Office of the State Public Defender

BPH's Commutation and Recall & Resentencing Recommendation Process

A Guide to Eligibility, Hearings, and Recommendations

About this resource:

This resource provides general information and is not legal advice.

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Commutation and Recall & Resentencing Guide

This guide explains a new procedure called the *Commutation and Recall of Sentence Recommendation Assessment Process* ("C&R Process"). Through this process, the Board of Parole Hearings may recommend a person for commutation by the Governor and for recall of sentence and resentencing by the sentencing court. This guide explains who may be eligible, how the process works, and what you can expect along the way.

What Is the C&R Process?

The C&R Process allows some people who have served long prison sentences to be considered for commutation by the Governor and for recall and resentencing by a court.[1] It is administered by the Board of Parole Hearings ("Board") through a structured process intended to promote fair, transparent, and evidence-based recommendations.[2]

The Board cannot, on its own, grant either form of relief. Its role is to decide whether to *recommend* a person to the Governor for commutation and to the sentencing court for recall of sentence and resentencing. If the Board makes a recommendation, the Governor and the sentencing court each decide whether to actually grant relief. A recommendation by the Board does *not* guarantee that relief will be granted.

Key Terms

Commutation: A reduction of a prison sentence granted by the Governor pursuant to Penal Code § 4801. Commutations may result in a shorter sentence or a person being released from custody.

Recall of Sentence and Resentencing: A recommendation to the court to reconsider a person's sentence pursuant to Penal Code § 1172.1. If the court recalls a person's sentence, the judge has the power to impose a shorter sentence that could result in release.

[1] Cal. Code Regs. tit. 15, § 2843.
[2] Cal. Code Regs. tit. 15, § 2841 and Board of Parole Hearings Fact Sheet dated May 14, 2026.

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When Will the C&R Process Start?

C&R Reviews and Hearings have not begun.

The Board has announced plans to start doing initial C&R Reviews by July 1, 2027, and C&R Hearings by July 1, 2028.[3] These are projected dates and may change.

The Board's planned start date is sooner than is required under the regulations that govern the C&R Process. Under the regulations, the Board has until December 31, 2035, to complete an initial C&R Review for people who would become eligible on or before that date.[4]

Who Is Eligible?

Eligibility

You may be eligible for the C&R Process if:

- You are currently serving a state prison sentence; and
- You have served at least 25 years of continuous incarceration.[5]
    - The term "continuous incarceration" means you have remained in custody without being released or escaping from custody. It includes time spent at a county jail, mental health facility, or juvenile facility related to your current sentence.[6]

Exclusions

You are not eligible for consideration if any of the following apply to you:

- Sentenced to death.[7]
- Expected to be released within the next 3 years.[8]
- Are already eligible for parole suitability hearings.[9]
- Will be eligible for parole consideration within 3 years.[10]
- Required to register as a sex offender under Penal Code section 290.[11]
- Already received a commutation during your current term of incarceration.[12]

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[3] Board of Parole Hearings Fact Sheet dated May 14, 2026.
[4] Cal. Code Regs. tit. 15, § 2844(c).
[5] Cal. Code Regs. tit. 15, § 2843(a).
[6] Cal. Code Regs. tit. 15, § 2840(l).
[7] Cal. Code Regs. tit. 15, § 2843(b)(1).
[8] Cal. Code Regs. tit. 15, § 2843(b)(3).
[9] Cal. Code Regs. tit. 15, § 2843(b)(4).
[10] Cal. Code Regs. tit. 15, § 2843(b)(5).
[11] Cal. Code Regs. tit. 15, § 2843(b)(2).
[12] Cal. Code Regs. tit. 15, § 2843(b)(6).

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Does the C&R Process Replace Other Options?

The C&R Process is an *additional* opportunity for relief. It does not replace or change any other way a person may seek release or a sentence reduction.

You may still be eligible for compassionate release, direct requests for commutation, exceptional conduct, parole, elder parole, youth offender parole, or other forms of relief that apply to your case.[13]

You may be eligible for more than one form of relief at the same time.

Key C&R Terms

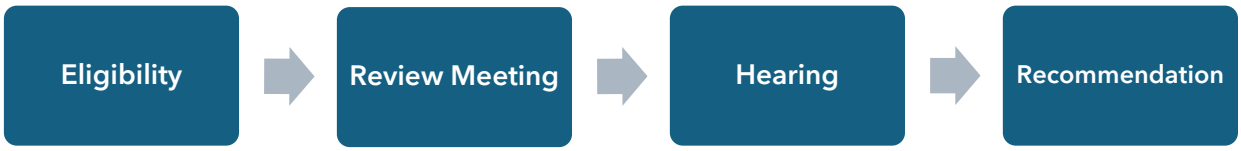
C&R Process: The Board's process to determine if it should recommend someone for commutation and recall of sentence and resentencing.

C&R Review: A meeting between you and a hearing officer to decide if you will be referred for a C&R Hearing.

C&R Hearing: A panel decides whether to make a C&R Recommendation.

C&R Recommendation: Notification that you meet the standard for recommendation for commutation and recall of sentence and resentencing.

The Process



Step 1: How Eligibility Is Identified

There are two ways someone may be identified for the C&R Process: 1) Case Records Review or 2) Parole Suitability Consultation.

Case Records Review

CDCR's Case Records staff may look at your records and see that you are eligible for the C&R Process. If Case Records determines that you are eligible, it will calculate the

[13] Cal. Code Regs. tit. 15, § 2841(d).

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date when you have served 25 years of continuous incarceration.[14] The Board will generally do your C&R Review within one year after that date.[15]

If you are found to be eligible through a review by Case Records staff, you will then go to Step 2, the C&R Review Meeting.

Parole Suitability Consultation

You may also be identified as eligible for the C&R Process through the separate parole suitability process. A parole hearing officer may identify you as eligible during a parole suitability consultation.

If a parole hearing officer determines that you are eligible during a consultation, they may refer you directly to a C&R Hearing. If that happens, you will skip the C&R Review described in Step 2 and go directly to the C&R Hearing discussed in Step 3.

> *Caution*: Be careful of anyone who tries to charge you or your family money for assistance with determining your eligibility for the C&R Process. You *cannot* file a petition or apply for consideration. Eligibility is *only* determined through CDCR's Case Records review or as part of parole suitability consultation.
>
> Attorneys or advocates cannot start, prioritize, or speed up the process. Regulations do not allow for legal assistance at this stage.

Step 2: C&R Review Meeting

A C&R Review is a meeting between you and a hearing officer to decide whether you should be referred to a C&R Hearing. The meeting may be held in person or through video conference. You will be notified at least 30 days before this meeting takes place.[16]

The hearing officer can consider any relevant and reliable information in your records.[17] This can include:

- Your CDCR records.
- Your behavior while incarcerated.
- How you have changed since your commitment offense.[18]
- Your criminal and parole history.
- Your programming.

[14] Cal. Code Regs. tit. 15, §§ 2840(b) and 2843(c).
[15] Cal. Code Regs. tit. 15, § 2844(b).
[16] Cal. Code Regs. tit. 15, § 2844(d).
[17] Cal. Code Regs. tit. 15, § 2844(k).
[18] Cal. Code Regs. tit. 15, §§ 2844(k) and 2850(a).

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At the meeting, the hearing officer may also ask you questions about your background, behavior while incarcerated, programming, and plans for the future.[19]

> *Caution:* You do *not* have the right to an attorney during the C&R Review stage. If your hearing officer refers you to the next step – a C&R Hearing – an attorney will be assigned to you then.

Possible Outcomes From the C&R Review Meeting

After the meeting, the hearing officer must make their decision within 30 days.[20] A copy of this written decision, also known as a C&R Review Outcome, will be given to you and placed in your central file.[21]

Referral for a C&R Hearing

If the hearing officer determines there is a reasonable likelihood that a C&R Panel will find you meet the legal standard for recommendation, they will refer you for a C&R Hearing.[22] An attorney will then be assigned to you.[23] The legal standard for recommendation is discussed on page 8.

No Referral for a C&R Hearing

If you are not referred to a C&R Hearing, the Board will conduct another C&R Review three years later, unless you are no longer eligible for the C&R Process.[24]

Important Things to Know

- You cannot appeal a C&R Review Outcome through the CDCR grievance and appeal process.
- A C&R Hearing will be canceled if:
  - Between the time of the C&R Review and the C&R Hearing, you are found guilty of a serious rule violation.
  - Your overall risk rating is high on the comprehensive risk assessment. More information about the comprehensive risk assessment is included on page 9.

[19] Cal. Code Regs. tit. 15, § 2844(i).
[20] Cal. Code Regs. tit. 15, § 2844(m).
[21] Cal. Code Regs. tit. 15, § 2844(m).
[22] Cal. Code Regs. tit. 15, §§ 2844(j) and 2856(b).
[23] Cal. Code Regs. tit. 15, §§ 2844(g) and 2847(f).
[24] Cal. Code Regs. tit. 15, § 2844(o).

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Step 3: C&R Hearing

Scheduling the Hearing

If you are referred to a C&R Hearing, the Board must generally hold the C&R Hearing within one year after referral.[25]

You will receive written notice at least 120 days before the hearing date.[26]

Right to an Attorney

You have the right to a state-appointed attorney at no cost for your C&R Hearing.[27] Alternatively, you may choose to hire your own attorney, obtain representation from a nonprofit organization or legal clinic, or represent yourself.

> *Caution*: Be careful before paying for help with the C&R Process.
>
> No one can speed up the C&R Process, obtain priority consideration, or guarantee a favorable outcome. The regulations do not allow for these things.

Purpose of the Hearing

The purpose of the C&R Hearing is for the Board to decide whether it should recommend you for commutation to the Governor and recall and resentencing to the court.

> *Important to Know:* The C&R Hearing Panel consists of two or three hearing officers from the Board that are assigned to make a C&R Hearing determination.

The Legal Standard: How Does the Panel Make Its Decision?

To recommend commutation and recall and resentencing, the panel must find that you do not currently pose an unreasonable risk of danger to the public.[28] This is the same standard the Board uses when deciding whether to grant parole at a parole suitability hearing. In making this determination, the panel will consider whether, if

[25] Cal. Code Regs. tit. 15, § 2846(b).
[26] Cal. Code Regs. tit. 15, § 2847(a).
[27] Cal. Code Regs. tit. 15, § 2847(f).
[28] Cal. Code Regs. tit. 15, § 2856(b).

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released, you would be likely to commit crimes of violence or financial harm or otherwise not comply with reasonable parole conditions.[29]

What the Panel Will Consider

The C&R Hearing Panel will review information about the offense, your behavior while incarcerated, your rehabilitation, victim and community input, and other information presented at the hearing.

Information About You

The C&R Hearing Panel may consider your records, including:

- Your current age.
- Your institutional behavior.
- Your criminal and parole history.
- Any diminished physical condition.
- Evidence of personal growth and rehabilitation.
- Evidence of self-control and personal responsibility.
- Your age and the circumstances at the time of the commitment offense.
- Your participation in education, treatment, and other opportunities while incarcerated.[30]

Information From Victims and the Community

The C&R Hearing Panel will consider:

- Information submitted by members of the public.[31]
- Information received from the prosecuting agency.[32]
- Written statements from victims or victims' family members.[33]
- Information submitted by law enforcement agencies or fire departments.[34]

Important to Know: A victim, their attorney, next of kin, representative, or member of their family may attend the C&R Hearing and make a statement. A victim attending a hearing may also be assisted by a non-participating support person.

[29] Id.
[30] Cal. Code Regs. tit. 15, § 2850(a).
[31] Cal. Code Regs. tit. 15, § 2850(b)(1).
[32] Id.
[33] Cal. Code Regs. tit. 15, § 2850(b)(2).
[34] Cal. Code Regs. tit. 15, § 2850(b)(1).

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Information You Give

The C&R Hearing Panel must consider written materials from you if received by the panel at least 10 days before the hearing.[35]

Speak with your attorney before turning in any written materials. Your attorney can help decide what information may be helpful for the hearing and whether there are reasons not to submit some documents.

Remorse Letters

Talk with your attorney about whether to submit a remorse letter to the C&R Hearing Panel. Remorse means feeling sorry and understanding the harm caused to others. If you submit a letter of remorse, the focus should be on the victims. Avoid focusing on what you have lost or missed out on.

This resource might help: *How to Write a Letter of Remorse*– by UnCommon Law.

Comprehensive Risk Assessments

The C&R Hearing Panel will consider a comprehensive risk assessment prepared by a licensed clinical psychologist who works for the Board.[36] The risk assessment must be completed and provided to you within six months of the decision to refer you for a C&R Hearing and can include information about your risk of future violence and other factors relevant to the Board.[37] For information about what to expect and how to prepare for a comprehensive risk assessment, see UnCommon Law's guide listed in the Additional Resources Section.

Tip: The Board will cancel your C&R Hearing if your overall risk assessment is high. There is no process to challenge a high-risk rating that results in cancellation. If your hearing is cancelled, the Board will conduct a C&R Review three years later, if you remain eligible.

[35] Cal. Code Regs. tit. 15, § 2850(b)(3).
[36] Cal. Code Regs. tit. 15, § 2850(b)(4).
[37] Cal. Code Regs. tit. 15, § 2848.

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Step 4: Hearing Outcomes

After the C&R Hearing, the panel will decide whether to recommend you for commutation and recall and resentencing. You will also receive a written decision explaining the outcome of the hearing.

There are three possible outcomes:

The C&R Hearing Panel Recommends Relief

If a majority of the panel determines you do not currently pose an unreasonable risk of danger to the public, they will include:

1. A recommendation that you be considered for release from incarceration, pending all applicable review periods;[38]
2. A recommendation that your new sentence include a period of supervised release under the supervision of CDCR's Division of Adult Parole Operations;[39]
3. A recommendation for specific parole conditions, which may include a requirement that you spend some amount of time in transitional housing.[40]

Review of the Panel's Recommendation: If the panel decides you meet the standard for a C&R Recommendation, that decision will be reviewed within 120 days by the Board.

The C&R Hearing Panel Does Not Recommend Relief

If a majority of the panel finds that you currently pose an unreasonable risk of danger to the public, you will not be recommended for relief. If that happens, the Board will conduct another C&R Review three years from the date of the C&R Hearing, as long as you remain eligible.[41]

Tie Vote

If the C&R Hearing Panel's vote ends in a tie, the panel will refer you for an "*en banc* review." *En banc* review means that a majority of the currently sitting commissioners will consider the record from your C&R Hearing and vote on whether you meet the standard for a recommendation. No new evidence or comments will be considered.

[38] Cal. Code Regs. tit. 15, § 2856(c)(1).
[39] Cal. Code Regs. tit. 15, § 2856(c)(2).
[40] Cal. Code Regs. tit. 15, § 2856(c)(3).
[41] Cal. Code Regs. tit. 15, § 2857.

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What Happens If the C&R Hearing Panel Recommends Relief?

A recommendation from the C&R Hearing Panel is an important step but does not automatically change your sentence or result in your release. The panel's recommendation will be reviewed by the Board's chief counsel within 120 days.[42] If the determination is upheld, the Board will notify both the Governor and the sentencing courts of its recommendation.[43]

Recommendation for Commutation

The Board will notify the Governor, who will decide whether to grant a commutation.[44]

If the Governor grants a commutation, your sentence will be reduced. The Governor will decide how much your sentence is reduced. Some commutations result in a person being released from custody.

For more information about commutations, visit the Governor's Office website.

Recommendation for Recall and Resentencing

The Board will notify your sentencing court of its recommendation pursuant to Penal Code § 1172.1(a).

The court must then hold a hearing on whether to grant or deny resentencing. There is a presumption in favor of recall and resentencing. If the court grants resentencing, it can shorten your sentence in different ways. For example, the court could reduce the charge to a lesser offense, reduce the sentence originally imposed to a low-term sentence, or strike any enhancements.

[42] Cal. Code Regs. tit. 15, § 2859.
[43] Cal. Code Regs. tit. 15, § 2858(c)-(d).
[44] Cal. Code Regs. tit. 15, § 2858(c).

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Key Things to Remember

- The C&R Process is an additional opportunity to be considered for sentencing relief.
    - It does not replace or change any other way you may obtain a sentence reduction or other relief.
    - You may be eligible for more than one form of sentencing relief at the same time.
- The Board is responsible for identifying people who are eligible for the C&R Process.
    - You cannot file a petition or apply for consideration.
    - Be careful of attorneys or businesses who promise they can speed up the C&R Process, obtain priority consideration, or improve your chances for a positive C&R Review. The regulations do not allow these things.
    - If you are referred to a C&R Hearing, you will be assigned a state-appointed attorney at no cost.
- A recommendation from the Board does not guarantee that your sentence will change.
    - The Governor will decide whether to grant a commutation.
    - The sentencing court will decide whether to recall your sentence and resentence you.

Understanding the C&R Process can help you know what to expect, work with your attorney when the time comes, and make informed decisions.

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Additional Resources

For more information about the C&R Process, see the resources below:

- *California Board of Parole Hearings (BPH) Commutation and Recall of Sentence Recommendation Assessments* (revised August 2026) – Prison Law Office.
- *CR Fact Sheet* – California Department of Corrections and Rehabilitation.
- *Flowchart of Commutation and Recall of Sentence Assessment Process Under Proposed Regulations* – California Department of Corrections and Rehabilitation.
- *What You Need to Know About BPH's Commutation & Recall of Sentence Review* – Board of Parole Hearings.
- *Comprehensive Risk Assessment Guide* – UnCommon Law.



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