

**Board of Parole Hearings
Executive Board Meeting
Monday, August 18, 2014**

Meeting called to order at 1:05 p.m.

CONSENT CALENDAR

Roll Call: Commissioners Anderson, Fritz, Garner, Guerrero, Labahn, Montes, Peck, Roberts, Singh, Turner and Zarrinam present. Commissioner Richardson absent.

Commissioner ANDERSON stated that the Program Inventory, Community Partnerships Unit presentation would not take place today.

Commissioner ROBERTS moved to approve the minutes of the July 14 and 15, 2014 Executive Board meeting. Commissioner TURNER seconded the motion, which was carried unanimously.

REPORTS AND PRESENTATION

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that progress is being made on distributing hearing packets electronically. The system will start on January 1, 2015. District attorneys and inmate attorneys will be asked to attend a preliminary demonstration of the proposed process.

Pursuant to the *Coleman/Plata* court order, the Board has reported on the number of hearings conducted pursuant to Senate Bill 260 (youth offender hearings) and expanded medical parole hearings. The board has conducted 173 youth offender hearings and 2 expanded medical parole hearings.

Commissioner RICHARDSON, Chief Deputy of Field Operations, Rhonda Skipper-Dotta and Associate Chief Deputy Commissioners are attending the National Judicial College.

SHAFFER stated that Commissioner GUERRERO will be leaving the Board after conducting more than 200 hearings. She thanked the commissioner for his dedication and public service.

Commissioner GUERRERO responded by thanking SHAFFER and the Board for their support.

Report from Chief Counsel, Howard Moseley

No report.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL stated that inmate attorney orientation will take place in Northern California on October 6, 2014 and in Southern California on October 13, 2014. The orientation lasts 8 hours and will combine lifer and mentally disordered offender training. There will be updates on lifer and mentally disordered offender issues in the morning session. The Americans with Disabilities Act training will be in the afternoon session, followed by a basic overview. All stakeholders are invited to attend.

DISCUSSION ITEMS

Administrative Directive 2014-03, Procedures for Hearing Exhibits, presented by Patrick Reardon, staff attorney

REARDON stated that the directive was presented at the July, 2014 Board meeting. REARDON referred to the sample exhibit list attached to the directive. He stated that paragraph three has been amended since July to include a provision that the Classification and Parole Representative mail to the Board's Decision Review Unit any exhibits that cannot be scanned into an inmate's central file.

In response to a question from Commissioner PECK, Chief Counsel MOSELEY confirmed that Classification and Parole Representatives had been consulted about the change.

Commissioner ZARRINNAM moved to adopt the directive and the motion was seconded by Commissioner ROBERTS. Administrative Directive 2014-03 was adopted unanimously.

In re Butler Regulations, presented by Chief Counsel, Howard Moseley

MOSELEY stated that two proposed amendments were received since the presentation at the July, 2014 meeting. The first proposed amendment was received before the 10-day deadline for posting this meeting's agenda and was incorporated in section 2282(e) of the regulations. The second proposed amendment was received after the 10-day deadline. MOSELEY asked the Board to consider accepting an oral amendment to sections 2282, 2403 and 2423 of the regulations. For the sake of clarity, the amendment would include, "(upper)" where the word, "aggravated" appears and "(lower)" where "mitigated" appears.

In response to Commissioner ANDERSON's question, MOSELEY confirmed that, "lower term" means "mitigated" and "upper term" means "aggravated."

There were no public comments on the draft regulations.

Commissioner SINGH moved to adopt the regulations, subject to the written and oral amendments. Commissioner ZARRINNAM seconded the motion, which was carried unanimously.

PUBLIC COMMENTS

VANESSA NELSON-SLOANE, Life Support Alliance, stated that lifer parolees often benefit from relatively brief residence in transitional housing. However, imposing an over-extended period of residence as a condition of parole can prove counter-productive. She expressed concern that the programming conducted at some transitional facilities is not focused on the needs of lifer parolees. She also expressed concern that parole agents often interpret recommendations made by granting panels as special conditions of parole. Life Support Alliance is working with the Division of Adult Parole Operations to resolve this issue. NELSON-SLOANE recommended that granting panels not impose unnecessarily lengthy periods of transitional residence as a special condition of parole.

Meeting recessed at 1:22 p.m., to reconvene at 10:00 a.m. on Tuesday, August 19, 2014.

**Board of Parole Hearings
Executive Board Meeting
Tuesday, August 19, 2014**

The meeting was called to order at 10:04 a.m.

Roll Call: Commissioners Anderson, Fritz, Garner, Guerrero, Labahn, Montes, Peck, Singh, Turner and Zarrinam present. Commissioners Richardson and Roberts absent.

Referral by Chief Counsel pursuant to California Code of Regulations title 15 section 2042

A. MENDEZ, ARNOLD H-06890

No speakers

B. ROUSE, ROBERT C-86035

No speakers

C. SMITH, JOHN E-94734

GARY JACOBSEN, member of the victim's family, opposed ordering a re-hearing.

D. SUMARAN, SALVADOR P-33842

CHRISTINE WARD, Crime Victims' Action Alliance and Crime Victims' Network, read a letter from AKEME NAVARO, victim's sister. NAVARO opposed granting parole to the inmate and expressed concern about the notification process for today's meeting.

SHAFFER asked WARD to inform NAVARO that a rehearing would not consider the inmate's suitability for parole. It would be limited to reconsidering the term calculation.

Referral by the Governor, pursuant to Penal Code section 3041.1

E. BROOKS, FRANK V-05569

TOM WENKE, Los Angeles County District Attorney's Office, opposed parole and recommended ordering a rescission hearing.

F. DIAZ, JESUS T-62890

AARON WEST, Santa Clara County District Attorney's Office, opposed parole and recommended ordering a rescission hearing.

G. MEROLILLO, MARC T-27493

NANCY CROOMEY, victim's daughter, opposed parole.

H. SIMMONS, CHARNETTA X-15447

No speakers

Referral, pursuant to Penal Code section 3041, when there is a tied vote

I. SCOTT, MALCOM H-27799

Public comment prohibited, pursuant to Penal Code section 3041(e)

J. SCRAPE, TERRI W-22250

Public comment prohibited, pursuant to Penal Code section 3041(e)

OPEN COMMENTS

VANESSA NELSON-SLOANE, Life Support Alliance, stated that many inmates have experienced problems resulting from random drug urinalysis. They have tested positive for substances, such as codeine and morphine, after taking prescribed medication. Hearing officers have refused to consider the inmates' prescriptions and have issued rules violation reports (CDC-115). Life Support Alliance has been assured that the CDC-115s will be dismissed in the interests of justice but has little confidence in the institutions' ability to rectify the situation. NELSON-SLOANE requested that hearing panels give weight to an inmate's explanation when considering a CDC-115 issued in these circumstances.

GAIL BROWNE, Life Support Alliance, supported NELSON-SLOANE's comments and stated that some inmates have declined to take their medication, in order to avoid receiving a CDC-115 for a positive urinalysis. However, they risk receiving a CDC-115 for refusing to take their medication. BROWNE expressed concern that pressure is still being exerted on inmates to participate in the Long-Term Offender Program.

CHRISTINE WARD, Crime Victims' Action Alliance, expressed concern about the effect of Assembly Bill 1479, which permits the Board to send notification by regular, rather than certified mail. Using regular mail is likely to cause problems in tracking mail to registered victims. WARD requested that the Board establish procedures to address this issue.

LAURA ROMERO welcomed statistics showing an increase in parole grants to lifer inmates. She stated that inmates who program effectively and remain disciplinary-free should be considered strong candidates for parole.

Commissioner Anderson thanked Commissioner GUERRERO for his dedicated service to the Board.

Commissioner GUERRERO replied by thanking the executive officer, chief counsel, legal staff and the commissioners for their help and support.

Meeting adjourned at 10:35 a.m.

Board of Parole Hearings
Scheduled and Backlog Hearings Report
Penal Code section 3041(d)
September, 2014

