



BOARD OF PAROLE HEARINGS



ADMINISTRATIVE DIRECTIVE NO: 2014-03A

SUBJECT: THE OFFICIAL WRITTEN RECORD AT PAROLE HEARINGS

INTRODUCTION

The purpose of this Administrative Directive is to identify which documents constitute the official written record at parole hearings and may be considered by the panel if deemed relevant and reliable.

LEGAL AUTHORITY

California Code of Regulations, title 15, section 2281, subdivision (b), provides that "all relevant, reliable information available to the panel shall be considered in determining suitability for parole. Such information shall include the circumstances of the prisoner's: social history; past and present mental state; past criminal history, including involvement in other criminal misconduct which is reliably documented; the base and other commitment offenses, including behavior before, during and after the crime; past and present attitude toward the crime; any conditions of treatment or control, including the use of special conditions under which the prisoner may safely be released to the community; and any other information which bears on the prisoner's suitability for release."

California Code of Regulations, title 15, section 2030, subdivision (c), provides that "the prosecutor may review the prisoner's central file and submit any relevant documents... Any information which is not already available in the central file shall be submitted in writing to department staff not later than ten days before the hearing. Failure to submit new information as provided in this section may result in exclusion of the information at the hearing. As soon as administratively feasible department staff shall forward to the prisoner or his attorney copies of any documents submitted by the prosecutor. Department staff shall forward to the prosecutor copies of all documents provided to the prisoner or his attorney."

California Code of Regulations, title 15, section 2030, subdivision (d)(2), provides that “the role of the prosecutor is to comment on the facts of the case and present an opinion about the appropriate disposition. In making comments, supporting documentation in the file should be cited. The prosecutor may be permitted to ask clarifying questions of the hearing panel, but may not render legal advice.”

California Code of Regulations, title 15, section 2247, provides that “a prisoner is entitled to review nonconfidential documents in the department central file. A prisoner is responsible for complying with department procedures for review of the documents and for making his request sufficiently early to permit his review of the documents at least 10 days before the week of the hearing. A prisoner shall have the opportunity to enter a written response to any material in the file.” Furthermore, “a prisoner has the right to be present at the hearing, to speak on his own behalf, and to ask and answer questions.”

California Code of Regulations, title 15, section 2249, provides that “a prisoner shall have the right to present relevant documents to the hearing panel. The documents should be brief, pertinent, and clearly written. They may cover any relevant matters...A copy of the documents may be placed in the prisoner’s central file.”

DIRECTIVE

1. Inmate’s Central File

All documents located in the inmate’s central file shall be incorporated into the official record of the hearing and may be relied on by the panel when reaching its decision, except those documents deemed irrelevant or unreliable by the presiding hearing officer.

2. Hearing Packet

All documents located in the hearing packet provided in advance of the hearing shall be incorporated into the official record of the hearing and may be relied on by the panel when reaching its decision, except those documents deemed irrelevant or unreliable by the presiding hearing officer.

3. Documents Submitted by Inmates

All documents submitted by an inmate or inmate counsel in advance of the hearing shall be incorporated into the official record of the hearing and may be relied on by the panel when reaching its decision, except those documents deemed irrelevant or

unreliable by the presiding hearing officer. All documents submitted by an inmate or inmate counsel on the day of the hearing shall be incorporated into the official record of the hearing and may be relied on by the panel when reaching its decision, subject to the procedures and limitations found in Administrative Directive No: 2013-06.

4. Documents Submitted by Prosecutors

All documents submitted by a prosecutor not later than 10 days before the hearing shall be incorporated into the official record of the hearing and may be relied on by the panel when reaching its decision, except those documents deemed irrelevant or unreliable by the presiding hearing officer.

5. Written Victim Impact Statements

All written victim impact statements, whether submitted in writing or read aloud at the hearing by a victim, their representative, or a prosecutor, shall be incorporated into the official record of the hearing and may be considered by the panel when reaching its decision.

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

APPROVED BY:



JENNIFER P. SHAFFER
Executive Officer, BPH

DATE:

12/30/14