

GENERAL OFFICE MEMORANDUM 15-107

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: JOHN K. SPILLANE 
Chief Deputy District Attorney

SUBJECT: EARLY PAROLE NOTIFICATIONS AND CORRESPONDENCE

DATE: NOVEMBER 17, 2015

Federal judges assigned to supervise prison overcrowding litigation in the California State Prison System have ordered the California Department of Corrections and Rehabilitation [CDCR] to lower inmate population by granting Early Parole to inmates convicted of non-violent offenses who have a prior strike conviction [Second Strike Inmates]. The federal court ordered the CDCR to award an additional 13.3% sentence credits to every such inmate, meaning a Second Strike Inmate on a non-violent offense will serve a maximum of 66.7% of his/her sentence rather than the 80% California law mandates.

Additionally, the federal court ordered the CDCR to evaluate each qualifying inmate to determine whether parole should be granted after serving only 50% of the sentence instead of the 66.7% reduced sentence as described above. The CDCR prepared a protocol the Board of Parole Hearings [BPH] is implementing. As part of that protocol, the BPH requests a written letter from the District Attorney's Office in each case where the District Attorney's Office objects to Early Parole at 50% of the inmate's sentence. This requires an evaluation by the Parole Division and preparation of a letter in each case where our Office objects to early release.

Our Office must provide the written response within 30 calendar days of the date of the BPH's letter notifying us it is considering granting Early Parole. It is necessary to immediately contact the Head Deputy of the Parole Division upon receipt of any correspondence from the BPH or the CDCR regarding Early Parole of Second Strike Inmates so that appropriate action can be taken. The Parole Division will contact the Bureau of Victim Services to ensure efforts are made to contact any victim(s) impacted by the potential early release of the inmate.

jm