



BOARD OF PAROLE HEARINGS



ADMINISTRATIVE DIRECTIVE NO: 2015-01B

SUBJECT: DETERMINING IF GOOD CAUSE EXISTS TO GRANT A POSTPONEMENT OF A PAROLE CONSIDERATION HEARING DUE TO AN INMATE'S INABILITY TO OBTAIN ESSENTIAL DOCUMENTS

INTRODUCTION

The purpose of this Administrative Directive is to explain how to determine if good cause exists to postpone a parole consideration hearing at the request of an inmate because he or she was unable to obtain documents that are deemed essential to the hearing by the presiding hearing officer.¹

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 2253, subdivision (d)(2), provides that, "A prisoner may request that the board postpone a life parole consideration hearing to resolve matters relevant to his or her parole consideration for reasons not set forth in subdivision (1) of this subsection. The board may grant a postponement only upon the affirmative showing of good cause on the part of the prisoner and only if the prisoner did not and could not have known about the need for the postponement earlier

¹ For a fuller discussion on postponements and the good cause standard, see Administrative Directive No: 2013-03A

than when he or she made the postponement request. Good cause is a prisoner's excused inability to obtain essential documents or other material evidence or information despite his or her diligent efforts."

DIRECTIVE

The presiding hearing officer shall grant an inmate's request for a postponement at a parole consideration hearing if the inmate shows good cause that he or she was unable to obtain essential documents or other material evidence or information despite his or her diligent efforts. The presiding hearing officer shall take the following steps in determining if a postponement is warranted:

1. If an inmate requests a postponement at the hearing due to the alleged absence of an essential document or essential information, the presiding hearing officer shall determine if the missing document or information is essential to the panel's determination of suitability;
2. If the presiding hearing officer determines the missing document or information is essential to the panel's determination of suitability, the presiding hearing officer shall determine whether the inmate was diligent in his or her attempts to obtain the document or information prior to the hearing;
3. If the presiding hearing officer finds that the inmate put forth careful and persistent efforts to obtain the document or information prior to the hearing, the presiding hearing officer shall find good cause to postpone the hearing.

If, instead, the presiding hearing officer determines that the document or information is not essential to the hearing or concludes that the inmate did not show good cause for a postponement, the panel shall proceed with the hearing.

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:

7/21/2015