. ~~**Aiding in the injury or mutilation of another person including suicide gestures or attempts**~~

~~3XA. Aiding in the injury or mutilation of another person including suicide attempts~~

3Y. ~~**Possessing an unauthorized communication device**~~

~~3YA. Possessing an unauthorized wireless communication device, i.e., cellular phone, PDA, pager, etc.~~

3Z. ~~**Any Level 2 violation that is exacerbated by repetition, severity and/or a relation to the youth's commitment offense**~~

~~3ZA. Any Level 2 violation that is exacerbated by repetition~~

~~3ZB. Any Level 2 violation that is exacerbated by severity~~

~~3ZC. Any Level 2 violation that is exacerbated by a relation to the youth's commitment offense/parole violation~~

~~3ZD. Any serious misconduct not otherwise listed in Level 2 or 3 violation codes~~

~~Where a Code 3Z violation is alleged, the behavior report must clearly describe and the Report of Findings must clearly establish:~~

- ~~• Repetition — Must include supporting evidence, i.e., dates of previous offenses and specific violation codes~~
- ~~• Severity — Must include detailed information as to why the behavior is deemed more severe than the corresponding Level 2 violation code~~
- ~~• Relation to commitment offense — Must cite the youth's commitment offense and describe how the current behavior relates to the commitment offense.~~
- ~~• Serious misconduct not otherwise listed in Level 2 or 3 violation codes — Must describe why the behavior is considered serious.~~

Other:

Willful Program Failure

Refusal to sign conditions of parole

REVOCATION EXTENSION HEARINGS

Level 3 Table of Sanctions

The following violation codes may result in a RRD extension as indicated below. The Division may extend a youth's RRD for a sustained serious misconduct violation if all other sanctioning options have been considered and it is determined that those other sanctions are unsuitable in light of the youth's previous case history and the circumstances of the misconduct.

0-6 months

Willful program failure (*subject to severity of behavior and program length*)
Refusal to sign conditions of parole

2-4 months

- 3AF Battery on a youth without a weapon
- 3CA Mutual sexual act—Consensual sodomy and oral copulation among inmates is prohibited by subdivision (c) of Section 286 and subdivision (e) of Section 288a (reference PC Section 2639).
- 3DA Making verbal or written comments of a sexual nature toward staff
- 3DB Making gestures of a sexual nature toward staff
- 3DC Exposure of genitals
- 3DD Masturbation with exposure in view of others
- 3DE Making body contact of a sexual nature not including battery
- 3DF Intentionally sustained masturbation without exposure in view of others
- 3EA Possession, control or manufacture of a weapon, explosive device or other object
- 3EB Access to a weapon, explosive device or other object
- 3FA Using any controlled substance, drug or alcohol
- 3FB Possessing any controlled substance, drug or alcohol
- 3FC Having access to any controlled substance, drug or alcohol
- 3FD Manufacturing any controlled substance, drug or alcohol
- 3FE Bringing into the institution any controlled substance, drug or alcohol
- 3FF Possessing drug paraphernalia
- 3IB Tampering with, destroying or concealing evidence
- 3JA Pressuring any staff member
- 3JB Pressuring any youth
- 3JC Pressuring any person not in custody
- 3JD Extorting any staff member
- 3JE Extorting any youth
- 3JF Extorting any person not in custody
- 3KB Planning a group disturbance that did not occur
- 3KD Participating in a group disturbance where no weapons were used and/or there were no injuries requiring hospitalization
- 3LA Gang-related tattoo obtained during incarceration at a DJJ facility

- ~~3LB Participating in any gang membership recruitment or initiation~~
- ~~3LE Gang activity resulting in use of force or violence on a youth without a weapon~~
- ~~3LF Gang activity resulting in the threat of violence toward a staff, youth or person not in custody~~
- ~~3MA Igniting or causing a fire without injury or property damage~~
- ~~3NA Refusing a search~~
- ~~3NB Refusing to provide a specimen for the detection of prohibited substances~~
- ~~3NC Refusing to provide a specimen mandated by the penal code~~
- ~~3OD Refusing to cooperate during any emergency situation~~
- ~~3PA Unauthorized use of an emergency or security device~~
- ~~3PB Tampering with or destroying an emergency or security device~~
- ~~3QA Engaging in a physical altercation and failing to stop when instructed to do so~~
- ~~3QB Engaging in a physical altercation that requires the use of chemical agent and/or physical restraints to stop the altercation~~
- ~~3QC Engaging in a physical altercation that results in injury~~
- ~~3QD Engaging in a physical altercation that is negative subculture or gang related~~
- ~~3SA Disruptive behavior that requires additional staff or removal of the youth to restore order~~
- ~~3SB Behavior that necessitates the use of chemical and/or physical restraint~~
- ~~3TA Making verbal or written threats of physical harm towards staff~~
- ~~3TB Making verbal or written threats of physical harm towards a youth(s)~~
- ~~3TC Making verbal or written threats of physical harm towards a person(s) not in custody~~
- ~~3UA Possessing more than one (1) pack of cigarettes/tobacco~~
- ~~3VA Possessing \$50.00 or more in currency~~
- ~~3WA Possessing vital staff information, i.e., telephone number and/or address~~
- ~~3XA Aiding in the injury or mutilation of another person including suicide attempts~~
- ~~3YA Possessing an unauthorized wireless communication device, i.e., cellular phone, PDA, pager, etc~~
- ~~3ZA Any Level 2 violation that is exacerbated by repetition~~
- ~~3ZB Any Level 2 violation that is exacerbated by severity~~
- ~~3ZC Any Level 2 violation that is exacerbated by a relation to the youth's commitment offense/parole violation~~
- ~~3ZD Any serious misconduct not otherwise listed in Level 3 violation codes~~
~~Attempt or conspiracy to commit any of the violations listed above~~

5-8 months

- 3AA Battery on staff without a weapon/without significant injury
- 3AG Battery on youth with a weapon or a vile substance
- 3AH Group battery on a youth without a weapon
- 3AI Group battery on youth with a weapon or a vile substance
- 3AJ Battery on person not in custody without a weapon
- 3BA Assault on staff without a weapon

- 3BC Assault on person not in custody without a weapon
- 3BF Assault on youth with a weapon or vile substance
- 3GC Attempted escape or walk away without force
- 3GD Attempted escape with use of force on a person
- 3GE Aiding an escape or walk away without force
- 3GF Aiding an escape with use of force on a person
- 3KA Planning a group disturbance that occurred
- 3KC Inciting a group disturbance
- 3KE Participating in a group disturbance where weapons were used and/or there were injuries requiring hospitalization
- 3LD Gang activity resulting in use of force or violence on a staff or person not in custody without a weapon
- 3MB Igniting or causing a fire with injury and/or property damage
- Attempt or conspiracy to commit any of the allegations listed above

9–12 months

- 3AB Battery on staff without a weapon/with significant injury
- 3AC Battery on staff with a weapon or vile substance
- 3AD Group battery on staff without a weapon
- 3AE Group battery on staff with a weapon or vile substance
- 3AK Battery on person not in custody with a weapon or vile substance
- 3AL Group battery on person not in custody without a weapon
- 3AM Group battery on person not in custody with a weapon
- 3BB Assault on staff with a weapon or vile substance
- 3BD Assault on person not in custody with a weapon or vile substance
- 3CB Forced sexual act
- 3GA Escape or walk away without use of force
- 3GB Escape with use of force on a person
- 3HA Taking a hostage
- 3LC Gang activity resulting in use of force or violence on a staff, youth or person not in custody with a weapon

Notice of Charges
DJJ 3.274 (REV 04/09)

(Complete this form following the Request for Accommodation and Assistance form, DJJ 3.260.)

COUNTY OF COMMITMENT

Dual 707b Non 707b

YA NUMBER	PAROLEE NAME (LAST, FIRST, MI)	NAME BOOKED AS	PAROLE UNIT	DATE OF BIRTH
ARREST DATE	ARRESTING AGENCY	ARRESTING OFFICERS	BOOKING NUMBER AND LOCATION	

ARREST CODE

[A] PAROLE STAFF ALONE [B] LAW ENFORCEMENT ALONE [C] PAROLE STAFF WITH LAW ENFORCEMENT

HOLD DATE	DISCOVERY DATE	HOLD REMOVED DATE	PAROLE AGENT	ACT	JURISDICTION DATE
				_____ days	

JUVENILE CHARGE CODES

1. _____		4. _____
2. _____		5. _____
3. _____		6. _____

REASON FOR RETAINING PAROLE HOLD BECAUSE PAROLEE IS A DANGER TO

ABSCOND SELF PROPERTY OF OTHERS SAFETY OF OTHERS

DATE PAROLEE SERVED

LIST/DESCRIBE CHARGES:

CHARGE 1:

CHARGE 2:

CHARGE 3:

PREPARED BY	DATE	UNIT SUPERVISOR SIGNATURE	DATE
-------------	------	---------------------------	------

Notice of Parole Revocation Rights and Acknowledgement

DJJ 3.270 (REV 08/10)

Name: _____ YA# _____ Parole Unit: _____

(Complete this form following the Request for Accommodation and Assistance form, DJJ 3.260.)

You are being charged with having violated your conditions of parole. These are your rights:

- ~~You have a right to written notice of the parole violations charges against you.~~
- ~~You have a right to all evidence that will be used against you unless it is deemed confidential.~~
- ~~You have a right to an attorney to represent you at all times during the revocation process.~~
- ~~You have the right to ask your attorney to request an expedited (earlier) Probable Cause Hearing if you have evidence that shows that you are completely innocent of the charges.~~
- ~~If you are in custody, you have the right to a Probable Cause Hearing with your attorney and a hearing officer of the Juvenile Parole Board within 13 work days from your parole hold. You have the right to present letters, and papers, and speak on your own behalf at this hearing. At the Probable Cause Hearing the hearing officer will decide if there is enough evidence to support the charges and whether to keep you in custody. At this hearing you will also be given an opportunity to discuss and accept or reject a time offer (also called a Return to Custody Assessment).~~
- ~~If you are in custody, you have the right to a Revocation Hearing within 35 days after the date the parole hold was placed or the date you arrive in California. You also have the right to receive written notice of the date and time of the hearing. If you are not in custody, you have the right to a Revocation Hearing within 60 days after you are served with notice of the charges.~~
- ~~You have a right to speak and to present witnesses and written evidence in your defense at a Revocation Hearing.~~
- ~~You have a right to question witnesses at your Revocation Hearing unless the hearing officer specifically finds good cause for not allowing you to ask questions.~~
- ~~If DJJ decides there is evidence you cannot see (confidential information), you have a right to argue that you should be able to see it.~~
- ~~You have a right to an unbiased and fair hearing officer.~~
- ~~You have a right to have your Revocation Hearing within 50 miles of the alleged violation.~~
- ~~You have a right to subpoena witnesses in your defense to the same extent that the state can subpoena witnesses.~~
- ~~You have a right to a written decision by the hearing officer explaining what evidence he or she relied on and the reasons for the decision. You can get help reading the decision if you need it.~~
- ~~You have the right to ask for and receive a recording of the Revocation Hearing that you can understand ten (10) work days after JPB receives your written request.~~
- ~~You have a right to grieve or appeal (complain) if you did not get the help you needed to read, see, hear, get to, speak at, or understand your papers or hearing.~~
- ~~You have a right to appeal the hearing decision with or without the assistance of an attorney within twenty (20) work days after you get the written hearing decision.~~

Acknowledgement

1. ~~I have been informed of my rights listed above.~~
2. ~~I know that I will meet with an attorney. My attorney will discuss my rights and the Return to Custody Assessment.~~
3. ~~I have a copy of the papers and reports checked below.~~

- ~~Notice of Charges, DJJ 3.274~~
- ~~Notice of Parole Revocation Rights and Acknowledgement, DJJ 3.270~~
- ~~Request for Accommodation and Assistance, DJJ 3.260~~
- ~~Accommodation and Assistance Grievance, DJJ 3.261~~
- ~~Other: _____~~

I have read (or had read to me) the information above. I have been given copies of the papers, forms, and reports listed above

Parolee's Signature _____ Date _____

Signature of Staff Completing Notice _____ Printed Name (First, MI and Last) _____ Date _____

PAROLE REVOCATION ASSESSMENT MATRIX

Hearing officers may consider circumstances in mitigation or circumstances in aggravation as to each violation disposition and may deviate 2 months upward or downward as appropriate.

Violations (Assessment Range 6-8 Months)

Violations

- 010 Failure to attend mandated mental health treatment (repetitive behavior)
- 011 Use of alcohol (repetitive behavior)
- 012 Failure to participate in substance abuse testing (repetitive behavior)
- 014 Being present in prohibited areas (repetitive behavior)
- 019 Violation of other special condition (repetitive behavior)
- 020 Failure to report to DJPO as instructed (repetitive behavior)
- 022 Changing residence without informing DJPO (repetitive behavior)
- 024 Failure to follow instructions from DJPO (repetitive behavior)
- 025 Failure to inform DJPO of arrest/citation
- 996 Refusal to sign parole conditions

Sex Offenses

- 350 Oral copulation in a state or local facility (consensual)
- 360 Sodomy in a state or local facility (consensual)
- 375 Indecent exposure
- 391 Refusal to comply per PC §296
- 395 Other non-aggressive sex offenses, not involving minors

Property

- 555 Possession of burglary tools
- 565 Tampering with an automobile
- 665 Operating a motor vehicle without owner's permission
- 669 Petty Theft
- 670 Petty theft w/a prior
- 672 Attempted petty theft
- 676 Receiving/possession of stolen property
- 685 Conspiracy to commit a property offense
- 686 Soliciting another to commit a property crime
- 697 Other property crimes

Drugs

- 707 Possession of heroin
- 709 Use of heroin
- 717 Possession of cocaine

- 719 Use of cocaine
- 727 Possession of marijuana (1 oz or 28.5 grams, or less)
- 728 Possession of marijuana (more than 1 oz or 28.5 grams)
- 729 Use of marijuana
- 737 Possession of PCP
- 739 Use of PCP
- 747 Possession of any other illegal controlled substance
- 749 Use of any other illegal controlled substance
- 750 Possession of drug paraphernalia (related to drug use)
- 776 Possession of amphetamine/methamphetamine
- 778 Use of amphetamine/methamphetamine
- 779 Loitering in area of drug related activity
- 780 Under the influence of a controlled substance
- 793 Other violations of law related to drug use
- 795 Other controlled substance offense

Driving

- 865 Reckless driving without injury
- 874 Driving with revoked or suspended license
- 899 Other driving violations

Miscellaneous Law Violations

- 915 Threaten/harass another (must be law violation)
- 929 Bribery
- 934 Destroying public property
- 937 Disturbing the peace
- 939 Drunk in public
- 961 Prostitution
- 962 Soliciting for prostitution/sexual acts
- 967 Soliciting another to commit non-violent crime
- 969 Trespassing
- 972 Vandalism/malicious mischief
- 997 Other misdemeanors not listed
- 999 Other nonviolent crimes not listed

**Violations
(Assessment Range 8-10 Months)**

Violations

- 021 Absconding parole supervision
- 034 Unauthorized possession of knife with a blade exceeding 2 inches
- 037 Access to a firearm
- 038 Access to deadly weapon (PC §12020)
- 041 Access to a simulated firearm
- 043 Access to ammunition for a firearm
- 044 Access to a stun gun/taser

- 045 Access to a tear gas gun/dispenser
- 046 Access to a crossbow

Robbery

- 225 Robbery (no weapon)
- 255 Attempted robbery (no weapon)
- 265 Accessory to robbery
- 270 Conspiracy to commit robbery
- 275 Grand theft person

Sex Offenses

- 325 Unlawful sexual intercourse
- 373 Loitering—schools and play grounds
- 383 Pimping/pandering

Battery and Assault

- 430 Assault
- 451 Battery (w/o serious injury)

Property

- 507 Attempted Burglary 1st
- 513 Burglary while armed with a firearm/other weapons
- 515 Burglary 2nd
- 517 Attempted burglary 2nd
- 545 Burglary of an automobile
- 547 Attempted burglary of an automobile
- 620 Forgery
- 630 Fraud
- 650 Attempted grand theft
- 655 Grand theft auto
- 660 Misappropriation of public monies
- 690 Extortion

Drugs

- 721 Possession of marijuana for sale
- 722 Sale of marijuana
- 752 Possession of paraphernalia utilized in drug trafficking
- 755 Sale of a substance in lieu of a controlled substance
- 753 Possession of a substance in lieu of a controlled substance for sale
- 760 Forgery of a prescription
- 790 Use of drugs in a state or local facility
- 922 Possession of alcohol/controlled substance in a detention facility
- 924 Bringing alcohol/controlled substance in a detention facility

Driving

- 850 ~~Driving under the influence of alcohol drugs~~
- 867 ~~Reckless driving (situation posed extreme risk to others)~~
- 873 ~~Property hit and run~~

Miscellaneous Law Violations

- 042 ~~Possession of ammunition for a firearm~~
- 390 ~~Failure to register per PC §290.008~~
- 931 ~~Contributing to the delinquency of a minor~~
- 938 ~~Resisting arrest~~
- 940 ~~Escape without force~~
- 947 ~~Failure to register per H&S §11590~~
- 948 ~~Failure to register—Arson (PC §457.1)~~
- 950 ~~False identification to a police officer~~
- 952 ~~False information to a peace officer (VC §31)~~
- 953 ~~Illegal entry into the United States~~
- 963 ~~Incite another to participate in a riot~~
- 964 ~~Failure to participate in or complete a batterer's program~~
- 965 ~~Participate in a riot~~
- 976 ~~Committing any non-violent felony not listed~~
- 977 ~~Conspiracy to commit any non-violent felony not listed~~
- 978 ~~Attempt to commit any non-violent felony not listed~~
- 979 ~~Accessory to any non-violent felony not listed~~

Violations

(Assessment Range 10-12 Months)

Violations

- 013 ~~Assoc. with prohibited persons~~
- 047 ~~Gang participation and/or association~~

Homicide

- 100 ~~Murder~~
- 120 ~~Voluntary manslaughter~~
- 125 ~~Involuntary manslaughter~~
- 135 ~~Attempted manslaughter~~
- 150 ~~Attempted murder~~
- 170 ~~Conspiracy to commit murder~~
- 175 ~~Accessory to murder~~
- 180 ~~Accessory to manslaughter~~

Robbery

- 205 ~~Robbery (with weapon)~~
- 215 ~~Robbery (with simulated weapon)~~

- 235 Attempted robbery (with weapon)
- 245 Attempted robbery (with simulated weapon)
- 991 Carjacking

Sex Offenses

- 300 Rape
- 333 Assault w/intent to commit rape, sodomy, oral copulation, or mayhem
- 335 Attempted rape
- 340 Lewd & Lascivious acts with children under 14 years old
- 345 Oral copulation with a minor or non-consenting adult
- 355 Sodomy (with a minor or non-consenting adult)
- 365 Incest
- 372 Annoying children
- 380 Penetration by a foreign object
- 385 Sexual battery
- 397 Other sexual offenses involving non-consenting or vulnerable victims)

Battery and Assault

- 400 Assault w/a deadly weapon
- 410 Assault w/a deadly weapon on a peace officer
- 413 Assault on a peace officer
- 415 Assault with caustic substance
- 420 Assault with intent to commit murder
- 423 Assault with great bodily injury
- 435 Assault on a spouse/child
- 440 Administer poison
- 445 Mayhem
- 452 Battery on a peace officer
- 453 Battery with great bodily injury
- 455 Battery on a spouse/child
- 460 Cruelty to a child
- 495 Other crime in which great bodily injury is inflicted
- 497 Other crime posing major personal risk to others
- 498 Drive-by shooting
- 499 Threat to hearing officer/family

Property

- 505 Burglary 1st (includes inhabited dwelling, occupants present or not)
- 540 Burglary w/use of explosives
- 605 Credit card theft or illegal use of a credit card
- 610 Possession of counterfeit dies and plates
- 615 Embezzlement
- 645 Grand theft

Drugs

- 700 Sale of heroin to a minor
- 701 Possession of heroin for sale
- 702 Sale of heroin
- 706 Manufacture/sale of heroin
- 710 Sale of cocaine to a minor
- 711 Possession of cocaine for sale
- 712 Sale of cocaine
- 716 Manufacture/sale of cocaine
- 720 Sale of marijuana to a minor
- 730 Sale of PCP to a minor
- 731 Possession of PCP for sale
- 732 Sale of PCP
- 736 Manufacture/sale of PCP
- 740 Sale of other illegal drugs to a minor
- 741 Possession of other drugs for sale
- 742 Sale of other drugs
- 746 Manufacture/sale of other illegal drugs
- 770 Sale of amphetamine/methamphetamine to a minor
- 771 Possession of amphetamine/methamphetamine for sale
- 773 Sale of amphetamine/methamphetamine
- 777 Manufacture/sale of amphetamine/methamphetamine

Weapons

- 039 Possession of a simulated firearm
- 810 Possession/Manufacture/sale of a deadly weapon
- 815 Possession/Manufacture/sale of a deadly weapon (PC §12020)
- 822 Use of a deadly weapon
- 823 Use of a deadly weapon in the commission of a felony
- 825 Possession of a firearm
- 827 Use of a firearm
- 830 Bringing firearm or weapon into a state or local facility
- 831 Possession of a concealable firearm (PC §12021)
- 834 Armed with a firearm in the commission of a felony
- 835 Possession of a stun gun or taser
- 836 Possession of a crossbow
- 837 Use of a stun gun or taser
- 840 Possession of a tear gas gun/dispenser
- 843 Use of a tear gas gun/dispenser
- 845 Brandishing/displaying a weapon (other than a firearm)
- 847 Brandishing a firearm
- 848 Other offenses involving the use/possession of firearm or deadly weapon
- 849 Other weapon violations

Driving

- 855 Driving under the influence of alcohol/drugs (with injury)

- 869 Reckless driving (with injury)
- 875 Vehicular manslaughter
- 880 Evading peace officer (CVC §2800.1)

Miscellaneous Law Violations

- 900 Child stealing
- 907 Hostage taking
- 911 Kidnapping
- 926 Arson—inhabited dwelling
- 928 Arson—other structure, property, forest lands
- 943 Escape from a state or local facility with force
- 985 Conspiracy to commit a violent crime
- 986 Attempt to commit a violent crime
- 987 Accessory to a violent crime
- 988 Soliciting another to commit a violent crime
- 990 Possession of caustic chemicals w/intent to harm others
- 992 Criminal threats
- 993 Stalking
- 998 Other violent crimes not listed

Corrective Action Plan (CAP)

DJJ 3.221 (REV 04/09)

Name	YA Number
------	-----------

COMMUNITY TREATMENT PLAN

Placement: Residential Program Other

Plan:

Unit Supervisor's Comments

_____ Approved Disapproved _____

Unit Supervisor's Signature *Date*

PAROLEE'S CAP LEVEL 1 AND LEVEL 2 DECISION

- I accept the Corrective Action Plan above
- I reject the Corrective Action Plan I understand that this means my case will be sent to the Juvenile Parole Board for revocation proceedings.

Parolee's Signature *Date*

STAFF OBSERVATION ACCOMMODATION/EFFECTIVE COMMUNICATION

- Appears to understand
- Appears to have difficulty understanding
(if checked, it is mandatory that you complete the Effective Communication section below)
- Effective Communication Method Used:** (Foreign language interpreter, sign language interpreter, read/spoke slowly, assistive device, etc.)

Additional Comments: _____

_____ *Prepared and Delivered By (Parole Agent's Signature)* _____ *Date*

FOR DJPO REGION USE ONLY

Comments

_____ *Parole Region Representative's Signature* _____ *Date*