



*Please Note: The information contained in this Guide is not intended as legal advice in any individual's case. There are many exceptions and variations in the parole consideration process. If you have questions, please consult with an experienced parole attorney.*

## **WHAT TO EXPECT AT YOUR VIRTUAL PAROLE HEARING**

Virtual hearings are a new feature of the California parole process, made necessary by the spread of COVID-19. Board of Parole Hearings Parole Suitability Hearings are currently being conducted via video and telephone conference in accordance with Governor Newsom's Executive Order N-36-20. We expect this to continue for at least another month or two, and possibly longer.

Navigating the technology during a virtual parole hearing can be stressful. Therefore, we hope this guide will help you understand what to expect. While virtual hearings may feel less intimate than in-person hearings, we have not yet seen any change in hearing outcome rates. Generally, the Board is applying the same law as before, with no special consideration for COVID-19 related factors.

While this virtual hearing may be shorter than an in-person hearing, it is important to note that **all the same rights and privileges apply – such as your right to confer confidentially with your attorney.**

### **I. Virtual Parole Hearing Q&A**

**What can I expect before the hearing begins?** When the hearing is about to start, an officer will escort you into the hearing room. The television or computer screen will already be set up for you. Your attorney can and should arrange to have a confidential telephone call with you at least a few minutes before the hearing. This is in addition to

the telephone calls the attorney should arrange in the months leading up to the hearing.

**What can I expect at the beginning of the hearing?** At the beginning of the hearing, the Board will ask you if you waive your right to an in-person hearing. If you want to have an in-person hearing, let the commissioners know and your hearing will be postponed. This could mean waiting up to six months for your next hearing to be scheduled. If you want to move forward with the video hearing, let them know that you do waive your right to an in-person hearing. The commissioners will also ask if you accept that your counsel being present by video satisfies your right to counsel. Again, if you want to have an in-person attorney, let the commissioners know and your hearing will be postponed. This could mean waiting up to six months for your next hearing to be scheduled. If you want to move forward with your attorney being present through video, let them know that you do waive your right to an in-person attorney.

In some instances, you may wish to submit documents to the Board on the day of the hearing. The Board has not publicly explained how commissioners will accept documents the day of the hearing. In the absence of such guidance, we recommend that you alert your attorney before the hearing, and alert the commissioners at the beginning of the hearing, about what documents you have to submit and clearly read into the record the titles of any writings and the names and dates on any additional support letters. This will help to create a record of the documents that you have prepared. To avoid this issue, we recommend that you send documents you wish to submit to both your attorney and the Board far in advance of the hearing (at least three weeks). You can send documents to the Board at Board of Parole Hearings, Post Office Box 4036, Sacramento, CA 95812-4036.

**How will the commissioners hear me?** The video screen will either have a microphone that is built in to pick up your voice, or it will

be separate; you should ask the officer if they know where the microphone is located so you can ensure you are speaking in the right direction.

**How will the commissioners see me?** Most computer screens have a built-in camera located just above the top of the screen. However, the device you will be using may have a camera attached to it separately. You should ask the officer if they know where the camera is located, so you can ensure you are looking directly into the camera. Looking directly into the camera is a great way to simulate eye contact with the commissioners.

**What if there are technical issues during the hearing?** Once the hearing starts, an officer or the commissioner will make sure you can see the faces of the commissioner and your attorney. *If you cannot see everyone, mention this to the commissioners immediately. You should also let the commissioners know if you are having trouble hearing their voices once the hearing starts.*

**What if I need a break during the hearing?** If at any time you need a break, you should ask the commissioners, and *you should be allowed to speak with your attorney on a confidential phone line.* The officer present should help you set this up.

## **II. Virtual Parole Hearing Screen Set Up**

The graphic below demonstrates what you will see on the screen during your virtual hearing:

