

NOTICE: DUE PROCESS RIGHTS IN
JUVENILE PAROLE REVOCATION

L.H. v. Schwarzenegger, E.D. Cal. No. 2:06-CV-02042-LKK-GGH

L.H. v. Schwarzenegger is a statewide class action challenging California's juvenile parole revocation system under the 14th Amendment of the U.S. Constitution, the Rehabilitation Act, and the Americans with Disabilities Act. A settlement has been reached in the form of the *L.H.* "Stipulated Order for Permanent Injunctive Relief" ("Permanent Injunction"). This notice explains the Permanent Injunction, which was approved by Judge Lawrence K. Karlton on October 7, 2008, and where you can find more information about it.

If you are a California juvenile parolee, you are part of the *L.H.* class (i.e., the group that is impacted), whether you are out on parole, being held on revocation charges, or serving a revocation term. The *L.H.* lawsuit obtained federal court orders to change the parole revocation system. No money damages were asked for, and none will be awarded in this class action case. The Permanent Injunction does not affect your ability to sue for money damages or to petition for a writ of habeas corpus.

You can read about the changes in parole revocations in a longer version of this notice and in the Permanent Injunction. You can find these documents in the prison or facility law library, jail library, or parole office.

Under the Permanent Injunction, all parolees will be appointed or receive an attorney during the parole revocation process for probable cause hearings and revocation hearings. Parolees will receive faster notice of the charges against them, and probable cause hearings will be held within 13 business days after the parole hold. Final revocation hearings must be held within 35 calendar days after the parole hold. Parolees' attorneys will have better access to witnesses and evidence.

Under the Permanent Injunction, parole revocation terms will be set at a fixed number of months for not more than one year. At the time parole is revoked, the parolee will be given a revocation release date. This date cannot be extended through time-adds. The only way a revocation release date can be extended is through a revocation extension hearing before the Juvenile Parole Board, at which the parolee will be appointed or receive an attorney. Revocation extensions can only be given for serious in-custody misconduct or willful program failure.

There will not be a parole consideration hearing at the end of a revocation term. Instead, the parolee will be given an exit interview prior to his or her revocation release date and released on parole on or before the revocation release date.

There will be a clearer, prompt appeal system for revocation proceedings, with appeals to be decided within 10 business days after the Juvenile Parole Board receives the appeal. Parolees will have the right to assistance of an attorney in preparing their appeals.

Under the Permanent Injunction, the state will identify and track juvenile parolees with disabilities or effective communication needs. Other changes to the parole revocation process

will also be made to accommodate a parolee's disability or communication needs, including forms to be provided in formats to accommodate such needs, language translators, sign language interpreters and other reasonable accommodations for such parolees. There will also be a grievance process to promptly address complaints of denials of accommodation.

Under the agreement, there will no longer be a blanket policy of mechanically restraining all juvenile parolees during parole revocation proceedings, and new policies governing the appropriate use of such restraints will be developed.

The Court held a hearing on the fairness of the settlement on October 6, 2008 and approved the settlement on October 7, 2008 after finding that its terms were fair, adequate and reasonable. The Court will keep jurisdiction to enforce the requirements of the Permanent Injunction.

The attorneys who brought the class action will ask the Court to have defendants pay for their attorneys' fees and expenses. The Court will decide the amount of these fees.

For more information, you may contact the attorneys for the class:

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