



BOARD OF PAROLE HEARINGS



ADMINISTRATIVE DIRECTIVE NO: 2013-02

SUBJECT: ORAL TESTIMONY AND STATEMENTS AT PAROLE HEARINGS

INTRODUCTION

This Administrative Directive clarifies the difference between oral testimony and oral statements made at parole hearings, as well as describes the procedures to follow in the event the presiding hearing officer chooses to set a time limit for oral statements made in closing by counsel at the hearing.

LEGAL AUTHORITY

Pursuant to **California Code of Regulations (CCR), Title 15, section 2402, subdivision (b)**, "All relevant, reliable information available to the panel shall be considered in determining suitability for parole." Furthermore, pursuant to **CCR, Title 15, section 2030, subdivision (d)(1)**, "The [presiding] hearing officer shall ensure throughout the hearing that unnecessary, irrelevant or cumulative oral testimony and statements are excluded."

Generally speaking, oral testimony (a statement made under oath) is only given by the inmate in attendance at the hearing. Oral statements, on the other hand, are generally given by the attorney representing the inmate and the attorney representing the District Attorney's Office in closing at the hearing. Though not the subject of this administrative directive, oral statements may also be given in closing by a victim, next of kin or members of the victim's family.

DIRECTIVE

With regard to oral statements made by counsel in closing at parole hearings, the presiding hearing officer is solely responsible for striking a balance between inclusion of all relevant and reliable information that may be presented during closing statements and exclusion of all unnecessary, irrelevant or cumulative information that may be included in closing statements. One way the presiding hearing officer may choose to strike that balance is to set a time limit for closing statements by counsel. In the event the presiding hearing officer elects to set a time limit, they shall comply with the following:

- (1) The presiding hearing officer shall take into account the complexity of the hearing when determining the time limit to be set for closing statements;
- (2) The presiding hearing officer shall inform both counsel of the time limit prior to the commencement of the hearing and verbally state the time limit on the record; and
- (3) The presiding hearing officer shall uniformly enforce the time limit.

This Administrative Directive shall take effect immediately. If you have any questions concerning the contents of this Administrative Directive please contact the legal office at (916) 324-7604.

APPROVED BY: _____ JENNIFER P. SHAFFER Executive Officer, BPH	DATE: _____
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