BOARD OF PAROLE HEARINGS

ADMINISTRATIVE DIRECTIVE NO: 2013-02

SUBJECT: MANAGING PAROLE HEARINGS, INCLUDING ORAL STATEMENTS MADE BY COUNSEL IN CLOSING

INTRODUCTION

This Administrative Directive provides guidance to board commissioners regarding their role in managing parole hearings and describes the procedure to follow in the event the presiding hearing officer chooses to set a time limit for oral statements made by counsel in closing.

LEGAL AUTHORITY

Under **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."

Under the California Rules of Court, judges are tasked with eliminating unnecessary delays and are responsible for the pace of the proceedings (**California Rules of Court (CRC), section 2.1**). Trial management standards provide judges the autonomy to manage proceedings in a way that provides all parties a fair opportunity to present evidence, after full and careful consideration consistent with the ends of justice (**CRC 2.1 and CRC 2.20**).

DIRECTIVE

Generally speaking, during parole hearings only inmates give oral testimony (a statement made under oath). Oral statements, on the other hand, are generally given by counsel for inmates and counsel for District Attorney Offices at the close of the hearing.

Though not the subject of this administrative directive, oral statements may also be given by victims, next of kin or members of the victim's family.

With regard to managing parole hearings, the presiding hearing officer is ultimately responsible for ensuring the admission of all relevant and reliable information and the exclusion of all unnecessary, irrelevant or cumulative information. A presiding hearing officer is also responsible for ensuring that all parties receive a fair opportunity to present evidence while eliminating unnecessary delays. One technique available is to set reasonable time limits for oral statements made by counsel in closing.

In the event the presiding hearing officer elects to set a time limit for closing statements made by counsel, the following guidelines shall be complied with:

(1) The presiding hearing officer shall take into account the number of participants and the complexity of the hearing before setting a time limit;
(2) The presiding hearing officer shall inform both counsel of the time limit on the record prior to the commencement of closing statements; and
(3) The presiding hearing officer shall enforce the time limit uniformly.

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:** 4/2/2013