



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 attorney.

HOW TO WRITE A DECISION REVIEW LETTER

This Guide is intended to help you understand the Decision Review Letter process and challenge factual and legal errors that the Board specifically relied on in order to reach their decision to deny parole.

I. What is a Decision Review Letter?

A Decision Review Letter is an informal challenge to the Board's decision to deny parole. Parole grants and denials are not final for 120 days as the Board's Decision Review Unit considers them. In cases where parole is denied, this means that there is a limited window of time during which the decision can be informally challenged. UnCommon Law terms this informal challenge a Decision Review Letter. Decision Review Letters are not required and are not necessary to submit prior to filing a habeas petition. They are simply another avenue to advocate with the Board.

Example. If the parole candidate received a denial of parole on January 1, 2021, the review period ends May 1, 2021.

II. When is it time to consider drafting a Decision Review Letter?

A Decision Review Letter should be submitted at least 17 days (a week and 10 days) before the date of the last Executive Board Meeting within the parole candidate's 120-day review period. This will give the Board's legal staff time to read, review, and consider whether to place the parole candidate's case on the Agenda at the Executive Board Meeting. The Executive Board Meeting schedule is posted on the CDCR website here: <https://www.cdcr.ca.gov/bph/executive-board-meetings-overview/meeting-schedule/>.

Example. The last Executive Board Meeting for a parole candidate whose review period ended May 1, 2021 is April 19, 2021. The Decision Review Letter should be submitted no later than April 2, 2021.

III. What should be included in a Decision Review Letter?

The goal in a Decision Review Letter is to identify parts of the parole candidate's hearing where the Board **specifically relied on** a legal or factual error in order to reach their decision to deny parole. A Decision Review Letter **should not** talk about errors that did not impact the Board's decision to deny parole, as these errors are less persuasive and compelling to raise. Decision Review Letters are often highly fact-specific, so it is important

to consult with an experienced attorney if you are able and carefully review the parole hearing transcript.

To request a parole candidate's hearing transcript, email BPHSuitabilityHearingTrans@cdcr.ca.gov. Include (1) the candidate's name, (2) the candidate's CDCR number, and (3) the date of the requested hearing. In your email, there is no need to explain who you are or justify why you want the transcript.

Example. Please provide the following Parole Hearing Transcript:

Name: John Doe

CDCR #: A-12345

Date of Hearing: January 1, 2021

A parole candidate should also receive a copy of their transcript from their counselor around 30 days after the hearing.

Once you have the transcript, start by reading the "Decision" section. This is the section of the hearing where the Board states their reasons for the denial of parole. Once you have made note of the reasons the candidate was denied, go back and read the transcript in its entirety. As you read, make note of where the Board made a speculation or incorrectly stated facts that connect to the reasons the candidate was denied. A compelling Decision Review Letter should not simply disagree with how the Board weighed the evidence, as the Board is unlikely to reconsider the panel's decision. Instead, as outlined above, consider what legal or factual errors occurred in the hearing, and how they impacted the panel's decision.

IV. How should a Decision Review Letter be formatted?

The Decision Review Letter should typically be no more than three pages. You should include citations and page numbers from the hearing transcript. You can also attach new evidence or documented evidence that the Board had during the hearing that supports the decision review.

V. Where do I send my Decision Review Letter?

A Decision Review Letter should be emailed to both Chief Counsel Jessica Blonien (jessica.blonien@cdcr.ca.gov) and Executive Officer Jennifer Shaffer (jennifer.shaffer@cdcr.ca.gov), and cc BPH.Correspondanceunit@cdcr.ca.gov.

A Decision Review Letter can also be mailed to:

Board of Parole Hearings
Post Office Box 4036
Sacramento, CA 95812-4036

VI. What happens if the Decision Review Letter is unsuccessful?

A Decision Review Letter is unsuccessful if the Board does not add the parole candidate's case to the Agenda by the time of the last Executive Board Meeting within the 120-day review period. This means that the Board chose not to act. The Board may send a letter explaining why they decided not to act on the request, but is not required to.

VII. What happens if the Decision Review Letter is successful?

If the Decision Review Letter is successful, the Board places the parole candidate's case on the next calendar to be considered *en banc*. *En banc* means that all presiding commissioners review a case at together. At that meeting, the Board could either affirm the denial, or vacate it and order a new hearing.