



*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.*

## **POST-HEARING GUIDE: GRANT**

This Guide is intended to answer the most common questions parole applicants and their loved ones have after a parole grant. Please keep in mind that every case is different, and that this Guide provides only a general outline for next steps. If, after thoroughly reading this Guide, you still have questions and/or concerns, please do not hesitate to contact our office.

### **I. I just got granted parole at a parole consideration hearing. What happens next?**

#### Review Period

Congratulations on being found suitable for parole! You have overcome a major hurdle on the way to freedom. However, as you may know, being granted parole does not automatically mean you will be released. Think of the panel's decision to grant you parole as a "proposed decision," rather than a final decision. There are still two decision-makers that need to sign off before you walk out of the prison gate.

First, the proposed parole grant has to be reviewed by the Board of Parole Hearings' Decision Review Unit. This review must be completed within 120 days following the hearing. The Board's Decision Review Unit will review your parole hearing transcript to determine if the panel made a factual or legal error, or if there is new information that the Board should consider in a rehearing that would likely result in a

different decision. This 120-day review period applies to all people, regardless of their conviction.

If the Decision Review Unit affirms (upholds) the proposed decision, then it goes to the Governor for review. If your commitment offense is murder, the Governor has an additional 30 days to review the decision (a total of 150 days for review). The Governor may affirm the decision, reverse it (block your release), or modify it (usually by changing your release date). If your commitment offense was any crime other than murder, the Governor does **not** get an additional 30 days to review the decision, and the Governor **cannot reverse** the decision. However, the Governor can refer the case to the Board for an *en banc* review within the 120-day review period. An *en banc* review is discussed more below.

Because the review period after a grant of parole ranges from 120-150 days, if both decision-makers affirm your grant, your release date will be four to five months after your parole hearing date.

### En Banc Review

If the Decision Review Unit or the Governor refers your case for an *en banc* review, you and your attorney will be notified. A referral to an *en banc* review means that a majority of Board Commissioners will review your case during the Board's monthly Executive Meeting to determine if the panel made the right decision. You will not be present during this meeting, but you can have your attorney and other supporters speak on your behalf. The Board's current policies require that state-appointed attorneys be present to advocate on your behalf. Within 24 hours of the hearing, the Board will vote to:

- Affirm the grant;
- Vacate (undo) the grant and schedule a new hearing; or

- Schedule a rescission hearing. At a rescission hearing, a panel will decide whether to affirm the parole grant or rescind it (take it back). Often, the reason for a rescission hearing is because the Board discovers new information that leads them to believe the person should not be paroled, such as recent rule violations; evidence of the parole applicant's mental deterioration; or fundamental errors made by the panel in granting the applicant parole. If the panel rescinds the parole grant, they will then schedule a new hearing. For more information on rescission hearings, see § 9.39 of the California Prison and Parole Handbook from the Prison Law Office.

For more information about how your supporters can prepare for an *en banc* hearing, please see UnCommon Law's "*En Banc* Review Preparation Guide for Loved Ones."

## **II. If my grant is affirmed by the Board and the Governor, when will I be released?**

You cannot be released before your Minimum Parole Eligibility Date (MPED). If, after your MPED and all applicable reviews, you are found to be suitable for parole, the Governor will inform the Board that you can be released. The Board will then inform your lawyer and your institution. You are supposed to be released five days after the Governor's notification, but, in most cases, this takes around a week.

## **III. What should I do while the parole decision is reviewed?**

First and foremost, remain disciplinary-free. Receiving a disciplinary action, such as a rules violation report, can result in a rescission hearing and the parole grant being taken away.

Second, continue attending your self-help programming. If, for whatever reason, the parole grant is reversed or vacated, the Board at your next hearing may be critical of your decision to stop programming.

Third, you should inform your loved ones and supporters. While giving them the good news about your grant, remind them that there is always the possibility that the decision could change during the review process. Around sixty days before your parole date, have loved ones send your dress-out clothes to the institution's Receiving and Release department. Be sure to communicate with your loved ones about the sizing of your dress-out clothes because sizes in the institution do not match sizes in the outside community.

Finally, remember to stay calm. You may hear about other hearings which occurred around the same time as yours, and how their review process is going. You may hear all kinds of rumors. Remember that each case is different, and that there is no way to guess how your review process will go based on another person's result.

#### **IV. What should my loved ones/supporters do to prepare for my release?**

Most importantly, they should prepare to be patient, and find ways to cope with the excitement and uncertainty of this process. The parole decision is subject to many levels of review, and until the day you are released, there is always a chance that the decision can change. Furthermore, they may hear rumors about how others' review processes are going, the status of your parole decision, and much more. They should keep in mind that these are just rumors, and that each case is different.

If you are being paroled to a loved one's/supporter's house, they should expect a call and a visit from a parole agent to inspect the house. Additionally, if you have a job offer for when you are paroled, your employer should expect a call from your parole agent.

When you are informed of your release date, be sure to communicate the date to loved ones who would like to meet you at the gate. Your loved ones can call the prison to ask what time releases typically occur. Sometimes prisons do not tell you the exact time, so it requires some waiting around. Releases can be as early as 6:30 or 7 in the morning.

We know that the time period after a parole grant can be a balancing act between excitement and uncertainty. As you navigate this experience, remember that no matter what happens, you can be proud of yourself for making it this far!