



4/2/2024

To; Senate Rules Committee

RE: Board of Parole Hearings Commissioners Confirmation Hearing 4/3/2024

Dear Senator McGuire,

The Board of Directors of the Crime Victims Alliance, a social welfare organization that advocates for victim rights and services, is in opposition to all Commissioners up for confirmation today;

Kevin Chappell
Kathleen O'Meara
Catherine Purcell
Neil Schneider
Gilbert Infante
Robert Barton

The Crime Victims Alliance has been an active stakeholder, monitoring, evaluating, and providing input regarding victim participation in parole hearings and feedback about the Board of Parole Hearings Commissioners for over 30 years.

Over the years we have supported and opposed Commissioners at Confirmation hearings. Our opposition to Commissioners has been nominal. Today, for the first time in the history of our organization, we are opposing all the Commissioners that are before you that are seeking confirmation of their appointments today.

Our opposition is less based on individual performance but more so on the inaction of Board members to act in their capacity as Board Members. Policy and procedures are being developed by the Board of Parole Hearings administrative staff, bypassing the Governor's appointed Board Members, that directly affects Parole Hearings. This is being done without public input or Commissioner discussion and vote. Of the many issues we have with the Board of Parole Hearings, one has come up recently. Information that should be left to the Commissioner's discretion is being filtered out before being provided to the Commissioners for them to use to evaluate incarcerated individuals to

determine if they are suitable for parole. Commissioners are being treated as staff members of the Board and not Gubernatorial appointed Board Members. The Board's new policy that was done without public disclosure, is troubling and speaks to growing concerns of the Board's transparency. This policy is the restriction of photographs submitted to the Board of the crime scene, autopsy photos and even family photos of the victim by the prosecutors, often at the wishes of the victims. Victims do not normally have access to crime scene or autopsy photos, so they rely on the prosecutor to submit these in their "packets" to the Board for consideration prior to a hearing. In addition to the concern of information that may be relevant to a hearing being filtered out and information being sanitized prior to the Commissioners being able to view it, what the Board is doing is against the law.

(d) The Board of Parole Hearings shall, in considering a parole for an inmate, consider all statements and recommendations which may have been submitted by the judge, district attorney, and sheriff, pursuant to Section 1203.01, or in response to notices given under Section 3042, and recommendations of other persons interested in the granting or denying of parole. The board shall enter on its order granting or denying parole to these inmates, the fact that the statements and recommendations have been considered by it. (Penal Code Section 3046(d).)

This has been at the Commissioners' discretion until recently. Additionally, the Board administration made the determination to stop using non-lawyers as Deputy Commissioners and instead now use administrative law judges as Deputy Commissioners. These individuals are in a capacity as well to determine relevant and non-relevant information to consider. We are gravely concerned with the blatant interference of the Board of Parole Hearings' administration limiting the information presented to the Commissioners that is necessary to make their decisions in determining parole suitability.

Unfortunately, no Board Commissioner has spoken up against this injustice, and in fact, many point to the Executive Officer as their "boss" whom they take direction from when in fact, it is the Governor they report to.

In addition to this concern, victim groups that have been active stakeholders for many years are not being engaged. Whatever stakeholder participation, if any, that is happening is happening without the inclusion of long-standing victim rights organizations. In the past there were stakeholder briefings and meetings that if they are happening, victims' groups that were once active participants are no longer at the table. We don't hear anything outside of regular board meetings. A recent publication, a parole hearing handbook, we understand was sent out for stakeholder input, however, in a quick poll of long-standing victim groups, not one was consulted to review the victim section of the publication.

And lastly, we have one Commissioner out of the list that we have additional concerns about. Commissioner Neil Schneider, although a very nice man, has made many inappropriate comments to and in front of victims over the years. Our hope was that over time this behavior would cease, however, it has not and is offensive and hurtful to victims. In a recent hearing, Commissioner Schneider, noting that it was the inmate's birthday, began to wish him happy birthday, stopping mid statement but continued on to ask if the inmate was comfortable going forward with their hearing on the inmate's birthday. The victim, whose was lit on fire by the inmate while she slept next to her 3-year-old niece, leaving her permanently scared and disfigured, listened in horror as the Commissioner showed concern and empathy for the inmate over the hearing being held on his birthday. It of course left the victim feeling as if the Commissioner were biased and that she was irrelevant in the proceeding. It is important to note, that victims are not provided the courtesy of having a hearing rescheduled due to the hearing falling on a deceased victim's birthday or the anniversary of the crime.

Victim/survivor participation in the parole hearing process is very important, not only for the victim/survivor but also the incarcerated individual. There is no better opportunity for the incarcerated to be accountable for their actions than in front of the people they harmed. In holding offenders accountable, victims and survivors share information, life stories and pictures of their loved ones. This is not only fair for the victim/survivor to participate, but also their legal right. Not all victims and survivors can speak at parole hearings due to many reasons (fear, schedule, etc.), and therefore they count on victim groups and District Attorney offices to help by speaking on their behalf. Victim advocates help to raise victim voices, speak for those who cannot and on behalf of those who are not yet strong enough. Our views and input are victim/survivor centered and victim/survivor directed.

For these reasons, and many more, we are opposing each Commissioner up for parole today.

Respectfully,



Erin Sasse
Chair, Board of Directors

Cc: Senate Rules Committee Members
Michael Ramos, CVA Vice Chair
CVA Board of Directors