

Notice of Hearing Rights – Consultation

You are receiving this Notice of Hearing Rights because you are scheduled to have a consultation with a hearing officer (commissioner or deputy commissioner) from the Board of Parole Hearings (Board).

1. Purpose of Consultation:

The purpose of a consultation is to review and document your activities and conduct while in prison. The Board is required to provide you with information about the parole hearing process, legal factors relevant to your suitability or unsuitability for parole, and to provide you with recommendations for work assignments, rehabilitative programs, and institutional behavior. (Pen. Code, § 3041(a)(1); see Pen. Code, § 3051(c).)

2. Right to Consultation:

Your consultation will be scheduled during the sixth year before your initial parole hearing based on your Minimum Eligible Parole Date (MEPD), Youth Parole Eligible Date (YPED), Nonviolent Parole Eligible Date (NPED), or Elderly Parole Eligible Date (EPED), whichever date is earliest, unless your consultation date is set otherwise by law. (Pen. Code, §§ 3041(a)(1), 3051(i)(2)(B).)

3. Right to be Present and Participate:

You have a right to attend the consultation, ask and answer questions, and speak on your own behalf. (Cal. Code Regs., tit. 15, § 2247.)

4. Attorney:

You are not entitled to be represented by an attorney at a consultation.

5. Witnesses:

You may not call witnesses at a consultation.

6. Others Who May Attend Your Consultation:

If you have a disability and require a staff assistant, they will attend your consultation with you. The only other persons who may attend are Board employees who may attend for training purposes. Neither the District Attorney's office nor victims are entitled to attend.

7. Consultation Conducted In-Person or by Videoconference:

The Board schedules all consultations to be conducted by videoconference unless it determines an in-person consultation is necessary for the hearing officer to effectively communicate with you. (See Cal. Code Regs., tit. 15, §§ 2050-2063.) The Board will notify you whether your consultation is scheduled to occur in person or by videoconference.

If your consultation is conducted by videoconference, you will communicate with the hearing officer by videoconference. This means the hearing officer will not be physically present with you during the consultation; instead, they will appear at your consultation by videoconference.

If your consultation is conducted in person, you will communicate with the hearing officer while they are physically present with you during the consultation. This is usually at an institution. Your scheduled interpreter, if needed, is required to be physically present with you during the consultation, unless you waive their physical presence or special circumstances apply. Approved observers may appear in person, by videoconference, or by telephone.

7. Consultation Conducted In-Person or by Videoconference (cont):

If your consultation is scheduled to be conducted in person, you may submit a written request to the Board that your consultation be conducted by videoconference instead. The written request must include an explanation of why an in-person consultation is not necessary for the hearing officer to effectively communicate with you. If possible, these requests should be sent to the Board at least 15 days prior to the date on which the consultation is scheduled to occur. The Board will review these requests and will notify participants if an in-person consultation is changed to a videoconference consultation.

8. Review of File; Opportunity to Present Evidence:

You may receive reasonable accommodations and assistance in preparing for your consultation. If you are unable to effectively communicate due to language difficulties or a physical, developmental, or mental disability, appropriate accommodations will be provided to you before and during your consultation. (Cal. Code Regs., tit. 15, § 2251.)

9. Postponements:

If a hearing officer has determined you require an accommodation and no reasonable accommodation is available, a consultation may be postponed for good cause. (Cal. Code Regs., tit. 15, § 2251.5.) In addition, the Board may also postpone your consultation for other reasons, such as a hearing officer's unavailability.

10. Impartial Hearing Officer:

You are entitled to a consultation by an impartial hearing officer and may request the disqualification of the hearing officer where grounds for disqualification exist. (Cal. Code Regs., tit. 15, § 2250.)

11. Record Decision:

You are entitled to a copy of the Board's findings and recommendations within 30 days following the consultation. (Pen. Code, § 3041(a)(1).) information considered and the reasons for the decision. (15 CCR § 2255.)

I have read and understand the rights and procedures (Items 1 through 11, above), and I have had an opportunity to ask questions about any rights or procedures that I did not understand.

Signature

CDCR #

Date

I explained the foregoing rights to the inmate, provided them with an opportunity to ask questions, and answered all questions they asked.

Signature

Date

Name (print)

Title
