

GENERAL OFFICE MEMORANDUM 18-041

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: JOHN K. SPILLANE 
Chief Deputy District Attorney

SUBJECT: DDA PARTICIPATION IN PAROLE SUITABILITY HEARINGS FOR
INMATES SENTENCED TO INDETERMINATE PRISON TERMS
(LIFER HEARINGS)

DATE: MARCH 14, 2018

Many Deputy District Attorneys have expressed interest in participating in the parole hearing process for inmates sentenced to indeterminate prison terms. Others have expressed interest in learning the results of past hearings. The procedures for such participation and notification are outlined below.

DETERMINING THE DATE OF THE HEARING (FUTURE OR PAST):

The California Department of Corrections and Rehabilitation (CDCR) website gives information about every inmate, including their parole eligibility date, parole eligibility status (Youth Offender, Elder, Juvenile LWOP), upcoming parole hearing date, and results of all past hearings. The link to the website is <https://inmatelocator.cdcr.ca.gov/> One can also enter the search term, “Inmate Locator California” to arrive at the website. Results can be obtained with the inmate’s name, though it might be helpful to have the inmate’s date of birth or CDCR Inmate Number.

PARTICIPATION OF THE ORIGINAL TRIAL DEPUTY IN THE PAROLE SUITABILITY HEARING

Under current law, only one Deputy District Attorney is permitted to represent the District Attorney’s Office during a parole suitability hearing. That role is filled by DDAs assigned to the Lifer Unit of the Parole Division. However, there are several other ways that the original trial deputy can have a voice in the hearing or participate in the hearing.

First, the trial deputy can collaborate with the “Lifer” deputy prior to the hearing via telephone, email, or in person. The trial deputy can provide information to the “Lifer” deputy to include during the presentation to the hearing panel.

Currently, hearings are assigned to a “Lifer” deputy approximately two months prior to the hearing. Hearings may be cancelled or continued at any time. Interested trial deputies can contact the support staff in the Lifer Unit to learn the name of the assigned deputy.

Next, the trial deputy can submit a written statement directly to CDCR at the following email address- BPHLiferAnalyst@cdcr.ca.gov . Any submission must contain the inmate's CDCR#, prison location, and hearing date. **If the statement is submitted directly to CDCR, the trial deputy must also cc the "Lifer" deputy and upload a copy of the submission into the Post-Conviction – Lifer Section e-Folder so that the submission becomes part of the permanent Lifer File and the "Lifer" DDA is aware of its existence. Instructions on how to access the Post Conviction-Lifer Section e-Folder are attached hereto.** Submissions to this email address must be made 20 calendar days prior to the hearing.

Finally, the trial DDA can personally attend the hearing in one of three ways:

(All methods require the trial DDA to obtain a "gate clearance.")

1. The victim or victim's next of kin (VNOK) can appoint the DDA as a "representative." As a representative of the family, the trial DDA can express his/her view about parole suitability. However, if there is no participating victim or VNOK, the DDA cannot participate as a representative.
2. The victim or victim's next of kin (VNOK) can appoint the DDA as a "support person." As a support person for a member of the family, the trial DDA is not permitted to speak at the hearing, but is permitted to be present. If there is no participating victim or VNOK, the DDA cannot participate as a support person.
3. The DDA can apply to be an observer. Observers are not permitted to speak during the hearing. They have no direct input to the hearing panel, but, they can provide information to the Lifer DDA during breaks during the hearing. The downside to this method of participation is that observers are not always granted a gate clearance, especially if they have an interest in the case. An observer is generally a neutral party whose goal is simply to observe.

Each of the methods of participation described above can also be accomplished via videoconference, even if the "Lifer" DDA is present at the prison. The trial DDA may appear via one of the videoconference locations in Los Angeles County. The trial DDA will still need a "video gate clearance" in order to participate or attend the hearing. The trial DDA cannot observe a videoconference hearing without obtaining a "video gate clearance."

The support staff in the Lifer Unit handles all gate clearance issues.

Deputy District Attorneys wishing to participate as described above must familiarize themselves with current laws governing procedures and the burden of proof. This information can be found in the most current version of the CDAALifer Hearing Manual and Legal Policies Manual Section 17.02 et. seq.

IDENTIFYING THE RESULTS OF PAST HEARINGS

The CDCR website contains the results of all parole suitability hearings. Results are posted shortly after the hearing has concluded. Memos summarizing the hearing, authored by the Deputy District Attorney conducting the hearing, will also be available via eFolder, once the transition to eFolder has been completed. Full completion is expected by June 2019.

As a final note, please remember to file your “Statement of View” in every case in which a defendant is sentenced to death or an indeterminate sentence, including life sentences imposed in third strike cases. Refer to Legal Policies Manual § 17.02.01 to §17.02.03 for a discussion of the procedures and supporting documentation that shall be included with a Statement of View.

dl

Attachment

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