PAROLE REVOCATION FLOWCHART

Rev. 7/19/13

Suspected violation of parole terms and conditions

CDCR/DAPO request to court for warrant
PC 3000.08(f); 3000(b)(9)(A); 1203.2(a)
- No petition or report required
- Declaration of nature of violation

Arrest without warrant –
PC 3000.08; 1203.2(a)

Parole hold – PC 3056

CDCR/DAPO determination:
probable cause for violation
Review by independent officer; Morrisey v. Brewer;
PC 3000.08(d)

Warrant issued by court
- Issued by judge, magistrate, revocation hearing officer
- Preliminary determination of probable cause for arrest - PC 813(a)
- Summarily revokes parole; suspends remaining supervision period
PC 1203.2(a),(f); Govt C 71622.5

CDCR/DAPO intervention:
- Graduated, intermediate sanctions
- Statute Includes "flash" incarceration of 1-10 days per violation; PC 3000.08(d),(e)**

**CDCR recently stated that parole will NOT make use of the statutory authority to impose flash incarceration.*

Probable cause found

Probable cause NOT found

CDCR/DAPO determination:
whether intermediate sanctions are appropriate
PC 3000.08(d)

CDCR/DAPO withdraws/dismisses charges; removes hold

Court recalls warrant

Intermediate sanctions appropriate

Intermediate sanctions NOT appropriate

Waiver Process:
At any time during violation procedure parolee may waive right to counsel** or, in concert with counsel:
- admit violation petition in writing
- waive court hearing
- accept recommended disposition of parole modification or revocation
PC 3000.08(f); 1203.2(b)(2)

CDCR has indicated that once parole files a petition for revocation, the agent will not attempt to settle the case directly with the parolee due to Valdivia restrictions on CDCR; the agent will go through court process.

Petition for revocation of parole
- Filed by CDCR/DAPO
- County where parolee is supervised
PC 3000.08(f); 1203.2; CR-300

Arraignment - PC 3000.08(f); CRC 4.541*; CR-300
- Probable cause determination by court based on report and/ or petition (recommended)
- Held promptly (recommended)
- Right to counsel (appointed) (Vickers)
- No right to bail; court may set bail or release on own recognizance

Motion to Dismiss Petition for Revocation of Parole

- Waiver filed and processed
- Minute entry
- Future court dates vacated
- Notice to Sheriff

Revocation hearing - PC 1203.2(f)
- Conducted by judge, magistrate, revocation hearing officer; Govt C 71622.5
- Calendared within reasonable time (Morrissey); see also, PC 3044(a)(2) (Marsy's Law) – 45 days
- Right to counsel (appointed) (Vickers)

Court dismisses petition
- court clerk minute entry
- notice to sheriff
- release order issued
Court reinstates parolee on parole under same terms and conditions

Violation found

No violation found

Court revokes parole and/or orders the following (PC 3000.08(f)):
- Return to parole, w/ or w/o modification, up to 180 days jail
- Refer to reentry court or other EBP program per PC 3015
- Place on electronic monitoring program for reinstatement or as intermediate sanction
- Assess parole revocation restitution fine – PC 1202.45(a); 1202.4(b)
Courts are not authorized to terminate parole. PC 1203.2(b)

Decision may be appealed

* Rule 4.541 will be amended to include petitions to revoke parole, effective July 1, 2013.

Blue = court jurisdiction

Orange = CDCR action