



# BOARD OF PAROLE HEARINGS



ADMINISTRATIVE DIRECTIVE NO: 2014-03B

**SUBJECT: PROCEDURES FOR HANDLING EXHIBITS AT HEARINGS**

## INTRODUCTION

This Administrative Directive outlines the procedures for identifying, marking, and preserving exhibits accepted for consideration by hearing panels with the Board of Parole Hearings (Board).

## LEGAL AUTHORITY

**California Code of Regulations, title 15, section 2028, subdivision (a)**, provides that "Any person may submit information concerning any prisoner or parolee and the offenses. Written comments from the public shall be directed to the executive officer of the board who shall forward the comments to the prisoner's or parolee's central file for the consideration of future hearing panels. The board shall consider, in deciding whether to release a prisoner on parole, all information received from the public." **Section 2030, subdivision (c)**, also 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." Finally, **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 such as mitigating circumstances, disputed facts or release planning. A copy of the documents may be placed in the prisoner's central file."

## DEFINITIONS

For purposes of this Administrative Directive, an "exhibit" is defined as a document, photograph, or recording, not already contained in the inmate's central file, accepted by the presiding hearing officer at the time of the hearing for consideration by the panel.

## DIRECTIVE

### 1. Identifying and Marking Exhibits

Each exhibit accepted for consideration by the presiding hearing officer shall be marked with a unique number in sequential order, preferably with an exhibit sticker. If the inmate's name and CDCR number are not readily visible on the exhibit, they should be added. Time permitting, each marked exhibit should be identified by its number and described briefly on the record. If a document-checklist is available it shall be reviewed by the inmate's attorney and the prosecutor and then marked as an exhibit.

### 2. Preparation of Exhibit List

A Hearing Officer shall prepare an exhibit list with a brief description of each marked exhibit. The exhibit list shall also contain the inmate's name and CDCR number, the hearing panel members' names, and the date and location of the hearing. (A sample exhibit list is attached to this administrative directive, but any piece of paper containing the above information may be used.)

### 3. Preserving Exhibits

A Hearing Officer shall be responsible for maintaining custody of the original exhibits and exhibit list throughout the hearing. At the conclusion of the hearing they shall be submitted to the Classification and Parole Representative (C&PR) at the institution where the hearing was held. The C&PR shall ensure they are added to the inmate's electronic central file or, if they cannot be electronically stored there, mailed to the Board of Parole Hearings, Decision Review Unit.

*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

## BPH EXHIBIT LIST

Inmate	
CDC #	
Date of Hearing	
Location of Hearing	
Hearing Panel Members	

<b>Exhibit</b>	<b>Description</b>
1	Checklist of Documents Distributing Prior to the Hearing
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	