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# PROSECUTOR- INITIATED RESENTENCING TOOLKIT

*People Change.  
Justice Compels Us to Act.*

2022

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## About For The People

For The People is the national nonprofit that activates the power of prosecutors to remedy excessive prison sentences.





## ABOUT FOR THE PEOPLE

For The People (FTP) is a national nonprofit organization leading the implementation of California’s Prosecutor-Initiated Resentencing movement—the nation’s first law allowing prosecutors to revisit past sentences and facilitate prison releases for people serving excessive sentences. We define excessive sentences as sentences that, although legally valid, are now no longer in the interest of justice because they are too harsh, stem from outdated policies, and/or the person has turned their life around in prison such that further incarceration no longer serves a public safety or accountability purpose. Based in Oakland, FTP partners with District Attorneys and other decision makers to develop policies to remedy unjust and excessive sentences through sentence review, recall, and resentencing. We partner with system stakeholders, community leaders, and incarcerated people to give voice to redemption stories, with the goals of expanding justice, reuniting families, and restoring communities decimated by mass incarceration.

## AUTHORS

Staff Attorneys Lizzie Lockwood and Allyssa Rose developed this Prosecutor-Initiated Resentencing Toolkit for California District Attorneys navigating implementation of PIR. Both women hail from the East Coast, graduated from UC Hastings College of the Law in 2019 and 2020, respectively, and are eager to support prosecutors engaging in this emerging area of law and safely reunite more families and communities.

## ACKNOWLEDGEMENTS

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# FOR THE PEOPLE

## Steps for Prosecutor-Initiated Resentencing





## OVERVIEW OF PROSECUTOR-INITIATED RESENTENCING LAW IN CA

In 2018, For The People Founder & Executive Director Hillary Blout worked with California Assemblymember Phil Ting to introduce and pass the nation's first Prosecutor-Initiated Resentencing (PIR) law: Assembly Bill (AB) 2942. AB 2942, which took effect in January 2019, enables California District Attorneys (DAs) to review the cases of people whose sentences are excessively long and/or whose continued confinement is no longer in the interest of justice, and to move the Court for resentencing and release.

Once a recommendation for resentencing is made, the Court's discretion is broad, and it may resentence someone "for any reason rationally related to lawful sentencing,"<sup>1</sup> "as if [the person] had not previously been sentenced."<sup>2</sup> The new sentence cannot exceed the original sentence, and the Court may use its full judicial powers at resentencing, including deciding the new term, whether to strike enhancements, and if there are multiple charges, whether a sentence should run consecutively or concurrently. At the time of resentencing, the Court must award credit for time served on the original sentence and must rely on sentencing rules of the Judicial Council to avoid disparity of sentences.

AB 1812, also enacted in 2018, provides guidance for the Court on evaluation of evidence in resentencing, including consideration of postconviction factors, such as a person's disciplinary record and record of rehabilitation while incarcerated; whether age, time served, and diminished physical condition have reduced the risk for future violence; and whether circumstances have changed since the original sentence that would deem further confinement unjust.

In 2021, Assemblymember Ting authored AB 1540, a complementary bill adding due process and equity provisions to strengthen and clarify AB 2942. The bill prohibits the Court from denying a PIR motion without a hearing, requires the Court state the reasons for its decision to grant or deny recall and resentencing on the record, and creates a presumption favoring recall and resentencing.

## HOW TO USE THIS TOOLKIT

This Toolkit is designed to support California DAs in implementing the PIR Law, now codified in California Penal Code § 1170.03. Broken down into ten discrete sections, this Toolkit provides an overview of the PIR process from start to finish. You will also find templates for documents that you can use throughout the PIR process, as well as sample documents for your reference in the Appendix. While every District Attorney's Office (DAO) will approach the PIR process differently, it is our hope that this document will serve as a valuable roadmap.

<sup>1</sup> *Dix v. Superior Court* (1991) 53 Cal.3d 442, 456.

<sup>2</sup> Cal. Pen. Code, § 1170.03, subd. (a)(1).



## ONE: OBTAINING YOUR DATA

The United States continues to incarcerate more people than any other country.<sup>3</sup> California, specifically, maintains the highest number of people serving long-term sentences in the U.S.<sup>4</sup> Thirty-three percent of California's entire prison population is serving a life sentence.<sup>5</sup> Despite these numbers, many DAs do not currently have an accurate or comprehensive dataset on the prison population sentenced from their county.

To get a better understanding of their county prison population, DAs can request a dataset from the California Department of Corrections and Rehabilitation (CDCR) that provides individualized data for all CDCR in-custody incarcerated people within a specific controlling offense county. Obtaining your data from CDCR is the first step in the PIR process. An email template for requesting such data, along with a sample data sharing agreement, is provided in the Appendix.



## TWO: ANALYZING AND UNDERSTANDING YOUR DATA

Obtaining accurate and complete data on the prison population sentenced out of your county is an important part of PIR. Figuring out where and how to start reviewing cases can be a daunting task without it. Not only can you use this data to see what the incarcerated population from your county looks like, but your office can also use it to identify your review criteria—that is, the types of cases you will consider as a starting point for PIR review. This data can even be illuminating. For example, in reviewing and analyzing your dataset, you might be surprised to learn the sentence lengths attached to certain types of offenses. In Santa Clara County, they learned of a cohort of elderly people serving life sentences for property crimes that occurred a long time ago, and a subset of these individuals demonstrated they had made significant strides towards their rehabilitation. The data can also help you understand sentencing trends over time and compare sentencing practices over the last few decades. Many of our DA partners have shared that data has been a critical tool in launching their PIR initiatives.

Once counties obtain their CDCR dataset, the next step is to analyze the data and determine which cases to consider first. The datasets CDCR provides are quite comprehensive. They contain data on current and prior offenses, sentence length, time served, age, risk assessments, rule violations, programming, and more. For our county partners that need assistance in analyzing CDCR datasets, For The People can provide that support. Our team can create a County Data Snapshot that provides an overview of your county's prison population through descriptive statistics such as age, race, time served, sentence length, offense type, and more. The County Data Snapshot can then be used to develop county review criteria, a significant next step in the PIR process. An example of a County Data Snapshot is included in the Appendix.

<sup>3</sup> German Lopez, *The Case for Capping all Prison Sentences at 20 Years*, VOX (Feb. 12, 2019), <https://www.vox.com/future-perfect/2019/2/12/18184070/maximum-prison-sentence-cap-mass-incarceration>.

<sup>4</sup> Ashley Nellis, *No End in Sight: America's Enduring Reliance on Life Imprisonment*, The Sentencing Project (Feb. 17, 2021), <https://www.sentencingproject.org/wp-content/uploads/2021/02/No-End-in-Sight-Americas-Enduring-Reliance-on-Life-Imprisonment.pdf>.

<sup>5</sup> *Id.*



## THREE: ESTABLISHING YOUR INITIAL REVIEW CRITERIA

### Evidence-Based Decision Making

Prosecutors play a critical and unique role in the criminal justice system. From a case's inception, prosecutors exercise their vast discretion at numerous junctions, from charging and diversion to litigation and sentencing recommendations. The effects of these decisions ripple throughout the criminal justice and legal systems and our communities. The influential nature of prosecutorial decisions thus demands a foundation of best practices and policies to optimize public safety and the fair administration of justice. Central to the PIR model is evidence-based decision making. Evidence-based decisions combine data and research with prosecutorial experience so that decisions are grounded in evidence-based knowledge.<sup>6</sup> By its very nature, evidence-based decision making enables greater collaboration with criminal justice system partners because it relies on uniform or common data points capable of being compared across jurisdictions.<sup>7</sup> Moreover, evidence-based evaluations result in more well-informed prosecutorial decisions.

Due to the adversarial nature of the criminal justice system, DAs often do not have the opportunity to engage in a more collaborative approach with fellow criminal justice system actors. PIR is best achieved in a collaborative environment. Through collaboration with public defenders (PDs) and community groups, DAs will gain access to more information than they could gather on their own, which enables them to make PIR decisions grounded in evidence-based knowledge.

As a county participating in PIR, DAs will likely establish criteria as a starting point to select cases for review and possible resentencing. Your County Data Snapshot will be a guide to understanding the types of cases you may prioritize. By utilizing hard data and collaborating with other criminal justice system partners, you will gain richer, more nuanced knowledge through which you can carry out your role as a minister of justice.

### Working With Your Criteria

As described above in Section Two, if you are working with For The People, our team can assist your office in providing a snapshot of your county prison data. Once you have the County Data Snapshot, it is up to your office to develop initial criteria for the PIR cases you will review. In our experience, county review criteria are more dynamic than static and should be overly inclusive. Oftentimes, stories of redemption transcend labels or categories of crimes.

Here is an example of how initial review criteria may be dynamic. A county initially determines eligible resentencing cases based on its own criteria, e.g., those that are non-violent, non-homicide, non-sexual, and where the incarcerated person has served at least 15 years on their sentence. While the county begins to identify eligible resentencing cases based on this criteria, PDs, community groups, or individuals (constituents or even assistant DAs) may draw attention to cases outside of this initial review criteria. DAs may then choose to focus only on cases within the established criteria or also review these additional cases to see if there is an argument for release in the interest of justice.

<sup>6</sup> *Evidence Based Decision Making: A Guide for Prosecutors*, NAT'L INST. OF CORR., 3 (June 2017), <https://info.nicic.gov/ebdm/sites/info.nicic.gov/ebdm/files/ebdm-users-guide-prosecutors.pdf>.

<sup>7</sup> *Id.*



In this instance, most DAs are willing to look at cases outside the county's initial criteria. Sometimes, this has led to the county expanding their initial review criteria. Other times, the DA agreed to the review of these cases while maintaining their initial criteria requirements. Overall, it is our experience that the initial review criteria are just that—initial and subject to change. PDs often bring forward cases that fall outside of a DA's initial review criteria. In our experience, DAs have found value in considering these cases, regardless of the final outcome. Considering cases outside of the initial review criteria has strengthened relationships between DAs and PDs, and it has broadened DAs' perspectives on public safety, rehabilitation, and redemption.



## FOUR: ENGAGING INCARCERATED PEOPLE, OBTAINING SUPPORT DOCUMENTS, AND HANDLING IN-BOUND REQUESTS FOR REVIEW

### The Engagement Process

Once you have narrowed your dataset to fit the initial review criteria of your office, you will then engage those incarcerated persons who meet those criteria. The first step in the engagement process is to notify the incarcerated persons of their eligibility. If you are working with For The People, these are the two documents needed:

- (1) CDCR's Authorization for Release of Offender Central File form, and
- (2) For The People's Waiver and Acknowledgement form.

PDs may also obtain consent from incarcerated persons. In our experience, it is a good practice to have both forms go through the incarcerated person's attorney. However, it is also critical to have an agreement with the incarcerated person's attorney so that the DAO may review the entire Master Packet<sup>8</sup> and relevant supporting documents. The forms and a sample template letter explaining the resentencing process to the incarcerated persons are included in the Appendix.

### Illustrating the Rehabilitative Arc – Gathering Support Documents

DAs engaging in the PIR process have a unique opportunity to witness an incarcerated person's rehabilitation. While one can glean a great deal of information regarding the incarcerated person's rehabilitation from their C-File, prison records rarely paint a full picture of their rehabilitative journey. Many DAs report that it is useful to review supporting documents alongside the C-File to get the fullest picture of an incarcerated person's rehabilitation, as well as to see how they have prepared for reentry and reintegration into the community.

<sup>8</sup> The Master Packet is a condensed version of the C-File. It contains the documents that are most relevant to PIR Review. The Master Packet is similar to what the Board of Parole Hearings and DAs receive at parole hearings. CDCR provides the Master Packet to DAs engaging in 1170.03 upon request.





To that end, For The People’s Resentencing & Reentry Support Guide, is included in the Appendix. The Guide contains a checklist, instructions, samples, and templates designed to aid incarcerated people and their support networks in the process of creating and compiling supporting documents for use in resentencing cases. We have found that it is best to send the Guide to incarcerated persons along with the two engagement documents discussed above. This provides the incarcerated person with ample time to reflect on and complete the supporting documents. If your office has a partnership with the Public Defender’s Office (PDO), then it is best practice to go to the PD and ask for such documents first before sending the Guide to the incarcerated person.

## Accepting Requests for Review

As PIR continues to grow in California, your office can expect to receive requests for review from various stakeholders, including incarcerated people and their loved ones, PDs, and community-based organizations. Each office will have to decide how to handle these in-bound requests for review. We have found that it is best to develop a plan and process for handling them sooner rather than later, and we encourage your office to do the same.

If your office is interested in accepting requests for review, we recommend that you create a questionnaire for interested parties to complete when submitting such requests. The questionnaire should ask the incarcerated person, or person submitting on their behalf, for specific information pertaining to your office’s initial review criteria so that you may effectively and easily screen out cases that you will not review. It can also be helpful to ask for other information relating to a particular incarcerated person’s in-prison record, such as the number of rule violations they have received in the last five years, as this information will also help you screen these requests. By using a standardized form, your office will be able to respond to outside requests for review in a timely fashion. It will also ensure that you maintain transparency and consistency with your constituents.

A sample Referral-Intake Questionnaire for individuals seeking PIR with your office is included in the Appendix.



## FIVE: REVIEWING THE C-FILE

A Central File (C-File) is the file containing all documents generated during the course of a person’s incarceration. For purposes of PIR, it contains the following relevant documents: the incarcerated person’s probation report from their commitment offense, the abstract of judgment (AOJ) and any amended AOJs, disciplinary violations, and a record of their in-prison programming.

The task of reviewing a C-File is an in-depth process that provides ample insight into an incarcerated person’s trajectory over the course of their imprisonment, from the time of the offense to the present day. For many, a C-File can illustrate that redemption and transformation is possible. When reviewing a person’s C-File, we suggest looking for and being mindful of the myriad ways in which the person’s in-prison record shows that further confinement would be unjust. We also find that summaries help to visualize the person’s trajectory over time to see if and how that person has grown and whether they are ready to reenter society and avoid reoffending.



To assist you in your review, you will find the following items linked below and included in the Appendix:

- For The People’s Prezi presentation, “Preparing the Case: A Step-By-Step Guide to Reviewing the C-File.” This Prezi walks you through the process of reviewing a C-File, step by step, to glean the most pertinent information as it relates to PIR.
- For The People’s Guide, “How to Review + Summarize the C-File.” This document similarly walks you through the process of reviewing and summarizing the C-File and can be used alongside reviewing the Prezi or as an alternative to it.
- For The People’s C-File Summary template. The complete C-File Summary template is a useful tool to use when reviewing and comprehensively summarizing a candidate’s C-File, as it lays out the precise information that will be the focus of your review.

## Understanding the C-File and Preparing the Case

C-Files are generally broken down into documents from two sets of CDCR databases—those from the Strategic Offender Management System (SOMS) database and those from the Electronic Records Management System (ERMS) database. If you are unsure where to start your review, or if you have a question about a particular type of document, please scroll through our below linked Prezi presentation. In the presentation, you will find an in-depth, step-by-step guide on how to review the C-File, as well as visual examples of the most common types of documents found within it.

You may access the presentation here: <https://prezi.com/view/o5gJ7mRxngZFadPzq9Xc/>.





## SIX: PREPARING THE CASE FOR REVIEW/PRESENTATION

As discussed in Section four, supporting documents submitted by the incarcerated person can help provide DAs a more complete picture of a person's rehabilitation. We have found that it is best to send incarcerated people the Guide at the beginning of the PIR process to give them enough time to complete the supporting documents thoughtfully. In our experience, however, many incarcerated people wait to send their supporting documents until specifically asked to do so. Often, incarcerated persons have no way of knowing that the DA has received their C-File and is in the process of reviewing it. If you have not yet received supporting documents from an incarcerated person at this stage, it can be helpful to send a letter requesting them again as a reminder. Should your office need to send a follow-up letter, For The People's Request for Supporting Documents template is included in the Appendix.

After reviewing the incarcerated person's C-File and any additional supporting documents, we find that it helps to create a "One-Pager," the template for which is included in the Appendix. The One-Pager succinctly summarizes the incarcerated person's trajectory and rehabilitative efforts. This can be useful for preparing for an office presentation, preparing for engaging victims, and for general office records purposes.

Not all DAOs will present cases internally. Your office will decide whether and how to conduct presentations about re-sentencing cases. Some DAs like to present several candidates at one time before a resentencing committee. This can be done in a PowerPoint format, but it does not have to be. If your office chooses the PowerPoint route, we recommend having a slide for each major category of information. For example:

- One slide with all the details of the commitment offense
- One slide indicating prior offenses
- One slide (or more as needed) listing all the in-prison rule violations a person received
- One slide (or more as needed) listing the rehabilitative efforts of the incarcerated person
  - Work history
  - Educational pursuits
  - Programming

Other offices, typically smaller offices, prefer to complete the review of one or two candidates at a time. These offices often utilize a less formal process, consisting of sending the One-Pager around to committee members and discussing their findings. However your office chooses to present PIR candidates, the One-Pager and Request for Supporting Documents templates will ensure your review is complete before your presentation.



## SEVEN: CONTACTING VICTIMS

### Accepting Requests for Review

After you have completed the C-File Summary, requested additional documents, and are seriously considering resentencing an 1170.03 candidate, you will likely begin to engage the victim(s) of the candidate's commitment offense. Pursuant to *Marsy's Law*, crime victims are entitled "to reasonable notice of all public proceedings . . . at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings."<sup>9</sup> Therefore, before a resentencing hearing is calendared, DAs must make reasonable attempts to contact the victim(s) of the candidate's commitment offense to give them notice of the hearing and an opportunity to appear. Many DAs have been concerned that victims will oppose resentencing. However, that has not been the case for the majority of our DA partners.

In 2019, Californians for Safety and Justice conducted a survey that revealed a majority of victims in California believe the criminal justice system should focus more on rehabilitation than punishment.<sup>10</sup> Based on our experience with our DA partners, victims have been eager to learn about the rehabilitative efforts of incarcerated people and often are shocked to learn that the person is still incarcerated. Many victims have expressed their gratitude for being involved in this process, so this step is a critical piece of the PIR process. Below, we provide sample best practices based on the experiences of our DA partners in conducting victim outreach.

### Before Outreach

Using the One-Pager or the full C-File Summary, along with any additional information you have on reentry plans, familiarize yourself with the incarcerated person's past offense, as well as their in-prison trajectory. It may be helpful to have a brief summary of 1170.03 itself in case the victim is unaware of the law. Additionally, it may be helpful to get more familiar with and refresh yourself on your office's resentencing policy. We find that DAs feel most prepared when they are able to articulate why they are engaging in PIR generally and why this specific person is a good candidate for release. Additionally, DAs should approach victims in a trauma-informed way. In some cases, the use of a victim advocate will be helpful.

### During Outreach

DAs should explain the candidate's in-prison trajectory, as well as that individual's reentry plans, to the victim. While the decision to resentence is entirely within the DA's discretion, it is required under *Marsy's Law* that victims receive reasonable notice of the resentencing hearing. Victims should also be afforded an opportunity to express their opinions about the PIR process and to state how they feel about the decision to resentence the incarcerated person in their case. Where the candidate has submitted a letter of remorse to your office, you should have this letter on hand during the call, inform the victim of it, and offer to share it with the victim if they would like.

<sup>9</sup> Cal. Const., art. 1, § 28, subd. (b)(7).

<sup>10</sup> Californians for Safety and Justice, *California Crime Survivors Speak: A Statewide Survey of California Victims' View on Safety and Justice*, (2019), [https://safeandjust.org/wp-content/uploads/ASJ\\_CACrimeSurvivorBrief-RD1-1.pdf](https://safeandjust.org/wp-content/uploads/ASJ_CACrimeSurvivorBrief-RD1-1.pdf).



Some victims will have many thoughts to share, while others may not. This is an opportunity to have a conversation with one of your constituents. There have been times when DAs have educated victims on the benefits of resentencing and other times when victims have taught DAs what it is that truly makes them feel whole again.

Sometimes, victims cannot be reached. If a phone call, mailing, and investigative service (office resources permitting) do not result in contact with the victim, DAs usually find they have done their due diligence to move forward with the resentencing.



## **EIGHT: PREPARING FOR COURT AND POST-HEARING PROTOCOL**

Now that you have determined that an incarcerated person can be safely released, there are several critical steps you must complete to prepare for Court and eventual release. First, you will need to draft a motion to file with the Court when calendaring the hearing. A Motion for Sentence Reduction (MSR) template is included in the Appendix to assist with this step. We have also included in the Appendix a step-by-step guide on how to proceed with a sentence recall. The guide will outline how to engage the PD, acquire a credit calculation, draft a proposed sentence order, and get the amended abstract of judgment to the right contacts. You will also need to calendar the resentencing hearing and submit your MSR, along with any other steps required by your office and county.

Failure to provide the Court with a credit calculation, include the appropriate language in the Proposed Sentence Order to ensure a parole tail exists, or fax the amended AOJ to the proper contact at CDCR may result in the incarcerated person's release being delayed substantially, their not having transportation from the prison to their post-release residence, or their not having access to critical reentry services upon release.

Please note that these protocols may vary according to Judicial Council, CDCR, or local Court rules. What we provide here are best practices based on current protocols and feedback from DAs, PDs, CDCR, and incarcerated people.

### **Post-DA Review – Steps to Proceed to Recommend Recall**

Below is an outline of proposed steps based on our experience working with various counties. Again, please note that the steps outlined below may differ from certain protocols in your county and/or where CDCR has modified their own protocols.

#### **Engaging Public Defender, Establishing Representation, and Finalizing Reentry:**

1. Contact the PDO to advise them of the cases moving forward. Provide any documentation necessary to enable the PDO's conflict check, if you have not already done so throughout the review process. If no conflict exists or can be waived for purposes of resentencing, the PDO should obtain a 977 waiver immediately from the incarcerated person. This process can take a few weeks, especially given correspondence delays due to the ongoing COVID-19 pandemic.



2. In light of COVID-19, and to preserve state resources, it is advisable to have the incarcerated person waive their appearance or to appear telephonically or virtually (ability will vary depending on the institution). This avoids the cost of transporting incarcerated people to and from court and eliminates the need for any public health protocols to accommodate such a transfer.

3. Connect the PDO with FTP so that FTP can provide an overview of reentry plans, the support network, and goals. The DA should also advise the PDO of any parole or reentry concerns to be addressed as the PDO finalizes the defendant's reentry plan. If the PDO does not have their own template, FTP can provide a template, which was developed by a social worker at the Yolo County PDO.

### **Credit Calculation Prior to Court:**

1. Prior to the hearing and as you are structuring your Proposed Sentencing Order, it is best to obtain a credit calculation from CDCR. To do so, email Kevin Tyson informing him that your office will be recommending a lesser sentence and would like a credit calculation to ensure the proposed sentence will result in time served. You may want to attach the AOJ. The person in Case Records will be reviewing pre- and post-sentence credits, total days served, and any credit losses. You want the total *credits*, not just total *days* served.

- Correctional Case Records Administrator: Kevin Tyson
- Kevin.Tyson@cdcr.ca.gov; (916) 322-2810

2. The Court may request, through Probation, a report that has the official credit calculation as well. Prior to the hearing, you may want to confer with the Court as to what documents they will require as part of the resentencing process.

### **Drafting The Proposed Sentence Order:**

1. A draft Order is attached. You can also send this draft Order, or a summary of the proposed order, to Case Records and request a confirmation that the imposition of the new sentence will result in time served and a release. DAs and PDs have reported that CDCR will at times honor this request.

2. If the defendant will have a "parole tail," be sure to include the appropriate language to ensure a "parole tail" exists for CDCR's release purposes.

- *"Sentence deemed served. Defendant waives enough credit to allow for a [term] period of supervision by California Department of Corrections and Rehabilitation Division of Adult Parole Operations."*

### **After The Court Hearing: Abstract of Judgment (AOJ) for PIR Releases:**

1. After the hearing, the Court will need to fax an amended AOJ to: the Legal Processing Unit (LPU) at CDCR Headquarters in Sacramento. Fax #: (916) 323-7374.



2. The AOJ must be faxed directly from the court (not from a party or a party representative). The best practice is to wait for the clerk to process the amended AOJ and request a copy for your office. Then, provide the fax information above and request that the clerk fax the AOJ while you are present so that you can confirm it has been done. CDCR will not begin the release process until they receive this fax from the Court.

3. Then, fax the amended AOJ to the applicable Litigation Coordinator for the institution where the incarcerated person is housed.

4. You can also call the Litigation Coordinator to ensure that they received the fax; phone and fax numbers are here: <https://www.cdcr.ca.gov/ombuds/ombuds/litigation/>.



## NINE: RELEASE AND REENTRY

### Overview of DAPO

The Division of Adult Parole Operations (DAPO) is a division of CDCR that is primarily responsible for supervising people who have been released from prison. Specifically, DAPO provides supervision for those whose most recent term was for an indeterminate sentence, a PC 1192.7 serious offense, or a PC 667.5 violent offense. Additionally, people who are classified as High Risk Sex Offenders and Mentally Disordered Offenders are supervised by parole. All other people released from prison are subject to PRCS supervision by a county agency pursuant to the Post Release Community Supervision Act of 2011.

DAPO offers parolees a wide range of post-release programs and services and utilizes evidence-based tools to help returning community members successfully reintegrate. For example, in Fall 2021, DAPO opened Reentry Resource Centers in Oakland, Stockton, and Los Angeles. The Centers offer referrals such as career counseling, pre-apprenticeship opportunities, financial literacy, education, and housing opportunities.

Another important component of DAPO's work is pre-release planning. Typically, DAPO completes a release program study to determine case factors such as residence, employment, and medical disability. To assist DAPO in completing pre-release planning, For The People developed the Reentry Assessment Checklist to inform DAPO of the options that have been identified in the county to which the person plans to return.

Ultimately, DAPO and the returning community member will make the final plans based on several factors, such as the person's needs for mental health, medical and/or substance abuse treatment, the person's ability to secure full employment, the person's desire to enroll in training or educational programs, and availability of the needed resources.

The Reentry Assessment Checklist, included in the Appendix, can also facilitate your work in the next phase of the PIR process—telling stories of redemption and rehabilitation. The Checklist is a great tool for collecting contact information for the incarcerated person's support network. This will facilitate your ability to engage in follow-up communication post-release.



## TEN: REUNITING FAMILIES AND TELLING THEIR STORIES

Telling stories of redemption and reunification presents a huge opportunity for all parties involved in Prosecutor-Initiated Resentencing. For DAs specifically, it opens the door to public education through a community-oriented, people-first lens. By acknowledging the simple truth that people do change, and that no one should be reduced to their worst moment, we encourage and incentivize the possibility of redemption for system-impacted groups, while also emphasizing the focus on public safety.

When speaking externally about the Prosecutor-Initiated Resentencing process, For The People focuses on three key messages:

- Prosecutors now have the ability to look back at sentences that no longer serve the interests of justice. This allows us to reunite families and restore communities.
- This is a careful, meticulous process that works hand in hand with public safety measures.
- Unjust sentences are expensive. In California, it costs more than \$100K to incarcerate just one person.<sup>11</sup>

When supporting a returning community member in telling their story, other considerations include:

- Receiving full consent before speaking to media and determining comfort level with specific kinds of media (video vs. audio vs. photo)
- Employing people-first language that does not reduce a person to their status
- Explaining mitigating circumstances prior to the conviction, such as adverse childhood and young adulthood factors
- Delineating the conviction transparently with all relevant details for the public
- Laying out the person's path to rehabilitation and future reentry plans

As Alwin Smith<sup>12</sup> stated following his release, “In prison, you really have nobody advocating for you. So, when you see people like this advocating for you, it’s very emotional. My sentence was 40 years-to-life. Being resentenced was like coming up from underwater or having a heavy weight finally lifted off your shoulders.”

You can read stories of redemption and rehabilitation, including Alwin’s, at [forthepeople.org/stories](https://forthepeople.org/stories).

We encourage DAOs to share their wins with constituents. A sample press release is included in the Appendix.

<sup>11</sup> Cal. Dept. of Corr. and Rehab., Budget of California State Government, 11 Fiscal Year 2021-2022 (2021).

<sup>12</sup> First person to be released in Riverside County through Prosecutor-Initiated Resentencing.





# Appendix

## **One: Obtaining Your Data**

- a. CDCR Template Email
- b. Example DSA

## **Two: Analyzing and Understanding Your Data**

- c. Sample County Data Snapshot

## **Four: Engaging Incarcerated Persons, Obtaining Support Documents, and Handling In-Bound Requests for Review**

- d. Sample Notice of PIR Eligibility
- e. CDCR C-File Release Authorization Form
- f. Resentencing & Reentry Support Guide
- g. Sample Referral-Intake Questionnaire

## **Five: Reviewing the C-File**

- h. How to Read + Summarize the C-File

## **Six: Preparing the Case for Review/Presentation**

- i. One-Pager Template
- j. Request for Supporting Documents Template

## **Eight: Preparing for Court and Post-Hearing Protocol**

- k. Motion for Sentence Reduction Template

## **Nine: Release and Reentry**

- l. Reentry Assessment Checklist

## **Ten: Reuniting Families and Telling Their Stories**

- m. Sample Press Release