



Please Note: The information contained in this Guide is not intended as legal advice in any individual's case. There are many exceptions and variations in the parole consideration process. If you have questions, please consult with an experienced parole attorney.

2021 CHANGES TO THE COMPREHENSIVE RISK ASSESSMENT REGULATIONS

On February 5, 2021, the Board of Parole Hearings adopted changes to the regulations governing when the Board is required to produce a new Comprehensive Risk Assessment (CRA). (California Code Regulations, title 15, section 2240.) Generally, the Board may not rely on a CRA that is older than three years and is required to provide a new CRA to parole candidates. The changes introduced on February 5, 2021 allow the Board to hold parole hearings *without* providing a new CRA, even if it is an initial hearing, or the most recent CRA is three or more years old.

The Board adopted these regulations due to an increase in the number of people eligible for parole and an increase in the number of scheduled hearings. According to the Board, this created a demand for more CRAs than the Board has been able to produce in a timely manner. Below, we have done our best to answer some questions about the potential impact of these changes to the regulations.

I. Who will be impacted by these changes and how will I know if I am impacted?

These changes apply to both initial and subsequent parole hearings. While many people will still receive a CRA for their initial hearing, or an updated CRA for a subsequent hearing, people who meet certain criteria will not. You will not receive a CRA if you meet the following three conditions:

1. Your hearing is scheduled to occur on or between April 1, 2021 and June 30, 2022, or was previously scheduled to occur between those dates but was postponed; and
2. The Board determines that you were designated by CDCR as Security Level IV as of January 1, 2021; and
3. You received two or more RVRs classified as serious and found guilty at a disciplinary hearing between January 1, 2018 and January 1, 2021.

If you meet all three of these conditions, the Board will notify you by mail at least 60 days before your hearing that you will not be receiving a CRA. The letter will be titled "Notice of Parole Hearing without Comprehensive Risk Assessment."

II. Can I challenge the Board's decision?

If you believe you are wrongly notified, you or your attorney can challenge this decision by writing to the Board explaining why you do not meet the criteria outlined above. Challenges must be submitted at least 30 days before the hearing.

Even if you do meet the criteria, you can still request that the Board prepare a new CRA based on good cause. You will need to show that since your most recent rules violations, you have experienced a change in physical or mental health that would be relevant to determining your suitability for parole. The request should explain why the Board should prepare a CRA and how this physical or mental change is relevant to determining suitability for parole. Requests to prepare a new CRA must be addressed to the Board's Chief Counsel and received by the Board at least 30 days before the hearing. You can send your request to:

Board of Parole Hearings
Chief Counsel
P.O. Box 4036
Sacramento, CA 95812-4036

If the Chief Counsel determines that the explanation and information in your records demonstrate that a CRA would provide relevant information necessary for the panel to determine your suitability for parole, you will receive a new CRA.

III. What happens if I go to my parole hearing without a CRA?

Your hearing will go forward without an updated CRA unless you choose to waive or postpone your hearing. If you choose to go to your hearing, and the hearing panel determines that a CRA is necessary to reach a determination about your suitability for parole, the panel will stop the hearing and require the Board prepare a CRA. Once the Board prepares a CRA, you will resume your hearing where it left off.