Office of the State Public Defender

Preparing for State Prison

Information for People Who Are Being Sentenced

About this resource:

This resource provides general information and is not legal advice.

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Information for People Who Are Being Sentenced

This guide explains what happens after you are sentenced to state prison. It helps you understand the steps ahead and prepare for what comes next. Your attorney is the best person to advise you about your case and sentence, so be sure to talk with your attorney before making decisions or answering questions related to your case.

Before Sentencing

Sentencing hearing

A sentencing hearing is when a judge decides your punishment. It happens after you:

- agree to a plea deal (sometimes called a plea bargain),
- plead "open" to the court (directly to the judge), or
- are found guilty after a trial.

Sentencing usually does not happen on the same day as your plea or verdict. It often takes about four weeks or more. During this time, the attorneys may send written information to the judge. A probation officer will also prepare a sentencing report.

The report is important. It usually includes information about what happened in your case, statements from victims, your background, an interview with you (unless you choose not to do so), and recommendations about fines, restitution, and your sentence.

The judge uses the report to help decide the punishment. The state prison system — called the California Department of Corrections and Rehabilitation (CDCR) — uses it to decide where you will serve your sentence. The report may also be used later by the parole board.

At the sentencing hearing, the judge listens to the attorneys and any victims who choose to speak. You also have the right to speak, but talk with your attorney before making any statements. The judge then decides your sentence.

Important: Information in the sentencing report will follow you into CDCR and may later be reviewed by the parole board. Talk with your attorney before speaking with the probation officer or preparing for your sentencing hearing.

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Support Letters

Talk to your attorney about whether you should submit letters of support for your sentencing hearing. A strong letter of support may help the judge see you as a whole person, not just the charges. Letters of support included in the probation report may also help CDCR decide where you are placed.

Tips to share with family and friends about writing an effective support letter:

- Keep the letter short. One page is enough.
- Make sure the letter is easy to read. Typing is best if possible.
- Have the writer say who they are and how they know you. For example, "I am their sister."
- Share positive things, including efforts to change.
- The letter may include one or two photos that show you in a positive way (for example, with family, at work, or helping others).
- The writer does not need to pretend that a crime did not happen. They can acknowledge the crime happened and still express support.
- Explain how the writer will help you during their sentence and after your release. For example, they might describe their plans to visit, help with transportation, provide housing, or other support.

What to avoid:

- Do not blame victims.
- Avoid downplaying harm.
- Do not argue about guilt or innocence.
- Do not attack the court or anyone involved.
- Do not use angry or disrespectful language.

Special note:

- ❖ Try to give letters of support to your attorney at least two weeks before the sentencing hearing.
- ❖ Always give letters of support to your attorney. Do not have your family or friends send letters directly to the court, probation, or the prosecutor. Sending letters directly can cause problems, even if a person is trying to help.

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Your Probation Interview

The goal of your probation interview is to help the judge see you as a whole person, not just your conviction. This interview can feel hard because the probation officer asks a lot of questions in a short time. Preparing ahead of time can make a difference.

During the interview, the probation officer will ask you questions about your life and background. This includes:

- Your family.
- Your health.
- Where you went to school.
- Where you have worked.
- What happened in your case.

Try to answer honestly and share details when you can. Some personal experiences, including difficult or traumatic things that have happened to you, may be important for the judge to know about. In some cases, this information can sometimes lessen your sentence. For some people, this information may also matter later to the parole board.

Be ready to talk about things like:

- Money or housing problems.
- Physical or mental health problems.
- Violence or shootings you saw as a child.
- Family problems, trauma, or major life stressors.
- Abuse you have experienced (emotional, physical, or sexual).

Talking about remorse

Talk with your attorney before the interview about how to answer questions about remorse, especially if you are facing a life sentence. Remorse means feeling sorry and understanding the harm caused to others. If you talk about remorse, the focus should be on the victims. Avoid talking about what you lost or missed out on.

This resource might help: *How to Write a Letter of Remorse*– by UnCommon Law.[1]

Dealing with sensitive topics

Your attorney may tell you not to answer certain questions during your interview. If that happens, stay calm and respectful to the probation officer. Ask your attorney for help deciding what to say. If needed, you can use simple statements like:

- *I understand your question, but my attorney told me not to talk about that.*
- *I'm sorry, but my attorney advised me not to answer that question.*

[1] Resource available at: https://static1.squarespace.com/static/5b5f9d4be7494070b92d76f3/t/64cc391d46b395114427bda7/1691105565799/23.06.13+Remorse+Ltr+Guide+and+Exercises_final.pdf.

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Appeals

An appeal is when you ask a higher court (the Court of Appeal) to review your trial or sentence for errors. It is not a place to present new evidence or information. Talk with your trial attorney as soon as possible if you have questions about appealing your case. You have a right to an attorney on your appeal.

If you resolved your case through a plea bargain, your ability to appeal may be limited. Talk with your attorney about what can be appealed. To start an appeal, your trial attorney will file a document called a "Notice of Appeal" within 60 days of your sentencing. An appellate attorney will be appointed to represent you.

After the Notice of Appeal is filed, the court paperwork from your case is collected and sent to the Court of Appeal. This paperwork is called the "Record on Appeal." The Record on Appeal will then be sent to the appellate attorney. This timeline can vary by county but often takes several months.

California relies on a network of offices, often called "Appellate Projects," to assign appellate attorneys for cases on appeal. These offices are listed below:

First District Appellate Project (1st District)
1212 Broadway, Suite 1200
Oakland, CA 94612
(415) 495-3119

Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Solano, Sonoma.

California Appellate Project (2nd District)
520 S. Grand Avenue, 4th Floor
Los Angeles, CA 90071
(213) 243-0300

Los Angeles, Ventura, San Luis Obispo, Santa Barbara.

Central California Appellate Program (3rd & 5th)
2150 River Drive, Ste. 300
Sacramento, CA 95833
(916) 441-3792

Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tulare, Trinity, Tuolumne, Yolo, Yuba.

Appellate Defenders, Inc. (4th District)
555 West Beech Street, Suite 300
San Diego, CA 92101
(619) 696-0282

Imperial, Inyo, Orange, Riverside, San Bernardino, San Diego.

Sixth District Appellate Program (6th District)
95 S. Market Street, Suite 570
San Jose, CA 95113
(408) 241-6171

Monterey, San Benito, Santa Clara, Santa Cruz.

Cal. Appellate Project – San Francisco (Capital)
345 California Street, Suite 1400
San Francisco, CA 94104
(415) 495-0500

This project handles death penalty cases.

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After Sentencing

Where are prison sentences served?

Prison sentences are served in CDCR or at the county jail. This guide focuses on sentences that are served in CDCR.

A person will serve their sentence in CDCR if their current charges require a state prison sentence or if they are not eligible for a county jail sentence because of certain prior convictions. Talk with your attorney if you have questions about where you will serve your sentence.

Moving to CDCR

People usually remain at the county jail for a short time after the sentencing hearing. They are then moved to a CDCR Reception Center (sometimes called: "Reception"). Which Reception Center they go to depends on where the person was sentenced.

Transfers to state prison do not happen on a set schedule. Some people move in a few days. Others wait for several weeks. Delays are common and do not mean that something is wrong.

Property and paperwork:

What personal property you can take with you to CDCR varies. However, you can always take your legal paperwork. Try to keep your legal paperwork organized with your other important documents.

Talk with your attorney about how long you should keep your legal paperwork. You made need these documents in the future if your case is being appealed or if there is a change in the law.

Reception Center

A Reception Center is the first place you go after being sentenced to state prison. Most people stay at Reception between 30-60 days. Some people stay longer.

At Reception, CDCR collects information about you. This includes looking at your records, health checkups, and assigning you a classification score. This information helps CDCR decide which prison you will go to next.

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Arriving at Reception

Upon arrival you can expect an initial screening followed by screenings for medical, vision, dental, and mental health issues. CDCR will also do a needs assessment. This helps them decide what programs or services may be helpful.

As part of this process, you should receive:

- An identification card.
- An orientation handbook.
- A CDCR number.
- A copy of CDCR's rules.

Staff will also review your records. This includes your criminal history, probation report, and court paperwork. CDCR will open a central file for you.

Important to know:

Reception has a reputation for being crowded and stressful. Communication with your family and friends is limited. People who have gone through Reception say that things usually become calmer after the process is over.

While at Reception, some people may pressure you or give you bad advice. It is often safest to keep to yourself, follow the rules, and avoid conflict. Even small problems at Reception can have serious consequences.

What is a C-file?

Your central file ("C-file") follows you throughout your incarceration at CDCR. Your C-file has records of:

- In-prison jobs you work.
- Rules violations and write-ups.
- Prison programs you complete.
- Classes or education you finish.

Limited privileges

Initially at Reception, you will be placed in Privilege Group U.

This means:

- One phone call a week.
- No "family visits."
- Non-contact visits may be permitted with CDCR approval.
- No tablet access.
- You can send and receive letters.

These restrictions are temporary and will change when you are placed into a different privilege group.

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Tips for Success at Reception

- ❖ Keep your paperwork together and easy to find.
- ❖ Try to be patient, polite, and respectful with CDCR staff.
- ❖ Avoid any disciplinary write ups. Staying out of trouble is very important.
    - Receiving a write-up can change your classification score and delay the process.
- ❖ Ask questions if you don't understand something. It is okay to politely ask staff to repeat or explain.
    - Submit a request form if you have a question for your counselor.
- ❖ Staying in touch with family can be hard. Tell your family ahead of time that phone calls will be limited while in reception. Letters are the best way to stay in touch.
    - ***Remember that all letters and calls may be reviewed by CDCR staff. Do not write or speak about your charges or your case.***
- ❖ Think of your time in Reception as a long job interview. How you act during the interview matters. Your goal is to be assessed as someone who can be placed at a lower-security prison that will have more programming and opportunities.

After the Reception Center

What is a classification score?

CDCR gives each person a classification score. This score is important because it helps decide which prison you will go to when you leave the Reception Center.

Your score is based on:

- Your current case (such as the length of sentence and charges).
- Your personal history (such as your prior record or involvement with gangs).

A lower score usually means more options, such as:

- Placement in a lower-security prison.
- Access to more programs, like Fire Camp.

Note: In some cases, CDCR must assign a minimum classification score of 19. This applies to cases like:

- People sentenced to life or LWOP.
- A person with a history of escape or serious violence.

This minimum score is on top of any other score factors. When this happens, it usually means placement in a higher-security prison.

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Prison assignment

A staff member called a Classification Services Representative (CSR) decides which prison you will go to after Reception. To make this decision, the CSR looks at:

- Security level.
- Available space.
- Available programs.
- Your classification score.

The decision about where you will go is called an "endorsement."

CDCR usually assigns you to a prison that matches your classification score. Sometimes there are special reasons that require a different placement. When someone is placed in a prison that is higher or lower than their classification score, this is called an "override" or "out-of-level" placement.

Individuals who are under 26 may be eligible for an "override" to a lower-level prison with more programming. This is called a Youth Offender Program (YOP) placement.[2] The type of crime and the person's behavior while incarcerated matter.[3]

CDCR's Scoring System:

- **Level I – 0-18**
  - Facilities and camps with primarily open dormitories with a low security perimeter.
- **Level II – 19-35**
  - Facilities with primarily open dormitories with a secure perimeter.
- **Level III – 36-59**
  - Facilities with a secure perimeter.
- **Level IV – 60+**
  - Most restrictive facilities with a secure perimeter.

[2] Cal. Code Regs., tit. 15, § 3040.4(a).
[3] Cal. Code Regs., tit. 15, § 3040.4(a)(2).

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Requesting placement

CDCR considers many things when it decides where someone will go after Reception. However, you can ask CDCR to consider a specific placement. Your request is not guaranteed, but it is appropriate to ask respectfully:

- To go to a prison that has a program you want.
- To stay closer to your home so your family can visit.[4]
- To stay near your child or someone under 18 if you are a guardian.[5]

Do not be discouraged if you are first assigned to a higher-security prison.

In many cases, you can lower your classification score over time. You can do this by:

- **Avoiding write-ups.**
- **Keeping a steady job.**
- **Completing education programs.**
- **Joining programs or self-help groups.**

Leaving Reception

Usually, you will leave the Reception Center within 30 days after your placement decision.

[4] A person does not have a right to be placed near family or friends to facilitate visitation. However, CDCR is required to consider the existence of strong community and family ties and place a person in an appropriate facility near their family "when reasonable" and "unless other classification factors makes such placement unreasonable." Penal Code § 5068.
[5] Penal Code § 5068(c).

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Serving Your Sentence

Programs and education

Once you arrive at your assigned prison, a group of people called a "Classification Committee" will decide which housing unit you live in and what privileges you have.[6]

Try to enroll in programming that connects to your life experiences or challenges. Look for classes or groups that:

- Support sobriety.
- Promote restorative justice.
- Teach better decision making.
- Help you understand and heal from trauma.

If you receive a write-up for a rules violation, think about taking a class or doing self-study to address the issue. If you have a life sentence, completing a program once is usually not enough. You may be expected to take programs more than once. Doing well over time is important. If you do well, you may be asked to lead or facilitate a class. Serving as a facilitator is viewed positively by the parole board.

What If There Are No Programs Available?

Some ways to self-study include:

1. Using a tablet: CDCR uses an app called Edovo, which offers virtual programs. For some courses, you can earn a certificate by completing the class and passing a test.
2. Taking a correspondence course.
3. Completing book reports or other self-study. It may be helpful to keep a list of all the books you read.

[6] Cal. Code Regs., tit. 15, § 3376(c).

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Important papers to keep safe

You may want to collect documents that show:

- Classes you have taken.
- Participation in job training.
- Positive write ups you received.
- Participation in self-help groups, like alcoholics anonymous or narcotics anonymous.
- Self-study you have completed.
- Jobs you have while in custody.
- Religious programming.

Avoid restitution fraud

If you owe restitution (money you must pay to the victim), CDCR can take more than half of any money placed on your account. This money goes toward what you owe. For example, if someone puts $100 into your account so you can buy food or other items, CDCR may take $55 to pay restitution.[7]

Some people try to avoid this by sending money through someone who does not owe restitution. This is called "restitution fraud."

Do not take part in this. It can lead to serious problems for you now and later.

Staying connected with family and friends

Most people in prison have access to telephones and can make free 15-minute phone calls from CDCR's monitored system. If a person has access to a tablet, they can receive emails, text messages, photographs, and short videos from friends and family for a small cost. ***Remember that all calls, texts, and messages are monitored by CDCR.***

> ***Caution*: Do not text or make calls using a contraband or unauthorized cell phone. There are serious consequences – including the loss of credits and future visits – that can result from this practice.**

[7] Fifty percent is collected to pay restitution, and CDCR may collect another 5 percent as an administrative fee.

Preparing for parole hearings

A parole suitability hearing is when the Board of Parole Hearings decides if someone should be released from CDCR. Some people become eligible for parole consideration based upon their sentence, their age when the crime happened, or their current age.

Parole consideration is a complicated process, and preparing early can make a big difference. The following resources may help:

- *The California Prison and Parole Law Handbook* – by the Prison Law Office.[8]
- *Overview of California Parole Process and How to Prepare for It* – by UnCommon Law.[9]

This resource was informed by the insights, experiences, and thoughtful contributions of many individuals and groups working to improve outcomes across California's criminal legal system. We are especially grateful to the Alameda County Public Defender's Office, the Anti-Recidivism Coalition, the Ella Baker Center for Human Rights, and the Prison Law Office for their time, perspectives, and contributions.



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[8] Resource available at: prisonlaw.com/handbook.
[9] Resource available at: https://static1.squarespace.com/static/5b5f9d4be7494070b92d76f3/t/693231fa0ea60a631ec64f9b/1764897274099/Parole+Resource+Packet.pdf.

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