

BOARD OF PAROLE HEARINGS

2020

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REPORT OF SIGNIFICANT EVENTS



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# 2020

## SIGNIFICANT EVENTS

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### WORKLOAD AT A GLANCE

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#### Parole Hearings

- ◆ **7,684 scheduled parole hearings**
  - Up 27% from 6,061 in 2019
  - 243 or 3% were for persons housed at an institution for women
  - 7,441 or 97% were for persons housed at an institution for men
  - 4,459 or 58% were initial hearings, up from 43% in 2019
  - 3,225 or 42% were subsequent hearings, down from 57% in 2019
  - 4,066 or 53% were youth offender hearings, down from 56% in 2019
    - 2,559 or 63% were for indeterminately-sentenced youth offenders, down from 84% in 2019
    - 1,507 or 37% were for determinately-sentenced youth offenders, up from 16% in 2019
  - 1,805 or 23% were for inmates eligible for an elderly parole hearing, up from 22% in 2019
    - 1,692 or 94% were for indeterminately-sentenced inmates eligible for an elderly parole hearing, unchanged from 94% in 2019
    - 113 or 6% were for determinately-sentenced inmates eligible for an elderly parole hearing, unchanged from 6% in 2019
- ◆ **1,234 parole grants**
  - Up 4% from 1,184 in 2019
  - 16% of scheduled parole hearings, down from 20% in 2019<sup>1</sup>
  - 52 or 4% were for persons housed at an institution for women, down from 6% in 2019
  - 1,182 or 96% were for persons housed at an institution for men, up from 94% in 2019
  - 515 or 42% were grants issued at an inmate's initial hearing, up from 33% in 2019
  - 646 or 52% were to youth offenders, down from 59% in 2019
  - 317 or 26% were to inmates eligible for an elderly parole hearing, up from 25% in 2019
- ◆ **2,227 parole denials**
  - 29% of scheduled hearings, down from 37% in 2019
  - 79 or 4% were for persons housed at an institution for women, unchanged from 4% in 2019

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<sup>1</sup> A significant number of scheduled hearings were postponed in 2020, due primarily to COVID-19. As a result, the percentage of scheduled hearings resulting in a grant or denial decreased. Please see page 6 for additional information concerning grant and denial rates.

- 2,148 or 96% were to persons housed at an institution for men, unchanged from 96% in 2019
- 1,084 or 49% were to youth offenders, down from 52% in 2019
- 569 or 26% were to inmates eligible for an elderly parole hearing, down from 25% in 2019
- ◆ **368 stipulations**
  - 5% of scheduled hearings, down from 11% in 2019
  - 12 or 3% were to persons housed at an institution for women, unchanged from 3% in 2019
  - 356 or 97% were to persons housed at an institution for men, unchanged from 97% in 2019
  - 199 or 54% were to youth offenders, down from 57% in 2019
  - 67 or 18% were to inmates eligible for an elderly parole hearing, unchanged from 18% in 2019
- ◆ **919 voluntary waivers**
  - 12% of scheduled hearings, up from 9% in 2019
  - 25 or 3% were to persons housed at an institution for women, down from 5% in 2019
  - 894 or 97% were to persons housed at an institution for men, up from 95% in 2019
  - 556 or 60% were to youth offenders, down from 61% in 2019
  - 178 or 19% were to inmates eligible for an elderly parole hearing, up from 15% in 2019
- ◆ **2,648 postponements**
  - 34% of scheduled hearings, up from 20% in 2019
  - 62 or 2% were to persons housed at an institution for women, down from 4% in 2019
  - 2,586 or 98% were to persons housed at an institution for men, up from 96% in 2019
  - 1,401 or 53% were for youth offenders, down from 58% in 2019
  - 591 or 22% were for inmates eligible for an elderly parole hearing, unchanged from 22% in 2019
- ◆ **288 continued or cancelled hearings**
  - 4% of scheduled hearings, unchanged from 4% in 2019
  - 13 or 4% were for persons housed at an institution for women, down from 7% in 2019
  - 275 or 95% were for persons housed at an institution for men, up from 93% in 2019
  - 180 or 63% were for youth offenders, up from 52% in 2019
  - 83 or 29% were for inmates eligible for an elderly parole hearing, up from 27% in 2019

### **Parole Reconsideration Hearings**

- ◆ **129 parole reconsideration hearings scheduled**
  - Down from 134 in 2019
  - 31 or 25% were initial parole reconsideration hearings, down from 34% in 2019
  - 95 or 75% were subsequent annual parole reconsideration hearings, up from 66% in 2019

### **Administrative Reviews to Consider Advancing Parole Hearing Dates**

- ◆ 1,386 cases were screened for possible review, up 27% from 1,088 in 2019
- ◆ 1,145 cases or 83% received a review on the merits, down from 85% in 2019
  - 901 or 79% of cases reviewed on the merits were approved for an advanced hearing date, up from 75% in 2019
  - 244 or 21% of cases reviewed on the merits were denied for an advanced hearing date, down from 25% in 2019
- ◆ 39% of parole hearings scheduled as a result of an administrative review conducted in 2020 to advance inmates' next hearing date resulted in a grant of parole, up from 37% in 2019

### **Comprehensive Risk Assessments**

- ◆ 4,280 comprehensive risk assessments completed, up 27% from 3,358 in 2019

### **Consultations**

- ◆ 2,620 consultations conducted, down 32% from 3,877 in 2019

### **Correspondence**

- ◆ 59,245 pieces of correspondence were received and processed, up 44% from 41,052 in 2019
- ◆ 53,787 hearing notices were sent, up 36% from 39,580 in 2019
- ◆ 23,692 notices of nonviolent offender parole review were sent, up 32% from 17,979 in 2019
- ◆ 1,967 letters were sent from the Legal Division, up 27% from 1,552 in 2019

### **Determinately-Sentenced Nonviolent Offender Parole Reviews**

- ◆ 6,590 referrals to the Board for parole review, down 15% from 7,783 in 2019
- ◆ 8,834 reviews on the merits were conducted, up 104% from 4,337 in 2019
  - 1,489 nonviolent offenders or 17% were approved for release, down from 20% in 2019
  - 3,477 nonviolent offenders or 83% were denied release, up from 80% in 2019
- ◆ 1,805 reviews of decisions were conducted, up 97% from 916 conducted in 2019
  - 1,575 decisions or 87% were upheld after review, unchanged from 87% in 2019

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<sup>2</sup> The Board received a large number of referrals at the end of 2019 that received reviews on the merits in 2020.

- 230 decisions or 13% were modified after review, unchanged from 13% in 2019

### **Executive Case Summaries**

- ◆ 1,490 executive case summaries were prepared, up 31% from 1,140 in 2019

### **Extradition Cases**

- ◆ 183 extradition cases were reviewed, down 83% from 1,105 in 2019

### **Inmate Petitions to Advance Their Next Parole Hearing Date**

- ◆ 893 preliminary reviews of inmate petitions to advance their next parole hearing date, up 258 cases or 40% from 635 in 2019
- ◆ 652 reviews on the merits of inmate petitions to advance their next parole hearing date, up 36% from 479 in 2019
  - 418 or 64% of petitions were approved for an advanced hearing date, down from 67% approved in 2019
  - 234 or 36% of petitions were denied for an advanced hearing date, up from 33% denied in 2019
- ◆ 32% of parole hearings scheduled as a result of inmates filing a petition to advance their next hearing date in 2020 resulted in a grant of parole, down from 39% in 2019

### **International Prisoner Transfer Program**

- ◆ 72 cases completed, down 120 cases from 192 in 2019
- ◆ No inmates were transferred to another country, unchanged from 2019

### **Investigations**

- ◆ 1,261 pre-parole investigations were completed, up 4% from 1,208 in 2019
- ◆ 4 intimate partner battering investigations were completed, down from 9 in 2019
- ◆ 57 Board-initiated investigations were completed, down 14% from 66 in 2019
- ◆ 9 Penal Code section 1170(e) investigations were completed, down from 23 in 2019
- ◆ 127 expanded medical parole reviews were completed, up from 31 in 2019
- ◆ 1,873 pardon investigations were completed
- ◆ 26 commutation investigations were completed

### **Medical Parole Hearings**

- ◆ **132 medical parole hearings scheduled**
  - Up 428% from 24 hearings scheduled in 2019

### **Offenders with Mental Health Disorders (OMHD) Actions**

- ◆ 506 certification hearings were conducted, down 15% from 598 in 2019
- ◆ 558 placement and annual review hearings, unchanged from 558 in 2019
- ◆ 172 holds to detain offenders for OMHD screening, down 11% from 194 in 2019

### **Parole Discharge Reviews**

- ◆ 12,595 cases were reviewed to determine whether parolees should be discharged from parole, down 3% from 12,989 in 2019

### **Penal Code Section 1170(d) Cases**

- ◆ 10 Penal Code section 1170(e) cases considered for referral to courts for recall of sentence or resentencing
  - Down 7 cases from 17 cases in 2019<sup>3</sup>

### **Sexually Violent Predator Screening (SVP)**

- ◆ 2,346 SVP screenings, down 32% from 3,474 in 2019
  - 1,683, or 72% of cases were referred for clinical screening, unchanged from 72% in 2019
  - 663, or 28% of cases were closed as not meeting criteria for clinical screening, unchanged from 28% in 2019
  - 1,945 clinical screenings completed by the Forensic Assessment Division, down 14% from 2,261 clinical screenings completed in 2019
  - 486, or 25% of offenders were referred after clinical screening to the Department of State Hospitals for a full evaluation, unchanged from 25% in 2019
  - 1,459, or 75% were not referred after clinical screening to the Department of State Hospitals for a full evaluation, unchanged from 75% in 2019

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<sup>3</sup> Effective August 6, 2020, Penal Code section 1170(e) was amended to remove the Board's authority to refer inmates to the courts for recall of sentence or resentencing. The Secretary of the California Department of Corrections and Rehabilitation now has the sole authority to refer inmates to the courts for recall of sentence or resentencing on behalf of the Department. (Senate Bill 118, Ch. 29, Statutes of 2020).

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## GRANT, DENIAL, AND RECIDIVISM RATES

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### Parole Hearing Outcomes as a Percentage of Scheduled Hearings

The Board's official parole hearing grant and denial rates are calculated as the percentage of **scheduled** parole hearings that result in a grant or denial. However, a scheduled hearing can result in one of several outcomes: grant, denial, stipulation, voluntary waiver, postponement, cancellation, or continuance. As a result, and as shown below, a grant rate of 16 percent for scheduled hearings **does not** mean the remaining 84 percent of cases resulted in a denial.

In 2020, the Board scheduled **7,684** hearings resulting in the following outcomes:

2020 Scheduled Hearing Outcomes		
Outcome	Number	Percentage
Grant	1,234	16%
Denial	2,227	29%
Stipulation	368	5%
Voluntary waiver	918	12%
Postponement	2,648	34%
Cancelled/Continued	289	4%
<b>Total</b>	<b>7,684</b>	<b>100%</b>

Using the **scheduled hearing** outcomes above, 1,234 inmates were granted parole and 2,227 inmates were denied parole by the Board after a hearing. Another 368 inmates were denied parole without a hearing when they entered into a stipulation with the Board stating that they were not suitable for parole. In the remaining 3,855 hearings scheduled, there was no decision rendered concerning the inmate's parole suitability because the inmate voluntarily waived his or her hearing or the hearing was postponed, continued, or cancelled.

In 2020, the number and percentage of hearings postponed significantly increased (from 20% of scheduled hearings in 2019 to 34% in 2020) primarily due to the COVID-19 pandemic. Therefore, the overall percentage of **scheduled hearings** resulting in a grant or denial decreased. Because the outcome of scheduled hearings is impacted by a variety of factors unrelated to an inmate's suitability for parole (such as the need to postpone hearings when a person is ill or is in quarantine), the percentage of **hearings held** that resulted in a grant or denial is a more informative and consistent measure of the Board's grant and denial rates.

### Parole Hearing Outcomes as a Percentage of Hearings Held

The following grant and denial rates represent parole grants and denials as a percentage of **hearings held** that resulted in a decision to either grant or deny parole.

### **Parole Grant Outcomes as a Percentage of Hearings Held**

Various grant rates for parole **hearings held** in 2020 are as follows:

- ◆ 36% of all hearings held resulted in a grant
- ◆ 40% of hearings held for persons housed at an institution for women resulted in a grant
- ◆ 35% of hearings held for persons housed at an institution for men resulted in a grant
- ◆ 37% of hearings held for youth offenders resulted in a grant
  - 43% of hearings held for indeterminately-sentenced youth offenders resulted in a grant
  - 22% of hearings held for determinately-sentenced youth offenders resulted in a grant
- ◆ 36% of hearings held for inmates eligible for an elderly parole hearing resulted in a grant
  - 37% of hearings held for indeterminately-sentenced inmates eligible for an elderly parole hearing resulted in a grant
  - 18% of hearings held for determinately-sentenced inmates eligible for an elderly parole hearing resulted in a grant
- ◆ 51% of hearings held as a result of inmates filing petitions to advance their next hearing date in 2020 resulted in a grant
- ◆ 60% of hearings held as a result of an administrative review conducted in 2020 resulted in a grant

### **Parole Denial Outcomes as a Percentage of Hearings Held**

Various denial rates for parole **hearings held** in 2020 are as follows:

- ◆ 64% of hearings held resulted in a denial
- ◆ 60% of hearings held for persons housed at an institution for women resulted in a denial
- ◆ 65% of hearings held for persons housed at an institution for men resulted in a denial
- ◆ 63% of hearings held for youth offenders resulted in a denial
  - 57% of hearings held for indeterminately-sentenced youth offenders resulted in a denial
  - 78% of hearings held for determinately-sentenced youth offenders resulted in a denial
- ◆ 64% of hearings held for inmates eligible for an elderly parole hearing resulted in a denial
  - 63% of hearings held for indeterminately-sentenced inmates eligible for an elderly parole hearing resulted in a denial
  - 82% of hearings held for determinately-sentenced inmates eligible for an elderly parole hearing resulted in a denial
- ◆ 49% of hearings held as a result of inmates filing petitions to advance their next hearing date in 2020 resulted in a denial
- ◆ 40% of hearings held as a result of an administrative review conducted in 2020 resulted in a denial

### **Recidivism Rates after a Grant of Parole from the Board of Parole Hearings**

The 2019 *Recidivism Report for Offenders Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2014-15* found that of the 682 life-term inmates released in fiscal year 2014-15 as a result of a grant of parole by the Board, 16 offenders or 2.3% were convicted of a new crime during a three-year follow-up period. Less than one percent (0.4%) or three offenders were convicted of felony crimes against persons.

The Department's 2018 *Recidivism Report* found that of the 510 life-term inmates released in fiscal year 2013-14 as a result of a grant of parole by the Board, 16 offenders or 3.1% were convicted of a new crime during a three-year follow-up period. Less than one percent (0.6%) or three offenders were convicted of felony crimes against persons.

The Department's 2017 *Outcome Evaluation Report* found that of the 478 life-term inmates released in fiscal year 2012-13, 20 offenders, or 4.2 % were convicted of a new crime during a three-year follow-up period. Less than one percent (0.4%) or two offenders were convicted of felony crimes against persons.

The Department's 2016 *Outcome Evaluation Report* found that of the 349 life-term inmates released by the Board in fiscal year 2011-12, 11 offenders or 3.2 percent were convicted of a new crime during a three-year follow-up period. Less than one percent (0.3%) or one offender was convicted of felony crimes against persons.

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## POLICY AND PROCEDURE DEVELOPMENTS

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### **COVID-19 Global Pandemic**

In response to the COVID-19 global pandemic and the resulting “stay-at-home” emergency order issued by Governor Newsom on March 19, 2020, more than 95 percent of the Board’s 300 employees worked from home in 2020 and the Board transitioned to conducting parole hearings by videoconference via the internet for the first time.

On March 24, 2020, Governor Newsom signed Executive Order N-36-20 directing the Board to develop a process for conducting parole hearings by videoconference accessible to all participants. One week later, on April 1, 2020, the Board conducted its first parole hearing by videoconference via the internet. Within a few weeks, all hearings were conducted statewide by videoconference. The Executive Order also permitted inmates to postpone or waive their hearings at any time without the need to demonstrate good cause for requesting a postponement or waiver.

The number and percentage of scheduled hearings postponed significantly increased in 2020. All hearings scheduled between March 19, 2020 and April 1, 2020 were postponed. Additional hearings were postponed throughout 2020 due to a variety of reasons, including inmate illness or quarantine, hearing panel or inmate counsel illness, and technical issues as the Board and all hearing participants adjusted to virtual hearings.

The Board postponed a total of 2,138 hearings between March 23, 2020, and December 31, 2020, more than double the 990 hearings postponed during the same time period the year before. Overall, the percentage of scheduled hearings postponed increased from 20 percent in 2019 to 34 percent in 2020.

The Board worked with Department of Corrections and Rehabilitation (CDCR) staff to increase attorney access to inmates by phone in advance of parole hearings statewide (in lieu of in-person visitation), create new procedures for scheduling videoconference hearings, deploy a new platform for conducting hearings by videoconference, and modify all existing hearing procedures to accommodate the new platform. The Board’s legal office also expedited its review of parole grants.

Despite all the disruptions associated with a global pandemic, including illness, school closures, and transitioning to a remote workforce, the Board succeeded in addressing a significant increase in workload:

- ◆ a 27% increase in scheduled parole hearings (7,684 hearings);
- ◆ a 40% increase in petitions from inmates to advance their next hearing date (893 petitions);

- ◆ a 27% increase in administrative reviews to advance parole hearing dates (1,386 administrative reviews);
- ◆ 27% more comprehensive risk assessments completed (4,280 assessments);
- ◆ more than double the number of nonviolent offender parole reviews for determinately-sentenced persons (8,834 reviews);
- ◆ four times the number of scheduled medical parole hearings (132 hearings);
- ◆ 44% more correspondence received and processed (59,245 pieces of correspondence);
- ◆ a 36% increase in hearing notices sent (53,787 notices);
- ◆ a 32% increase in notices sent for nonviolent offender parole reviews (23,692 notices);
- ◆ a 31% increase in executive case summaries prepared for the Governor's review (1,490 executive case summaries);
- ◆ a 27% increase in correspondence issued by the Board's legal office (1,967 pieces of correspondence); and,
- ◆ more than 1,800 pardon investigations.

### **Elderly Parole Hearings**

On February 10, 2014, the Three-Judge Panel in the *Plata/Coleman* class action lawsuit ordered CDCR to finalize and implement a new parole process whereby "elderly" inmates are referred to the Board to determine suitability for parole. Inmates who are eligible for parole consideration under this program are age 60 or older and have served at least 25 years of continuous incarceration. Both indeterminately- and determinately-sentenced inmates are eligible. Inmates sentenced to life without the possibility of parole or condemned are not eligible for this program.

Inmates eligible for an elderly parole hearing receive a comprehensive risk assessment, which specifically addresses how the inmate's advanced age, long-term confinement, and diminished physical condition, if any, may impact the inmate's potential risk for future violence.

In 2020, the Board scheduled 1,805 hearings for inmates eligible for elderly parole, resulting in 317 grants, 569 denials, and 67 stipulations to unsuitability. The remaining 852 scheduled hearings were waived, postponed, continued, or cancelled.

In 2020, Assembly Bill 3234 (Chapter 334 of the Statutes of 2020) was signed into law, statutorily expanding elderly parole to persons who are age 50 and who have served at least 20 years of continuous incarceration. Persons sentenced to life without the possibility of parole or condemned are not eligible for this program. In addition, persons sentenced under the Three Strikes Law and persons convicted of first-degree murder of a peace officer are also excluded from this program. The Board has until December 31, 2022 to schedule hearings for all persons immediately eligible for hearing under Assembly Bill 3234.

With the passage of Assembly Bill 3234, there will be two groups of persons eligible for an elderly parole hearing. Persons who are sentenced under the Three Strikes Law or who were convicted of first-degree murder of a peace officer will be eligible for a parole hearing after reaching age 60 and after having served 25 years of continuous incarceration. Persons not sentenced under the Three Strikes Law or convicted of first-degree murder of a peace officer will be eligible once they are age 50 or older and have served 20 years of continuous incarceration.

### **Expanded Medical Parole Hearings**

In 2014, the Three-Judge Panel in the *Plata/Coleman* class action lawsuit ordered CDCR, in consultation with the Federal Receiver's Office, to finalize and implement an expanded parole process for medically incapacitated inmates. The new process for expanded medical parole was implemented in July 2014. In 2020, the Board scheduled 132 hearings for expanded medical parole, resulting in 73 approvals, 37 denials, and 22 hearings postponed or cancelled.

### **Integrated Substance Use Disorder Treatment**

California Correctional Health Care Services and CDCR implemented a statewide integrated substance use disorder treatment program. The program is a comprehensive program for substance use disorders and is designed in such a way that programming received prior to release can be continued in the community post-release, including medication-assisted treatment. Through this program, inmates are screened for substance abuse disorders and provided comprehensive programming when warranted. The screening process for this program is also being used to determine programming needs for other cognitive behavior intervention programs, such as understanding and reducing anger, motivation to change, parenting, impact of crime on victims, criminal thinking, etc. The Board worked throughout the year with California Correctional Health Care Services to establish programming priorities for cognitive-based intervention programs based on each inmate's earliest parole eligible date or their next parole consideration date, whichever is most applicable.

### **Offenders with Mental Health Disorders**

Effective January 1, 2020, Assembly Bill 46 (Ch. 9, Statutes of 2019) changed all statutory references to the term "mentally disordered offender" to a person "with a mental health disorder."

### **Panel Attorney Program**

The Board implemented a new process for recruiting and reimbursing attorneys to represent inmates through the parole hearing process. The new panel attorney program began in 2019, resulting in newly recruited attorneys being appointed to represent inmates beginning in January 2020. The new program increases expectations for attorney-client interactions in preparation for a hearing. Attorneys are required to meet with their clients (by phone or videoconference during the COVID-19 pandemic) for one hour at least two times before the person's parole hearing. They must also attend on-line and in-person training

sessions. The Board has partnered with a nonprofit entity to provide the training. The nonprofit entity will also assist the Board in monitoring the quality of attorney representation. Lastly, the overall attorney fee schedule was increased from \$400 to \$750 per a case, with most panel attorneys being assigned up to 13 clients for one week of hearings each month.

### **Parole Consideration for Determinately-Sentenced Nonviolent Offenders**

In November 2016, California voters approved the Public Safety and Rehabilitation Act of 2016, also known as Proposition 57. Among other things, Proposition 57 created a parole consideration process for persons convicted of a nonviolent felony offense and sentenced to state prison. The proposition requires the Secretary of CDCR to adopt regulations in furtherance of the proposition's provisions. In 2018, the Board worked with CDCR to promulgate emergency regulations to implement a parole consideration process for determinately-sentenced nonviolent offenders. The emergency regulations went into effect on April 14, 2018, and CDCR began referring inmates who passed behavior-based public safety screening criteria to the Board for parole consideration on July 1, 2018.

In 2019, the First Appellate Court's decision in the case of *In re McGhee* became final. The decision invalidated CDCR's use of behavior-based public safety screening criteria to exclude inmates from parole consideration under Proposition 57. The Board worked with CDCR to amend its regulations and stopped applying the behavior-based public safety screening criteria in July of 2019. In addition, inmates who previously did not pass the behavior-based public safety screening criteria were referred to the Board for parole consideration.

In 2020, the Board received 6,590 nonviolent offender parole referrals and conducted 8,834 parole reviews. The number of reviews conducted in 2020 significantly exceeded the number of referrals due to a large number of referrals the Board received in late 2019, which were not decided until 2020, once the period for inmates, registered victims, and prosecutors to provide input expired. The Board approved 1,489 nonviolent inmates for release and denied release to 7,345 nonviolent inmates in 2020.

In December 2020, the California Supreme Court's decision in the case of *In re Gadlin* held persons required to register under Penal Code section 290, et seq. based on a prior conviction cannot be categorically excluded from parole consideration under Proposition 57. The Court also held the Department's regulations cannot exclude inmates for a current offense unless it is defined by the regulations as a violent felony.

### **Parole Consideration for Indeterminately-Sentenced Nonviolent Offenders**

On September 7, 2019, the Second Appellate District Court of Appeal issued its decision in the case of *In re Edwards*. The court found that the state impermissibly excluded indeterminately-sentenced nonviolent offenders from parole

consideration under Proposition 57, and explained how to calculate the “full term for the primary offense.” In response, the Board worked with CDCR to promulgate regulations to comply with the court’s order and implement processes for screening indeterminately-sentenced nonviolent offenders for eligibility, calculating the dates upon which they are eligible for a hearing, referring them to the Board, and scheduling them for parole hearings. The regulations require the Board, by December 31, 2021, to schedule hearings for persons who were immediately eligible for a hearing when the regulations took effect.

In 2020, 252 indeterminately-sentenced nonviolent offenders were referred to the Board for a parole hearing and the Board scheduled 1,249 parole hearings (for persons referred in 2019 and 2020), resulting in 189 grants, 412 denials, and 51 stipulations to unsuitability. The remaining 562 scheduled hearings were waived, postponed, continued, or cancelled.

As mentioned above, in December 2020, the California Supreme Court’s decision in the case of *In re Gadlin* held persons required to register as a sex offender under Penal Code section 290, et seq. based on a prior conviction cannot be categorically excluded from parole consideration under Proposition 57. The Court also held the Department’s regulations cannot exclude inmates for a current offense unless it is defined by the regulations as a violent felony. The *Gadlin* decision applies to indeterminately-sentenced nonviolent offenders who were previously excluded from parole consideration under Proposition 57 due to their registration requirement under Penal Code section 290, et seq.

### **Parole Terms and Reviews for Discharge from Parole**

On August 6, 2020, Governor Newsom signed Senate Bill 118, which shortened parole periods for most persons released from state prison on or after July 1, 2020, and standardized the timing for review persons for possible discharge from parole. The parole term for determinately-sentenced persons is now two years and for indeterminately-sentenced persons, it is three years. Parole terms for persons required to register under Penal Code section 290, et seq. remain unchanged. In addition, persons subject to the new parole terms must be reviewed for possible discharge from parole no later than 12 months after release from confinement, and annually thereafter. The Board is responsible for reviewing all indeterminately-sentenced persons and certain determinately-sentenced persons for discharge from parole.

### **Penal Code Section 1170(e) Referrals for Recall of Sentence and Resentencing (“Compassionate Release”)**

Senate Bill 118 (Ch. 29, Statutes of 2020) removed the Board from the recall of sentence and resentencing process under Penal Code section 1170(e), often referred to as “compassionate release” because it is a process by which persons who are terminally ill or permanently medically incapacitated may be referred to the court and potentially released from prison. Previously, persons serving indeterminate terms could be referred to the court for recall of sentence only

upon a vote by the full Board at a public executive board meeting. If referred to the court another public hearing was then held to determine if the person's sentence should be recalled. The entire process often took several months. Now the process is streamlined and the Secretary of CDCR is responsible for referring all inmates to sentencing courts for a public hearing to determine if a person's sentence should be recalled under Penal Code section 1170(e).

### **Regulations**

In 2020, the Board amended its regulations to remove references to the Board's prior duty to calculate a person's "base term," which used to govern when indeterminately sentenced persons were first eligible for release after receiving a grant of parole. Senate Bill 230 (Ch. 470, Statutes of 2015) repealed the Board's authority to calculate "base terms" and subsequent litigation was resolved in 2018 by the California Supreme Court's decision in the case of *In re Butler*. The obsolete references were repealed effective October 28, 2020.

### **Structured Decision-Making Framework (SDMF)**

The number of scheduled parole hearings increased 16 percent in 2019 (from 5,226 to 6,061 hearings) and another 27 percent in 2020 (from 6,061 to 7,684 hearings). This is primarily due to an increase in the number of hearings the Board was required to schedule for determinately-sentenced youth offenders (under Penal Code sections 3051 and 3051.1) and indeterminately-sentenced nonviolent offenders (under Proposition 57 and CDCR regulations), and due to an increase in postponed hearings in early 2020 due to the COVID-19 global pandemic, as described above.

In order to meet a projected increase in parole hearings, the Board was expanded from 15 to 17 commissioners in 2019. In addition, the Board adopted a structured decision-making framework to streamline the hearing process by focusing on evidence-based risk factors while also increasing consistency in decision-making among hearing panels.

The SDMF is a structured professional judgment model; it is a systematic compilation of key factors reflecting best practice in risk assessment and parole release decision-making. It combines both research-supported factors and relevant legal considerations, providing a template for hearing panel members to follow that is consistent with the law governing parole decisions in California. The resulting analysis forms the basis for parole hearing decisions. The SDMF is intended to produce parole decisions that are structured, transparent, and focused on an offender's current risk.

Since the Board implemented the SDMF, the average length of a parole hearing has decreased by about 30 minutes while the number of grants and denials as a percentage of hearings held has remained substantially unchanged (34% of hearings held resulted in a grant in 2019, 36% of hearings held in 2020 resulted in a grant).

In 2020, the Board continued refining its use of the SDMF and monitoring its impact on the parole hearing process.

### **Youth Offender Parole Hearings**

The Board began conducting youth offender parole hearings in 2014, as required by Senate Bill 260. Under Senate Bill 260, youth offenders are defined as inmates who were tried as adults but who were under the age of 18 when they committed their controlling offense. Youth offenders are eligible for a parole hearing once they have served 15, 20, or 25 years, depending on the length of the original sentence imposed by the court. Certain exclusions apply. In 2020, the Board scheduled 640 youth offender hearings for persons who were under the age of 18 when they committed their controlling offense, resulting in 125 grants, 169 denials, and 41 stipulations to unsuitability. The remaining 305 scheduled hearings were waived, postponed, continued, or cancelled.

In 2015, the Legislature expanded the definition of a youth offender to include persons who committed their controlling offense when they were under the age of 23, pursuant to Senate Bills 261 and 519 (Chapter 471 and 472, Statutes of 2015), which took effect on January 1, 2016, exclusions apply. Youth offenders under these bills must also serve a minimum of 15, 20, or 25 years before they are eligible for a parole hearing. Combined, these bills required the Board, by January 1, 2018, to schedule hearings for all indeterminately-sentenced youth offenders who became immediately eligible for a hearing when the bills took effect. The bills also require the Board, by December 31, 2021, to schedule hearings for all determinately-sentenced youth offenders who became immediately eligible for a hearing when the bills took effect. In 2020, the Board scheduled 2,203 youth offender hearings for persons who were between the ages of 18 and 23 when they committed their controlling offense, resulting in 331 grants, 597 denials, and 104 stipulations to unsuitability. The remaining 1,171 scheduled hearings were waived, postponed, continued, or cancelled.

In 2017, the Legislature again expanded the definition of a youth offender to include inmates who committed their controlling offense when they were under the age of 26, pursuant to Assembly Bill 1308 (Chapter 675, Statutes of 2017), exclusions apply. Youth offenders under this measure must serve a minimum of 15, 20, or 25 years before they are eligible for a parole hearing, depending on the sentence imposed by the court. This bill required the Board, by January 1, 2020, to complete all youth offender hearings for indeterminately-sentenced inmates who became immediately eligible for a youth offender hearing on January 1, 2018 (when Assembly Bill 1308 took effect). Hearings for determinately-sentenced inmates who became immediately eligible for a hearing must be completed by December 31, 2021. In 2020, the Board scheduled 1,187 youth offender hearings for persons who were age 23 to age 25 when they committed their controlling offense, resulting in 184 grants, 312 denials, and 53 stipulations to unsuitability. The remaining 683 scheduled hearings were waived, postponed, continued, or cancelled.

The Legislature also passed Senate Bill 394 in 2017, requiring the Board, by July 1, 2020, to provide a youth offender parole hearing to inmates sentenced to life without the possibility of parole for crimes they committed when they were under the age of 18, exclusions apply. All required hearings under this measure were scheduled on or before July 1, 2020. In 2020, the Board scheduled 20 youth offender hearings for persons who were eligible for a youth offender hearing under Senate Bill 394, resulting in 5 grants, 5 denials, and 1 stipulation to unsuitability. The remaining 9 scheduled hearings were waived, postponed, continued, or cancelled.

In 2020, the Board scheduled a total of 4,066 youth offender hearings, 2,559 were for indeterminately-sentenced youth offenders and 1,507 were for determinately-sentenced youth offenders. The 4,066 scheduled hearings resulted in 645 grants, 1,084 denials, and 199 stipulations to unsuitability. The remaining 2,138 scheduled hearings were waived, postponed, continued, or cancelled. In 2020, 53 percent of scheduled parole hearings were youth offender parole hearings.

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## LEGAL DEVELOPMENTS

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### **Armstrong Class Action Litigation (“Armstrong II”)**

The subject of the Armstrong litigation is the Board’s compliance with the Americans with Disabilities Act (ADA) throughout its hearing processes. In 2020, the Board’s legal staff provided mandatory ADA training for the Board’s hearing officers and filmed a training video for attorneys representing inmates at their parole hearing. The Board continues to discuss with plaintiffs various aspects of the Board’s continued compliance with the Armstrong Remedial Plan II.

### **Cases Pending Review in the California Supreme Court**

#### ***In re Mohammad***

Proposition 57 amended the California Constitution to provide for early parole consideration for persons convicted of nonviolent felonies. The question presented: Does the text of Proposition 57 preclude consideration of the ballot materials to discern the voters’ intent and prohibit CDCR from enacting implementing regulations that exclude inmates who stand convicted of both nonviolent and violent felonies from early parole consideration?

#### ***People v. Williams***

The question presented: Does Penal Code section 3051, subdivision (h), violate the equal protection clause of the Fourteenth Amendment by excluding young adults convicted and sentenced for serious sex crimes under the One Strike law (Pen. Code, § 667.61) from youth offender parole consideration, while young adults convicted of first degree murder are entitled to such consideration?<sup>4</sup>

### **Significant Issues Resolved in 2020**

#### ***In re Gadlin***

The Court held the Department’s regulations cannot exclude inmates for any prior conviction because Proposition 57’s text indicates that parole eligibility is based solely on the inmate’s current offenses. The Court also held the regulations cannot exclude inmates for a current offense not defined by the regulations as a violent felony. The Court directed CDCR to treat as void and repeal title 15, sections 3491, subdivision (b)(3) and 3496, subdivision (b) and to make any necessary conforming changes to the regulations.

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<sup>4</sup> This case is proceeding as a criminal appeal and the Board is not a party to the litigation.

***In re Palmer II***

The Court dismissed this case on the basis that the Board adopted final regulations governing youth offender parole hearings. Because the regulations affect all of the Board's parole suitability determinations for youth offenders, and because the regulations were not in effect when the Board held the parole hearing and issued the decision at issue in this matter, review was dismissed.

***In re Canady***

The Court opined an inmate's "full term" under Proposition 57 should not be reduced with an inmate's conduct credits. The Department's interpretation that credits should not be applied to the full term is consistent with the plain text of the initiative and with the broad authority conferred on the Department, and furthers the initiative's statutory goals.

***In re Poole***

Poole's habeas petition was transferred from the court of appeal to the superior court for an evidentiary hearing. Following multiple days of testimony, the court found that there was no evidence that the Board's implementation of Marsy's Law creates a significant risk of prolonged incarceration when compared to a person who would receive a one-year denial pre-Marsy's Law. Poole's claim that the Board's fee structure resulted in representation falling below a reasonable professional standard failed due to no persuasive evidence being presented.

**Inmate Writs of Habeas Corpus**

In 2020 the state was required to file a response to 97 habeas petitions filed in state and federal court (down 25% from 130 in 2019). In 2020, the Board held 25 court-ordered parole suitability hearings as a result of inmate habeas petitions that were granted by the court; 17 of the court-ordered hearings were due to Proposition 57 litigation, and eight followed a review of the merits of the parole decision (down from 11 in 2019).

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## TRAINING AND OUTREACH

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### **Commissioner and Deputy Commissioner Training**

The Transcript Analysis Program provides commissioners with periodic legal feedback regarding their parole hearing decisions. Twenty-three consultations occurred between the Board's legal division and commissioners under the Transcript Analysis Program in 2020, which is five more than the 18 that occurred in 2019.

Commissioners and deputy commissioners receive training throughout the year during monthly Board meetings, the majority of which are open to the public. In addition to routine training required for all CDCR employees, the following training was provided to commissioners and deputy commissioners in 2020:

- ◆ *Application of California Code of Regulations, Title 15, Section 2402 at Parole Suitability Hearings*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Case Study: Application of the *In re Lawrence* Standard in Determining Parole Suitability*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Comprehensive Legal Update*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Structured Decision Making Status and Feedback*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Technological Troubleshooting and Hearing Preparation*, presented by Devin Holmes and Tammy Irwin, Information Technology Managers, Enterprise Information Services, California Department of Corrections and Rehabilitation (CDCR)
- ◆ *Articulating a Decision in Cases Resulting in a Tie Vote*, presented by Jessica Blonien, Chief Counsel, BPH
- ◆ *Conducting a Parole Consideration Hearing in Absentia (*In re Shaputis* (2011) 53 Cal.4<sup>th</sup> 192)*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Implementing Governor's Executive Order N-36-20*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Implementation of Executive Order N-36-20 and Conducting Hearings by Video Conference*, presented by Jennifer Shaffer, Executive Officer and Sandra Maciel, Chief Deputy of Program Operations, BPH
- ◆ *Analyzing when an inmate poses an unreasonable risk of current danger to society, *In re Lawrence* (2008) 44 Cal.4<sup>th</sup> 1181*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *In re Palmer; California Supreme Court No. S252145*, presented by Jessica Blonien, Chief Counsel, BPH
- ◆ *Implementing Governor's Executive Order N-36-20*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH

- ◆ *Establishing the Record and Deliberations Using the Structured Decision Making Framework*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Ensuring Consistent and Uniform Application of the Unreasonable Risk of Current Dangerousness Standard*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Legal Update Regarding Brown v. Plata (2011) 563 U.S. 493, Coleman v. Brown (2013) 952 F. Supp. 2d 901, and COVID-19*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Armstrong Remedial Plan Compliance*, presented by Dr. Clifford Kusaj, Chief Psychologist and Heather McCray, Assistant Chief Counsel, BPH
- ◆ *Overviews of the Forensic Assessment Division and Comprehensive Risk Assessment*, presented by Dr. Clifford Kusaj, Chief Psychologist, BPH
- ◆ *In re Gadlin*, review granted March 11, 2019, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *In re Canady (C089363, app. pending)*, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *Impact of Trauma*, presented by Dr. John Briere, Professor of Psychiatry and Behavioral Sciences, Keck School of Medicine, University of Southern California
- ◆ *Cognitive Behavior Interventions*, presented by Shannon Vellone, Staff Services Manager, Division of Rehabilitative Programs and Lillian Marquez, Regional Administrative Director, Amity Foundation
- ◆ *Analysis of Comprehensive Risk Assessments Administered in 2019*, presented by Dr. Clifford Kusaj, Chief Psychologist, BPH
- ◆ *Panel Attorney Program Update*, presented by Heidi Rummel, President and Founder and Anna Feingold, Interim Executive Director, Parole Justice Works
- ◆ *Microsoft Teams Overview*, presented by Steven Mehler and Travis Stratton, Staff Service Managers, Lifer Scheduling Unit, BPH
- ◆ *Ashker v. Governor of the State of California (N.D. Cal., Apr. 18, 2013, No. C 09-5796 CW)*, presented by Bryan Bishop, Special Agent, Criminal Intelligence Analysis Unit, Office of Correctional Safety and Jessica Blonien, Chief Counsel, Board of Parole Hearings
- ◆ *Introduction to LightHouse for the Blind*, presented by Scott Blanks, Director and Sheri Albers, Community Outreach Coordinator, LightHouse for the Blind, San Francisco
- ◆ *Introduction to the Peer Re-Entry Navigation Network*, presented by Martin Figueroa, Parole Agent III, Division of Adult Parole Operations
- ◆ *Overview of the Mental Health Services Delivery System*, presented by Marilyn Immoos, Senior Psychologist, Marina Rangel, Statewide Pre-Release Coordinator and Amber Carda, Senior Psychologist, Division of Health Care Services, CDCR
- ◆ *Transitional Housing Overview*, presented by Jessica Fernandez, Staff Services Manager II, Division of Rehabilitative Programs and Ryan Youtsey, Parole Administrator I, Division of Adult Parole Operations

- ◆ *Current Safety and Programming Issues*, presented by Kathleen Allison, Secretary and Jeffrey Macomber Undersecretary – Operations, CDCR and Jessica Blonien, Chief Counsel, BPH
- ◆ *Update on Pending Litigation*, presented by Philip Lindsay, Senior Assistant Attorney General, Attorney General's Office
- ◆ *In re Flores (C089974, app. pending), In re Mohammad*, review granted January 6, 3030 S259999 and *In re Gadlin*, review granted March 11, 2019 S254599, presented by Jennifer Shaffer, Executive Officer and Jessica Blonien, Chief Counsel, BPH
- ◆ *In re Reay (Super. Ct. Sacramento County 2020, No. 20HC00171)*, presented by Michelle Shimada, Senior Staff Attorney and Christopher Hoeft, Staff Attorney, BPH
- ◆ *Special Conditions of Parole*, presented by Jim Logsdon and Sara Puricelli, Staff Attorneys, BPH
- ◆ *Expanded Medical Parole Hearings*, presented by Veronica Mendoza, Senior Staff Attorney, BPH
- ◆ *Current Institutional Operations and Safety*, presented by Connie Gipson, Director, Division of Adult Institutions, CDCR and Jessica Blonien, Chief Counsel, BPH
- ◆ *In re Flores (C089974, app. pending), In re Mohammad*, review granted January 6, 2020 S259999 and *In re Gadlin*, review granted March 11, 2019 S254599, presented by Jennifer Shaffer, Executive Officer and Tiffany Shultz, Assistant Chief Counsel, BPH
- ◆ *In re Curry (BH012985, habeas petition granted October 2, 2020)*, presented by George Bakerjian, Senior Staff Attorney, BPH
- ◆ *Armstrong Remedial Plan Compliance*, presented by Jessica Blonien, Chief Counsel and Kerry Kunz, Associate Chief Deputy Commissioner, BPH

Commissioners and deputy commissioners also received the following training presented by the Association of Paroling Authorities International via videoconference:

- ◆ *Transgender 101*, presented by Adrien Lawyer, Co-Director, Transgender Resource Center of New Mexico
- ◆ *Understanding Implicit and Explicit Bias in Parole Board Decision-Making*, presented by Brandon Mathews, Doctor of Management, Colorado Technical University, College of Security Studies
- ◆ *Victims' Rights: The Positive Impact They Can Have*, presented by Meg Garvin, Executive Director, National Crime Victim law Institute
- ◆ *Gendered Parole: an Exploration of Trauma-Informed and Gender-Responsive Approaches to Parole*, presented by Sylvie Blanchet, Executive Vice-Chairperson, Parole Board of Canada
- ◆ *Why Paroling Authorities Should Integrate RNR and Desistance: the Importance of Assessing Protective Factors*, presented by Dr. Ralph Serin, Professor in Department of Psychology and Director of the Criminal Justice Decision Making Laboratory at Carleton University, Ottawa, Canada

### **Clinical Psychologist and Senior Psychologist Training**

The Board's forensic clinical psychologists receive training during routine staff meetings throughout the year and review a variety of published research through Psych Net, a scholarly research database of the American Psychological Association, which is accessible to all members of the Forensic Assessment Division. Additional training received by the Board's forensic clinical psychologists in 2020 includes the following:

- ◆ *Risk Assessment and Parole Consideration of Long-Term Incarcerated Sex Offenders* by Jim Rokop, Ph.D., Chief Psychologist and Charles Flinton, Ph.D., Psychologist, California Department of State Hospitals, Sexually Violent Predator Unit
- ◆ *Institutional Misconduct - Theoretical and Empirical Perspectives* by Lisa Tobin, Psy.D., Forensic Psychologist, BPH
- ◆ *Impact of Trauma, Disrupted Attachment, and Breakdown of Social Bonds in Justice Involved Youth* by John Briere, Ph.D., Professor of Psychiatry and the Behavioral Sciences at the Keck School of Medicine, University of Southern California (USC) and Center Director, USC Adolescent Trauma Training Center of the National Child Traumatic Stress Network
- ◆ *Risk Relevance, Case Conceptualization, and Structured Professional Judgment (HCR-20 Framework)*, by Stephen Hart, Ph.D., Professor of Psychology, Simon Fraser University, Vancouver, Canada and Director and Threat Assessment Specialist, Proactive Resolutions
- ◆ *Culture in Forensic Evaluations*, by Michelle Guyton, Ph.D., ABPP, Co-owner of Northwest Forensic Institute and Director of Oregon Forensic Evaluator Training Program
- ◆ *Executive Update* by Jennifer P. Shaffer, Executive Officer, BPH
- ◆ *Static-99R SARATSO Re-Certification*, by Lisa Kalich, Psy.D., ABPP, Forensic Psychologist, BPH, and SARATSO Certified Static-99R Trainer and Wendy Weiss, Ph.D., Forensic Psychologist, BPH and SARATSO Certified Static-99R Trainer

### **Outreach**

Board staff met throughout the year with inmate counsel, inmate advocacy groups, district attorney representatives, crime victim advocates, educators, and legislative staff to discuss a variety of topics concerning the Board. For example, Board staff:

- ◆ hosted several stakeholder conference calls to discuss the impact of COVID-19 on the parole hearing process
- ◆ participated in quarterly meetings with the Department of State Hospitals and CDCR to improve and streamline the state's processes for identifying persons who meet the criteria for additional treatment with the Department of State Hospitals as persons with a mental health disorder or sexually violent predators

- ◆ met with wardens throughout the year in their respective regions to discuss on-going issues affecting parole hearing processes
- ◆ provided information concerning the Board's parole processes to prosecutors and crime victim advocates at the California District Attorneys' Association's winter training conference
- ◆ provided information concerning the Board to newly-appointed wardens
- ◆ presented information concerning the parole hearing process to a Lifer Family Seminar hosted by Life Support Alliance
- ◆ provided information about the parole hearing process to the San Francisco Office of the Public Defender
- ◆ provided an overview of California's criminal justice system and the role of discretionary parole to the King City Rotary Club
- ◆ provided an overview of California's discretionary parole system to the Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School
- ◆ participated in a discussion with other paroling authorities facilitated by the Council on State Governments concerning discretionary parole and COVID-19
- ◆ provided information about discretionary parole to students at the University of California, Davis, King School of Law and Berkeley High School
- ◆ submitted a report entitled, *Discretionary Parole in California* and participated in a panel discussion before the Committee on Revision of the Penal Code
- ◆ provided an overview of the Board's approach to risk assessment and parole decision making to a statewide meeting of pre-release coordinators employed by Correctional Health Care Services, Mental Health Services Division
- ◆ provided training on a variety of parole hearing-related policies and procedures to inmate counsel
- ◆ provided video-recorded information about the parole hearing process for various on-line training modules for inmate counsel and for informational videos that will be available in the prisons for the inmate population, and on the internet for victims and the general public

In 2020, Executive Officer Jennifer Shaffer served as Chair of the Professional Development Committee and Vice President, Western Region, for the Association of Paroling Authorities International. She also contributed to an article entitled, *Parole Decision-Making: Moving Towards Evidence-Based Practice*, published in the *Handbook on Moving Corrections and Sentencing Forward; Building on the Record*.

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## ADMINISTRATION

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### **Board Information and Tracking System (BITS) Improvements**

The Board made several significant modifications to its main computer system, BITS, allowing the Board to implement changes in the law and further streamline its processes, including the following:

- ◆ Amending youth offender eligibility screening criteria to allow persons sentenced under the state's One-Strike Law to be eligible for a youth offender hearing, as required by the First District Court of Appeal's published decision in the case of *In re Edwards* (2019) 34 Cal.App.5th 183
- ◆ Identifying potentially eligible youth offenders under the *Edwards* decision who were previously denied youth offender eligibility and submitting them for re-screening by the Department's Case Records staff
- ◆ Implementing the Board's regulations governing youth offender hearings, to identify all persons who committed their controlling offense while under the age of 26 so the Board can apply great weight to the youth offender factors regardless of when the person first became eligible for a parole hearing
- ◆ Streamlining the process for electronically generating notice of parole hearings, Proposition 57 nonviolent offender parole reviews, and parole hearing date advancement processes
- ◆ Expanding the capability of the CDCR's Classification Services Unit to view and manage counselor workload associated with the Board's parole processes statewide in BITS
- ◆ Converting the Board's paper-based process for clemency processes to a computer-based paperless system
- ◆ Updating various correspondence for appointing inmate counsel in the parole hearing process and allowing privately retained attorneys to remain assigned as counsel of record from one parole hearing to another
- ◆ Importing and displaying each determinately-sentenced person's California Static Risk Assessment score in BITS
- ◆ Migrating BITS to new Windows and database servers
- ◆ Implementing Assembly Bill 46 (Ch. 9, Statutes of 2019) by changing "mentally disordered offenders" to offenders "with mental health disorders" in all forms and reports generated in BITS
- ◆ Changing the deadline for scheduling some youth offender hearings in BITS from a set statutory deadline (such as December 31, 2021) to a date that is six months from the date of the person's youth offender parole eligible date, if the person first became eligible for a youth offender parole hearing after the effective date of the applicable legislation

- ◆ Producing a “controlling program eligible date” for each inmate based on the person’s earliest parole eligible date or their next parole consideration date to CDCR and California Correctional Health Care Services to be used when determining priority for placement in cognitive behavior intervention programs
- ◆ Allowing documents submitted to CDCR or the Board for youth offenders after a *Franklin* hearing to be viewable in the Board’s electronic document management system
- ◆ Streamlining the process for generating executive case summaries for the Governor’s review of parole grants by auto-populating relevant data
- ◆ Importing COVID-19 weighted medical risk scores from California Correctional Health Care Services for each inmate
- ◆ Auto-populating relevant case factor and risk-related information from CDCR’s main computer system, the Strategic Offender Management System, and BITS to expedite individual reviews of persons for possible discretionary release by the Secretary under Government Code section 8658 due to the COVID-19 global pandemic or for referral to the court for recall of sentence under Penal Code section 1170(d)
- ◆ Enhancing inmate population data search capabilities, based on a combination of data stored in CDCR’s main computer system, the Strategic Offender Management System and BITS

### **Commissioner Appointments**

Governor Gavin Newsom appointed the following five commissioners to the Board in 2020: Commissioners Barton, Chappell, De La Torre, Schneider, and Sullivan. In addition, the State Senate confirmed the prior appointments of Commissioners Anderson, Cassady, Grounds, Gutierrez, San Juan, and Thornton.

### **Document Production**

The Board produced volumes of data and reports for litigation, Public Records Act requests, CDCR’s Office of Research, CDCR’s Office of Legislative Affairs, the Governor’s Office, the Department of Finance, and the Legislature.