



BOARD OF PAROLE HEARINGS



ADMINISTRATIVE DIRECTIVE NO: 2014-05

SUBJECT: SCOPE OF VICTIM IMPACT STATEMENTS AT HEARINGS

INTRODUCTION

This Administrative Directive clarifies the scope of victim impact statements presented at a parole suitability hearing and how it differs depending on the person providing the statement and the method in which the statement is delivered.

LEGAL AUTHORITY

Under **Penal Code section 3043, subdivision (b)(1)**, the victim, next of kin, members of the victim's family, and two representatives "have the right to appear, personally or by counsel, at the hearing and to adequately and reasonably express his, her, or their views concerning the prisoner and the case." The subdivision continues with a list of topics that may be covered, including but not limited to:

[T]he commitment crimes, determinate term commitment crimes for which the prisoner has been paroled, any other felony crimes or crimes against the person for which the prisoner has been convicted, the effect of the enumerated crimes on the victim and the family of the victim, the person responsible for these enumerated crimes, and the suitability of the prisoner for parole.

Penal Code section 3043.2, subdivision (c) allows a prosecutor to represent "the views of the victim, his or her immediate family members, [and] next of kin."

DIRECTIVE

The panel shall only consider information given during victim impact statements at parole suitability hearings by the individuals listed below that are within the following parameters:

1. Any victim, victim next of kin, family member of the victim, or designated representative that makes an appearance at a parole suitability hearing may express his or her views concerning the prisoner and the case.
2. Any counsel appearing in lieu of a personal appearance by a victim, victim next of kin, family members of the victim, or designated representative, may express the views of his or her client concerning the prisoner or the case.
3. A prosecutor representing the victim, victim next of kin, or immediately family of the victim may express the views of the individual or individuals the prosecutor is representing.

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