



FOR INFORMATIONAL PURPOSES

Board of Parole Hearings Clemency FAQ

What is the role of the Board of Parole Hearings in the clemency process?

California's Constitution gives the Governor authority to grant [clemency](#) in the form of commutations, pardons, and reprieves. The Governor also has the authority to [ask the Board of Parole Hearings to investigate](#) clemency applications. The Governor routinely sends cases to the Board for investigation and relies on their findings to decide whether to grant clemency. In late February 2025, the Governor sent two such commutation applications to the Board for investigation under this provision.

Under a different law, the Board has the authority to send [commutation recommendations](#) to the Governor and [resentencing recommendations](#) to courts. The Governor and the judges are not obligated to act on these recommendations. Currently, the Board does not have a process in place for making those recommendations.

What policy change to Board practices has the Governor proposed?

The Governor has asked the Board to update its regulations to create a process by which the Board will only use its authority to recommend people for commutation and resentencing after a risk assessment. The proposed process will:

- Focus on public safety
- Give crime victims and district attorneys the opportunity to meaningfully participate before a clemency or resentencing decision is made
- Be consistently and fairly applied

The Governor asked the Board to model the new process on its existing [parole hearing](#) risk assessment process. The Board's process for assessing parole suitability is accurate – people released after a parole hearing have [low recidivism rates](#). These regulations will create a transparent, fair, and risk-based process for

the Board to exercise its authority to recommend cases for clemency and resentencing.

How will the proposed process work?

It is anticipated that the Board's proposal will include the following components. People who meet specified eligibility criteria will receive an initial review by parole hearing officers, similar to the Board's current process for a consultation. If the hearing officer decides to advance these candidates in the process, a forensic psychologist will conduct an in-depth Comprehensive Risk Assessment. Parole hearing officers will then conduct a hearing where the district attorney may participate, as well as victims and next-of-kin who receive support from [CDCR's Office of Victim and Survivor Rights and Services](#). The hearing officers will review the Comprehensive Risk Assessment, correctional records, and other information and determine if the person currently poses an unreasonable risk to public safety. If the person is found suitable, the Board will share its findings with the Governor and courts. The process does not confer any rights on the person and does not entitle them to release from prison unless the Governor or a court acts to change their sentence.

When will this proposed process go into effect?

The Board can implement the proposed proposal only after it finalizes the policy and completes a public rulemaking process. This is required because, when adopting new regulations, every department in the executive branch of California state government must follow the Administrative Procedure Act and regulations adopted by the [Office of Administrative Law](#). This rulemaking process, which can take months, gives the public a meaningful opportunity to participate in the adoption of regulations.