

Senate Bill 81

Fairness and Transparency in Parole

Senators Nancy Skinner (D-Berkeley) and Josh Becker (D-San Mateo)

THIS BILL

SB 81 implements key recommendations made by the independent Legislative Analyst's Office to improve California's parole process. The LAO report, "[Promoting Equity in the Parole Hearing Process](#)," concluded that the process needs safeguards to increase objectivity and transparency as well as oversight to help ensure that decisions made by parole commissioners are based on public safety considerations.

ISSUE

California's penal code provides for determinate and indeterminate sentences. Determinate sentences specify a set amount of time a person is incarcerated. Indeterminate sentences provide a range of time, with the Parole Board, through a hearing process, having the authority to determine the time of the person's release.

According to the LAO report, "For about 40% of [incarcerated] people... the amount of time they ultimately serve in prison — in many cases including whether or not they will spend the rest of their lives in prison — is determined through the parole hearing process. Accordingly, decisions made in the parole hearing process have major implications for the lives of a significant portion of the state prison population and their loved ones, as well as victims and the safety of the general public."

California's existing parole statute provides that parole "shall normally" be granted. However, data demonstrates that this is not the case, instead [about 20%](#) of people eligible for parole each year are granted release by the Bureau of Parole Hearings (BPH).

According to the LAO's report, there are indications that California's parole system too often allows parole commissioners to deny release based on subjective factors that could be influenced by implicit or explicit bias, rather than basing decisions on a factual demonstration of the person's threat to public safety. The overly broad discretion provided to commissioners, according to the LAO, "allows decisions to be influenced by the idiosyncrasies,

values, or conscious or unconscious biases of decision makers."

The LAO recommends that the Legislature address these problems by increasing transparency in the parole process; creating safeguards to ensure that decisions are objective and not influenced by improper biases; and providing adequate court oversight for parole decisions.

SOLUTION

To implement the recommendations in the LAO's Promoting Equity in the Parole Hearing Process report, SB 81 will:

- Require BPH to ensure that a denial is based on objective reasons that a parole candidate is a public safety risk;
- Help reduce parole decisions that may rely on factors that are subject to bias, including race, gender, and disability, among others;
- Clarify that reviewing courts should apply a "preponderance of the evidence" standard when reviewing parole denials; and
- Provide that parole candidates who are denied parole are informed of the right — which they already have — to seek judicial review of a denial and have an attorney for this process.

SUPPORT

ACLU California Action
American Friends Service Committee
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
Californians for Safety and Justice
California Coalition for Women Prisoners
California Families Against Solitary Confinement
California Innocence Coalition: Northern California Innocence Project, California Innocence Project, Loyola Project for The Innocent
California Public Defenders Association;
Californians United for A Responsible Budget
Communities United for Restorative Youth Justice
CURE California

Ella Baker Center for Human Rights
Felony Murder Elimination Project
Initiate Justice
Initiate Justice Action
Legal Services for Prisoners with Children
Prison from the Inside Out
Root & Rebound
Safe Return Project
San Francisco Public Defender
Showing Up for Racial Justice Bay Area
Sister Warriors Freedom Coalition
Smart Justice California
Survived & Punished
UnCommon Law

CONTACT

Kapri Walker
Office of Senator Nancy Skinner
(916) 651-4009 | Kapri.Walker@Sen.Ca.Gov

Samantha James
Office of Senator Josh Becker
(916) 651-4013 | Samantha.James@Sen.Ca.Gov