**Section 1610.40 The Adult Parole Hearing**

a) Purpose

The purpose of the parole release hearing is to gather information and views and to determine whether parole will be granted or denied. The hearing is not an adversarial proceeding.

b) Parole Release Panels

1) General Considerations. The Board shall schedule hearings at the various institutions and facilities each month. Panels of at least three members of the Board will consider those cases of persons whose names appear on the respective hearing dockets. At least one member of the panel shall interview the inmate and hear any witnesses. The decision to grant or deny parole requires the action of a panel of at least three members of the Board. The decision to release on parole requires the affirmative vote of a simple majority of the members participating in the vote.

2) Evidence. The Board is not bound by strict rules of evidence in the conduct of a parole release hearing and will consider all evidence presented, so long as the evidence is not cumulative, repetitive or inherently unreliable (as, for example, would be testimonials of Department of Corrections employees who are not authorized to make parole recommendations) and so long as it has some relevance to the parole release decision, as described in Section 1610.50.

3) Presiding Member. One member of the panel will be designated to act as presiding member for each parole hearing. The presiding member will administer an oath or affirmation to the inmate and any witnesses, conduct the inmate interview, examine any witnesses and rule on evidentiary matters and objections. In addition, any other members present may question the inmate and witnesses. When fewer than all members who will participate in the release decision are present at the hearing, the presiding member will orally summarize the hearing for their benefit prior to a vote on the question of release. Where a case is not decided on the same day as the hearing, the presiding member shall prepare a written summary for use by the other members.

4) En Banc Hearings

A) Hearing Designated En Banc. Any inmate of the Department of Corrections whose conviction was for the offense of Murder or whose minimum sentence is 20 years or more under Chapter 39 of the Illinois Revised Statutes in effect prior to February 1, 1978 shall be heard by a panel of the Board. That panel shall submit the case to the entire Board at an "en banc" hearing, at which time a determination will be made as to whether parole will be granted or denied, in accord with Section 1610.50. In addition, the Chairman or a majority of the members of a panel hearing a case upon which a decision has not been rendered may cause that case to be considered at the next scheduled "en banc" hearing day. Once a case is designated "en banc" it will continue to be considered by the full Board, unless the Board determines otherwise.

B) En Banc Voting. In order for the Board to grant parole in a case which is designated for "en banc" consideration, a majority vote of the appointed members of the Board must vote in favor of the grant of parole. A tie vote, or a vote of less than a majority of the appointed members of the Board favoring parole, shall result in the denial of the application for parole.

c) Appearances. The Parole Release Panel shall consider the testimony of persons who appear at the parole release hearing under Board guidelines, in accord with Section 1610.30, unless the presiding member determines that the witness can provide no information which is relevant to the hearing or that the testimony would be merely repetitive or cumulative. Any testimony may be offered in the form of a personal appearance or written statements. Where Department of Corrections security considerations bar personal appearances within the institution, the witness may submit written testimony or may testify orally at the Springfield Office of the Board or at some other designated location.

1) Personal Appearances.

A) The State's Attorney. The State's Attorney of the County in which the conviction was obtained, or his designee, shall be permitted to appear personally at any parole release hearing.

B) Victims and Complaining Witnesses. Persons who are identified as victims, or members of the families of victims of the crime for which the inmate is receiving parole consideration shall be permitted to appear personally before the Parole Release Panel. Other persons who wish to testify as complaining witnesses shall be permitted to appear unless the presiding member determines that they cannot provide relevant information or that their testimony would be repetitive or cumulative.

C) Witnesses on Behalf of the Inmate. Persons wishing to appear on behalf of the inmate, in support of the grant of parole, may do so, unless the presiding member determines that their testimony would be irrelevant, repetitive, or cumulative, or unless the potential witness is barred from the institution by the Department of Corrections.

D) The Inmate. The inmate shall be heard, as required by statute (Unified Code of Corrections, Ill. Rev. Stat. 1983, ch. 39, par. 1003), if he chooses.

2) Written Appearances

The Parole Release Panel shall consider any relevant testimony received by the Board from the State's Attorney, victim, complaining witness, inmate, or any other interested party before the beginning of the Parole Release Panel conference. Such writings may be in the form of letters, affidavits or other documents. Written appearances shall be permitted into consideration on a basis more permissive than personal appearances, in order to reduce the demand for personal appearances. These documents will be available for review in accord with Section 1610.30(a) and (b).

d) Conference. Following the hearing the Parole Release Panel shall adjourn into a conference. In conference the Panel will discuss all evidence and testimony received and will exchange views concerning the weight and credibility to be given the evidence considered, prior to entering the decision phase.

e) Decision and Notification

1) Vote and Rationale. Following the Conference, the Parole Release Panel will vote on the question of granting or denying parole. When the panel votes to deny parole a rationale will be prepared by at least one member which states the basis for denial, including the primary factors considered.

2) Notice of Decision. The inmate shall be provided a copy of the Order and rationale within twenty-one days after the Parole Release Hearing.

(Source: Amended at 9 Ill. Reg. 16257, effective October 10, 1985)