

KNOW YOUR RIGHTS



Know Your Rights

Victims' rights in the parole hearing process can be confusing. We have provided the legal definition of victim as it pertains to rights at a parole hearing, summarized the victim's rights, family member rights and the difference between a support person and a representative and who can be designated as such.

Definition of Victim:

The California Constitution article I, § 28 defines a victim as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated."

YOUR RIGHTS AT A PAROLE HEARING

Notification

PC 3043 (a)(1) Upon request, notice of any hearing to review or consider the parole suitability or the setting of a parole date for any prisoner in a state prison shall be sent** by the Board of Parole Hearings at least 90 days before the hearing to any victim of any crime committed by the prisoner, or to the next of kin of the victim if the victim has died, to include the commitment crimes, determinate term commitment crimes for which the prisoner has been paroled, and any other felony crimes or crimes against the person for which the prisoner has been convicted. The requesting party shall keep the board apprised of his or her current mailing address. Simply stated, you should receive notice of the hearing at least 90 days before and it is your responsibility to keep your address current - see note below.

**Please note that the Board of Parole Hearings responsibility is to send the notice, not ensure that the victim receives it. Make sure that your address is up to date with CDCR Office of Victim and Survivor Rights and Services (OVSRS). If you do not feel confident that regular mail or email will ensure service of the notice, you may register to receive notice of hearings through certified mail. Additionally, we strongly recommend regularly checking the CDCR inmate locator at <https://inmatelocator.cdcr.ca.gov/> where you can check an inmate's status of their hearing, in addition to what prison they currently reside.

(2) No later than 30 days prior to the date selected for the hearing, any person, other than the victim, entitled to attend the hearing shall inform the board of his or her intention to attend the hearing and the name and identifying information of any other person entitled to attend the hearing who will accompany him or her.

This means you MUST let OVSRS know if you plan on bringing a support person or representative (see definitions in brochure) to the hearing at least 30 in advance, who they are and their contact information so that OVSRS can process a clearance for them to attend. Persons who are currently on probation/parole or have other criminal background issues may not be admitted onto prison grounds and may have to participate by telephone or video. OVSRS will notify you if there is a problem so that you can make alternative arrangements to participate in the hearing. If it is past 30 days prior, call OVSRS anyway and ask for clearance. They will do their best to accommodate you.

The sooner you advise OVSRS that you plan on attending the hearing the better. You can always change your mind later if you choose not to attend. You have options to attend in person, by telephone and in some cases by video (check with the DA office for this option). We strongly recommend, if you can, attend in person; it is the most effective means of participating.

Who can attend the hearing

PC 3043 (b)(1) The victim, next of kin, two members of the victim's immediate family, and two representatives designated for a particular hearing by the victim or, in the event the victim is deceased or incapacitated, by the next of kin in writing prior to the hearing have the right to appear, personally or by counsel, at the hearing and to adequately and reasonably express his, her, or their views concerning the prisoner and the case. In those cases where there are more than two immediate family members of the victim who wish to attend any hearing covered in this section, the board shall allow attendance of additional immediate family members to include the following: spouse, children, parents, siblings, grandchildren, and grandparents.

Additionally, each individual victim/family member attending the hearing is allowed to bring one additional person with them for support. OVSRS must be notified of the intent of this support person to attend; OVSRS will be responsible for approving/disapproving their attendance at the hearing.

Who is considered Next of Kin?

A victim's next of kin is designated for a victim who is deceased. The next of kin is determined by identifying the closest blood relative, in most cases it would start with the victim's children, if there are no children then the parents would be considered, then siblings and so on. The next of kin is the only person, aside from a surviving victim, who can designate representatives to attend the hearing.

What is the difference between a Support Person and a Representative?

Support Person

Any person a victim or victim's family member wishes to bring with them for support. The support person may not speak at the hearing; they are there solely for support.

Representative

PC 3043 (c) Any person, a victim, or their next of kin if deceased, designates to attend the hearing with the family. Each family is allowed a total of 2 representatives to attend the hearing regardless of how many victims/next of kin are attending from that family. Representatives have the same rights as victims/next of kin at the hearing; they may speak. PC 3043 (b)(2).

Example: Joe and Sam are victims, they and their family of 14 will be attending the hearing. In total, they are allowed only 2 representatives to attend the hearing.

Example: The families of Sally and her boyfriend Bob (both deceased) will be attending a parole hearing. The victim's next of kin for Sally's family and the victim's next of kin for Bob's family may *both* designate 2 representatives each to attend the hearing.

What can victims/next of kin/family members/representatives talk about at the hearing?

PC 3043 (b)(1)/ PC 3043 (b)(2) Anything they want to as long as it relates to the crime/inmate. Victim statements (victims, next of kin, family, representatives) may take as long as needed and are to be uninterrupted.

Can we read additional letters at the hearing?

Yes you can. As part of victim statement, you may speak about whatever you want. This includes any letters or additional statements you want read into the record. The letters/statements become part of your statement. This applies to representatives too. Often times what happens at hearings is that the victims and family members will present their own statements and have their representatives read letters or additional statements.



Crime Victims Assistance Network (I-CAN) is a non-profit organization that provides comprehensive services to victims of violent crime. Our Parole Hearing Support Program is the only one of its kind in the State; we regularly provide support and accompaniment to victims attending parole hearings. We have partnered with several District Attorney's Offices throughout the state to better ensure support for victims through this process.

We are well known to the Commissioners, deputy Commissioners, many prison staff, CDCR Victim and Survivor Rights and Services and most District Attorney's Offices. Our primary purpose at parole hearings is to support victims and their family members. We are also here to ensure that victims' rights are upheld in the process. If you are interested in finding out more about our services, you may call us at **916-273-3603** or go to our website at **www.ican-foundation.org**.

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