

Index as:  
Board of Parole Commissioners  
Parole Officer  
Parole Rules and Regulations

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BOARD OF PAROLE COMMISSIONERS  
RULES AND REGULATIONS

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I. STATUTORY AUTHORITY:  
CALIFORNIA PENAL CODE ARTICLE 3.5, COUNTY BOARDS OF PAROLE  
COMMISSIONERS

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A. Section 3074. SUPERVISION AND COUNSELING DURING TRANSITION

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

B. Section 3075. COUNTY BOARD OF PAROLE COMMISSIONERS

(a) There is in each county a board of parole commissioners, consisting of each of the following:

- (1) The sheriff, or his or her designee, or, in a county with a department of corrections, the director of that department.
- (2) The probation officer, or his or her designee.
- (3) A member, not a public official, to be selected from the public by the presiding judge of the superior court.

(b) The public member of the county board of parole commissioners or his or her alternate shall be entitled to his or her actual traveling and other necessary expenses incurred in the discharge of his or her duties. In addition, the public member or his or her alternate shall be entitled to per diem at any rate that may be provided by the board of supervisors. The public member or his or her alternate shall hold office for a term of one year and in no event for a period exceeding three consecutive years. The term shall commence on the date of appointment.

C. Section 3076. RULES AND REGULATIONS

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

(b) The board shall act at regularly called meetings at which two-thirds of the members are present, and shall make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is confined in or committed to any county jail, work furlough facility, industrial farm, or industrial road camp, or in any city jail, work furlough

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facility, industrial farm, or industrial road camp under a judgment of imprisonment or as a condition of probation for any criminal offense, unless the court at the time of committing has ordered that such prisoner confined as a condition of probation upon conviction of a felony not be granted parole, may be allowed to go upon parole outside of such jail, work furlough facility, industrial farm, or industrial road camp, but to remain, while on parole, in the legal custody and under the control of the board establishing the rules and regulations for the prisoner's parole, and subject at any time to be taken back within the enclosure of any such jail, work furlough facility, industrial farm, or industrial road camp.

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

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

D. Section 3077. JURISDICTION TO GRANT PAROLE

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

E. Section 3078. APPLICATION FOR PAROLEE; RECOMMENDATION OF JUDGE

- (a) The board shall notify the sentencing judge of an inmate's application for parole.
- (b) The sentencing judge may make a recommendation regarding such application, and the board shall give careful consideration to such recommendation.

F. Section 3079. GRANTING OR DENIAL OF PAROLE

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- (a) No application for parole shall be granted or denied except by a vote of the board at a meeting at which a quorum of its members are present. This paragraph shall not be applied to the denial of applicants who are ineligible by order of the superior court, or to the granting of parole in emergency situations.
- (b) An applicant shall be permitted to appear and speak on his behalf at the meeting at which his application is considered by the board.

G. Section 3080. LEAVING COUNTY WITHOUT PERMISSION

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

H. Section 3081. ORDER FROM COUNTY BOARD AS WARRANT

- (a) Each county board may retake and imprison any prisoner upon parole granted under the provisions of this article.
- (b) Each county board may release any prisoner on parole for a term not to exceed two years upon those conditions and under those rules and regulations as may seem fit and proper for his or her rehabilitation, and should the prisoner so paroled violate any of the conditions of his or her parole or any of the rules and regulations governing his or her parole, he or she shall, upon order of the parole commission, be returned to the jail from which he or she was paroled and be confined therein for the unserved portion of his or her sentence.
- (c) The written order of each county board shall be sufficient warrant for all officers named therein to authorize them, or any of them, to return to actual custody any conditionally released or paroled prisoner. All chiefs of police, marshals of cities, sheriffs, and all other police and peace officers of this state shall execute any such order in like manner as ordinary criminal process.
- (d) In computing the unserved sentence of a person returned to jail because of the revocation of his or her parole no credit shall be granted for the time between his or her release from jail on parole and his or her return to jail because of the revocation of his or her parole.

I. Section 3082. RELEASE OF ALIEN PRISONERS

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Each county board may make and establish written rules and regulations for the unconditional release of and may unconditionally release any prisoner who is an alien and who voluntarily consents to return or to be returned to his native land and who actually returns or is returned thereto. The necessary expenses of the transportation of such alien prisoner and officers or attendants in charge of such prisoner, may be paid by the county, upon order of the board of supervisors authorizing or ratifying the return of the prisoner at the expense of the county.

J. Section 3083. TEMPORARY COMMISSIONERS

Whenever the board designates deputies to serve as temporary commissioners in considering applications for parole of prisoners, such temporary commissioners or deputies may also exercise all powers granted by this article relative to the unconditional release of alien prisoners.

K. Section 3084. RETURN OF STATE PAROLE VIOLATOR

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

L. Section 3085. DEPUTIES AS TEMPORARY COMMISSIONERS

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

M. Section 3086. ADMISSION OF GUILT NOT A FACTOR TO TERMS OF PAROLE

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

N. Section 3087. PAROLE WITHOUT SUPERVISION

No prisoner shall be paroled without supervision.

O. Section 3088. SUPERVISION OF PAROLEE

A prisoner who is released on parole pursuant to this article shall be supervised by

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a county parole officer of the county board of parole commissioners.

P. Section 3089. COUNTY PAROLE OFFICER

- (a) A county parole officer who is not a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, is a public officer who works at the direction of the County Board of Parole Commissioners, as provided for in Section 3075, and is responsible for supervising prisoners released on parole by the board.
- (b) A county parole officer who is a public officer, as defined in subdivision (a), shall have no right to carry or possess firearms in the performance of his or her prescribed duties.
- (c) A county parole officer, as defined in subdivision (a), shall comply with the standards for selection and training established by the Board of Corrections pursuant to Section 6035.

II. RULES AND REGULATIONS

A. **RULE 1 - MEMBERSHIP**

- 1. The Mendocino County Board of Parole Commissioners, in these regulations designate as the Board, adopts the following rules and regulations pursuant to Section 3074 through Section 3089 of the California Penal Code.
  - a. At the February Parole Board Meeting, a Chair, a Vice-Chair, Secretary, and Parole Officer shall be selected. At that time a review and if necessary amendments may be made to said Rules and Regulations.
  - b. The Sheriff and the Chief County Probation Officer may appoint deputies from their respective offices to serve for them as temporary commissioners when they are unable to serve. The public member may not appoint a temporary commissioner. Any reference in these regulations to the Board or its members shall include and apply to temporary commissioners.
  - c. Any employee assigned to work for the Parole Officer will be authorized to act for him/her regarding parole matters.

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**B. RULE 2 - OFFICE OF THE BOARD**

1. The Mendocino County Jail, 951 Low Gap Road, Ukiah, CA 95482-3797 is designated as the Office of the Board.

**C. RULE 3 - MEETINGS**

1. Regularly meetings will be held, in the Corrections Division Commander's office, on the last Friday of the following months; February, April, June, August, October, December. Date and time of meetings can be changed by the Chair.
  - a. Special meetings of the Board shall be held at such time and place as the Board shall determine.
2. At each meeting, the Parole Officer shall present for consideration all parole applications that have been investigated, along with the investigation, recommendations of staff and the sentencing judge, if any, and any and all additional documentation pertaining to the parole application (which may include victim contact).
3. The Parole Officer shall keep the minutes of the Board. The minutes shall record the action taken on each item calendared.

**D. RULE 4 - GENERAL STATEMENTS OF POLICY**

1. The recommendation of the sentencing judge, if any, shall be given careful consideration by the Board. {Penal Code Section 3078 (b)}
2. Application for County Parole may be made if the inmate can demonstrate an emergency exist that the sentencing judge was not aware of at the time of sentencing.
  - a. An "emergency" shall be defined as an immediate physical danger to the inmate or "immediate family" due to medical or other life threatening problems, which the sentencing judge was not aware of at the time of sentencing. All "emergencies" must be verified by a qualified physician or other recognized approved source.
    - (1) "Immediate family" shall be defined as parents, siblings, spouse, or children. In-laws and grandparents may be considered by special approval of the Board.

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- b. Release is not likely to pose significant danger to the community;  
and,
  - c. There is a likelihood that the inmate can be successfully  
reintegrated into the community.
3. Inmates serving weekend sentences or sentences of thirty days or less are  
not eligible to apply for County Parole.
  4. It is the intent of the Parole Board that individuals not receive supervision  
by both the Parole Board and the Probation Department. It is the primary  
responsibility of the Parole Officer to provide supervision for a parolee  
during the period of release on Parole.
  5. Any prisoner either as a condition of probation or committed to this  
correctional facility for any criminal offense, unless the court at the time  
of committing has ordered that such inmate confined as a condition of  
probation upon conviction of a felony, may be granted parole.
  6. Parole supervision may be terminated on the defendant's maximum release  
date.

**E. RULE 5 - APPLICATION FOR PAROLE**

1. Notices describing the availability of county parole, and copies of these  
regulations, shall be posted in each facility within the county where  
sentenced inmates are regularly detained, including each living area of  
each detention facility.
2. Parole application forms will be available from the corrections staff.
3. Corrections Supervisor(s) or the Commander shall review the inmates 'A'  
file and recommend parole denial or approval based on applicant's  
behavior while in custody.
4. Completed applications shall be transmitted to the Parole Officer through  
normal channels.
5. The Parole Officer, or designee, shall review each parole application to  
determine eligibility and initiate an investigation if appropriate.

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6. The Parole Officer shall notify the sentencing judge when an investigation is initiated and request comment on the parole application. A reasonable effort will be made to give notice and solicit comment from the victim, the investigating police officer, the assigned supervising probation officer, if any, and the references provided by the inmate.
7. Any applicant who has been written up for any rules violation, and is given disciplinary action in the form of loss of privileges, shall not be eligible to appear before the Parole Board.

**F. RULE 6 - PAROLE HEARING PROCEDURE**

1. The applicant shall be allowed to personally appear and speak before the Parole Board when the parole application is considered. However, the applicant may request that the application be considered in absentia, or may withdraw the application at any time.
2. An attorney for the applicant may submit written information and/or argument relevant to the parole application for consideration by the Parole Board.
3. The personal appearance of an attorney may be allowed upon application to the Parole Board showing that:
  - a. The applicant lacks the capacity to effectively speak for him/herself; or
  - b. The matter before the Board is extraordinarily complex and the attorney would be of assistance to the Board.
4. Friends, relatives, and employers may personally appear before the Board only upon application to the Board showing they will be of assistance to the Parole Board.
5. The Board shall determine each parole application on its individual merits. The Board will consider information presented, which may include, but shall not be limited to, the recommendation of the sentencing judge, probation and/or police report summaries, victim statements, nature of the offense, applicant's prior criminal record, custodial incident reports, the applicant's institutional adjustment, investigation report, recommendation of the Parole Officer, and materials submitted by the applicant, and any statement by the applicant and/or anyone on his/her behalf.

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6. The burden is on the applicant to show by a preponderance of evidence that:
  - a. The applicant is not likely to pose a significant danger to the community; and,
  - b. It is likely the applicant can be reintegrated into the community.
7. Parole Board meetings are confidential.
8. Upon considering an application the Board may:
  - a. Grant parole with a specific release date, and set the terms, conditions, and length of parole;
  - b. Grant parole with a conditional release date pending receipt of additional information;
  - c. Continue the matter to a later date; or,
  - d. Deny parole.
9. When parole is denied, the Board or the Parole Officer shall notify the applicant of their decision in writing within two (2) days of adoption of the decision of the Board, not including holidays and weekends.
10. The Board may order a rehearing on its own motions at any time.

**G. RULE 7 - TERMS AND CONDITIONS OF PAROLE**

1. When parole is granted, the Parole Officer shall deliver a certificate evidencing the conditions of the parole agreement to the officer in charge of the facility where the inmate is confined directing release of the prisoner in accordance with this rule and terms of parole.
2. No inmate shall be released on parole until the inmate has signed an agreement accepting the terms and conditions of the parole agreement.
3. To ensure continuity of supervision, the Parole Officer shall coordinate with any other probation, parole, or other criminal justice agency concerned.

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**H. RULE 8 - REVOCATION OF PAROLE**

1. If there is probable cause to believe a parolee has violated any term or condition of parole, the Parole Officer or any member of the Parole Board may without notice, order the parole suspended and issue a warrant of arrest.
2. A parolee is entitled to a FACT FINDING HEARING to determine whether there is sufficient cause to believe that condition(s) of parole were violated. This hearing will be held by a member of the Board, a temporary commissioner, or the Parole Officer within five (5) days (excluding holidays and weekends) of arrest.
3. If the Parole Officer finds there is insufficient cause to believe a term or condition of parole was violated, the Parole Officer shall issue a written order that the parolee is reinstated on parole, effective immediately, and that all county parole holds are released. This order shall be delivered to the detention facility in which the parolee is confined within 48 hours, excluding holidays and weekends.
4. If it is determined at the FACT FINDING HEARING that there is sufficient cause to believe that a term or condition of parole was violated, the Parole Officer shall order the parolee to be held in custody until a REVOCATION (disposition) HEARING can be held, within five (5) days of the fact finding hearing excluding weekends and holidays, to determine if parole will be revoked.
5. At the revocation hearing, the parolee is entitled to:
  - a. Written notice of the alleged violation;
  - b. The opportunity to review the adverse information that will be offered;
  - c. The opportunity to appear personally;
  - d. The opportunity to present testimony and documentary evidence; and,
  - e. The right to cross-examine witnesses.

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6. If the Board determines parole should not be revoked, the Board shall issue a written order rescinding the Board's original commitment order and reinstating parole under the original or modified terms and conditions. This order shall be delivered to the detention facility in which the parolee is confined within forty-eight (48) hours, excluding holidays and weekends.
  
7. If the Board determines parole should be revoked, the Board shall issue written finding of fact or adopt the findings of the Parole Officer and issue a written order stating the parolee shall be returned to the custody of the Sheriff to serve the remainder of sentence.

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