

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: September 29, 2026

To: Associate Directors, Division of Adult Institutions
Wardens
Americans with Disabilities Act Coordinators
Commissioners, Board of Parole Hearings

Subject: **ATTORNEY CELL SIDE ACCESS FOR BOARD OF PAROLE HEARINGS PREPARATION**

This memorandum updates the September 11, 2019, memorandum previously issued regarding attorney cell-side access. The purpose of this memorandum is to outline standards for attorneys to arrange cell-side access to their clients for the purpose of preparing for or attending parole consideration hearings before the Board of Parole Hearings (BPH).

Under Penal Code Section 3041.7, all incarcerated persons are entitled to representation by legal counsel at parole consideration hearings. Therefore, incarcerated persons' BPH attorneys must have access to their clients, for the purpose of discussing all matters in preparation for a parole consideration hearing. Parole hearings and preparations for parole hearings are also subject to the Americans with Disabilities Act (ADA). BPH is mandated to provide equal access and reasonable accommodation to incarcerated persons for parole proceedings. The purpose of these mandates are to ensure incarcerated persons with disabilities are provided accommodations to allow them equal access to participate in parole hearings to the same extent as a non-disabled incarcerated person, or to the best of their abilities.

Some incarcerated persons with disabilities may be unaware of, or unable to, assert their rights as a result of their disabilities. For example, an incarcerated person with cognitive or other mental impairments may refuse to leave their cell for an attorney visit or parole hearing without understanding the importance of the meeting. In another example, an incarcerated person with a hearing disability may refuse the attorney visit or parole hearing because they did not clearly hear the purpose of the meeting. To address situations where an incarcerated person with disabilities may not understand a ducat for an attorney visit or parole hearing, CDCR staff shall allow an incarcerated persons' BPH attorney, upon request, to be escorted to the incarcerated person's cell or housing unit. Then the attorney can communicate with their client about their rights associated with the parole hearing, so BPH will have sufficient information to determine the appropriate course of action when an incarcerated person has refused to attend.

Therefore, institutional staff are directed to ensure incarcerated persons' BPH attorneys have access to their clients to prepare for and attend parole consideration hearings. If a disabled incarcerated person refuses, or is unable to leave their cell, staff shall escort the incarcerated person's BPH attorney, upon request, to the incarcerated person's cell for a cell-side attorney visit. Communication between an attorney and their client is confidential, and staff shall allow for as much privacy as possible during these visits.

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Attorneys shall comply with staff direction at all times to maintain the safety, security, and orderly operation of the institution. When communicating with a client cell-side, the attorney should limit their conversation to 20 minutes. If the incarcerated person wishes to speak longer with the attorney, the incarcerated person should be encouraged to come out of their cell for an attorney-client meeting.

Whenever possible, the institution shall facilitate the cell-side visit on the same day the attorney has travelled to the institution for an attorney-client visit or parole hearing, for which the incarcerated person has refused.

If you have any custody related questions, please contact Lourdes White, Chief, ADA Collaboration and Training Team at Lourdes.White@cdcr.ca.gov.

Signed by:

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GENA JONES
Director
Division of Adult Institutions

Signed by:

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SCOTT WYCKOFF
Executive Officer
Board of Parole Hearings

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