



# BOARD OF PAROLE HEARINGS



ADMINISTRATIVE DIRECTIVE NO: 2013-04

**SUBJECT: GUIDANCE ON HANDLING INTIMATE PARTNER BATTERING INFORMATION AT PAROLE SUITABILITY HEARINGS**

## INTRODUCTION

Penal Code section 4801, which addresses how the Board should handle intimate partner battering (IPB) information at parole suitability hearings, was amended effective January 1, 2013. This directive highlights the changes to section 4801 and provides guidance on handling IPB information.

## LEGAL AUTHORITY

**Penal Code section 4801(a)** defines "intimate partner battering and its effects" to include "evidence of the nature and effects of physical, emotional, or mental abuse upon the beliefs, perceptions, or behavior of victims of domestic violence where it appears the criminal behavior was the result of that victimization."

**Penal Code section 4801(b)(1)** provides that in reviewing a prisoner's parole suitability, the Board "shall give great weight to any information or evidence that, at the time of the commission of the crime, the prisoner had experienced intimate partner battering, but was convicted of an offense that occurred prior to August 29, 1996. The board shall state on the record the information or evidence that it considered pursuant to this subdivision, and the reasons for the parole decision."

**Penal Code section 4801(b)(3)** further directs the Board, "The fact that a prisoner has presented evidence of intimate partner battering cannot be used to support a finding that the prisoner lacks insight into his or her crime and its causes."


**California Code of Regulations (CCR), Title 15, section 2281(b)** requires the panel to consider "all relevant, reliable information available to the panel" in determining suitability for parole.

**DIRECTIVE**

If the prisoner's controlling offense occurred prior to August 29, 1996, and the prisoner presents IPB information, all of the following shall occur:

- (1) The hearing panel shall determine if the IPB information is relevant. For example, IPB information is always relevant if the panel finds the criminal behavior was the result of that victimization.
- (2) The hearing panel shall determine if the IPB information is reliable.
- (3) Having established relevance and reliability, the hearing panel shall give great weight to the IPB information. This means that the panel shall not merely consider, but shall give *more* weight to IPB information than it would to other information available to the panel. However, the ultimate issue that the panel must decide – whether or not an inmate will pose an unreasonable risk of danger to society if released – remains the same.
- (4) The hearing panel shall not find a lack of insight based solely on the presentation of IPB information. However, other information may demonstrate a lack of insight, such as substance abuse, gang affiliation, and failure to address and correct harmful behavioral patterns.
- (5) The hearing panel shall state on the record the IPB information considered.

*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.*

<b>APPROVED BY:</b>  <b>JENNIFER P. SHAFFER</b> Executive Officer, BPH	<b>DATE:</b> <u>6/5/2013</u>
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