

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, October 20, 2014
CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 1:00 p.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

1. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Howard Moseley, Chief Counsel, and Dr. Cliff Kusaj, Chief Psychologist

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issue

2. Hearings and Consultation Preparation, presented by Jennifer Shaffer, Executive Officer, Rhonda Skipper-Dotta, Chief Deputy of Field Operations, and Howard Moseley, Chief Counsel

Consideration of Matters Posing a Threat or Potential Threat of Criminal Activity

Pursuant to Government Code section 11126(c)(18)(A)

(Nothing in this article shall be construed to do any of the following: Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.)

Issue

3. Enhanced Drug and Contraband Interdiction Procedures, presented by Connie Gipson, DAI Associate Director of General Population, Levels II and III

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, October 21, 2014
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

1. *Armstrong v. Brown* (N.D. Cal., Case No. C-94-2307-CW)(pending), presented by Howard Moseley, Chief Counsel, and Rhonda Skipper-Dotta, Chief Deputy of Field Operations

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Tuesday, October 21, 2014
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the September 15 and 16, 2014 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for October 2014
4. Approval of Motions for Hearings with Procedural Errors

<p>A. SCOTT, DANIEL Sentencing Court(s): Sutter</p>	<p>J-42897</p>	<p>Motion: Vacate the panel's July 1, 2014 decision and schedule a new hearing in order to comply with proper victim notification pursuant to Penal Code section 3043, subdivision (a)(1).</p>
--	-----------------------	---

5. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action.

REPORTS AND PRESENTATIONS

6. Report from Executive Officer
7. Report from Chief Counsel
 - Proposed Administrative Directive Regarding Written Materials that Make Up the Record at a Parole Suitability Hearing, presented by Howard Moseley, Chief Counsel
 - Proposed Administrative Directive Regarding Written Victim Impact Statements and the 10-Day Rule, presented by Howard Moseley, Chief Counsel
8. Report from Chief Deputy of Program Operations
 - October 2014 Inmate Panel Attorney Orientations
 - Hearing Notifications

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

- Digital Recorder Training
- WatchDox Training

9. Electronic Packets for BPH Hearings, presented by Jennifer Shaffer, Executive Officer

EN BANC REFERRALS

10. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. ASHLEY, SERAL **D-48872**
Sentencing Court(s):
Sacramento

11. Referral by the Chief Counsel pursuant to California Code of Regulations, title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

B. HARPER, DONALD **E-26928** **To consider whether the proposed decision is consistent with *In re Lawrence* (2008) 44 Cal.4th 1181**
Sentencing Court(s):
San Francisco

C. IVORY, DARRYL **C-42249** **To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, §2041(h).)**
Sentencing Court(s):
San Diego

D. KOOSSED, DEBORAH **W-70782** **To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, §2041(h).)**
Sentencing Court(s):
San Diego

E. MACIAS, JESUS **J-11795** **To consider new information regarding institutional behavior on 9/16/2014**
Sentencing Court(s):
Riverside

F. MALDONADO, SABINO **H-85258** **To consider whether the foreign language interpretation services were ineffective**
Sentencing Court(s):
Madera

G. OATES, GERALD **C-43300** **To consider an error of law regarding pending CDC 115s (Cal. Code of Regs., tit. 15, §2307.)**
Sentencing Court(s):
Riverside

H. SMITH, VICTOR **C-91075** **To consider new information regarding institutional behavior (alleged internet and cell phone activity)**
Sentencing Court(s):
Los Angeles

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

I. THOMPSON, CORNELIOUS **H-58109** **To consider new information regarding institutional behavior on 9/9/2014**
Sentencing Court(s):
Los Angeles

12. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044 to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

J. FLEENOR, RUSSELL **D-53410**
Sentencing Court(s):
Orange

K. MORENO, JOHN **T-84131**
Sentencing Court(s):
San Bernardino

OPEN COMMENTS

13. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH internet page at the following address: www.cdcr.ca.gov/BOPH/enbanc.html.

CLOSED SESSION – EN BANC REFERRALS

Pursuant to Government Code section 11126(c)(4)
("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")

ADJOURNMENT

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, October 21, 2014
OPEN SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: **2:00 p.m.**

AGENDA

1. Overview of BPH Attorney Orientation
Howard Moseley, Chief Counsel
2. Crime Victims Action Alliance and I-CAN Crime Victims Assistance Network
Christine Ward, Executive Director
3. Public Comment

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, October 22, 2014
OPEN SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: **9:00 a.m.**

AGENDA

1. Long Term Offender Pilot Program
Kelly Medina, Chief of In Prison Programs, Division of Rehabilitative Programs
2. California Parole Supervision and Reintegration Model and Long Term Offender Community Programming
Maritza Rodriguez, Chief Deputy of Division of Adult Parole Operations
3. Lifer Peer Reentry Navigation Network
Elizabeth Kita, Ph.D., LCSW
4. Overview of Government Assistance Programs for the Elderly and Disabled
Robert Storms, Chief Clinical Program Administrator, Division of Adult Parole Operations
5. Public Comment

LUNCH BREAK

START TIME: **1:30 p.m.**

6. Aging in a Forensic Setting
Dominique Kinney, Ph.D., Senior Psychologist Specialist - Neuropsychologist for the Department of State Hospitals and Co-Director for the PSH Post-Doctoral Fellowship in Neuropsychology
7. Overview of Intimate Partner Battering
Tammy Jones, Parole Agent III
Howard Moseley, Chief Counsel
8. Public Comments

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Thursday, October 23, 2014
OPEN SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: **9:00 a.m.**

AGENDA

1. Lifer Scheduling and Tracking System (LSTS) Updates
Christine Buffleben, LSTS User Project Manager
Jennifer Shaffer, Executive Officer
2. Victims' Rights in Parole and Post-Conviction – What are they & Why do they Matter?
Megan Garvin, Executive Director of National Crime Victim Law Institute and Clinical Professor of Law at Lewis and Clark Law School
3. Public Comment

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Thursday, October 23, 2014
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: **1:30 p.m.**

DISCUSSION

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issues

1. Discussing Substance Abuse Prevention Programs at BPH Hearings, presented by Howard Moseley, Chief Counsel, and Vickie Whitney, Deputy Attorney General
2. Overview of California Code of Regulations, Title 15, Section 2307, presented by Howard Moseley, Chief Counsel
3. Special Conditions of Parole and the Standard from *People v. Lent* (1975) 15 Cal.3d 481, presented by Howard Moseley, Chief Counsel

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issues

1. *Gilman v. Brown* (E.D. Cal. July 28, 2014, No. Civ. S-05-830 LKK/CKD) 2014 WL 3735401 (pending appeal), presented by Howard Moseley, Chief Counsel
2. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

BPH Training Conference
October, 2014 Calendar

10/20 - MONDAY	10/21 - TUESDAY	10/22 - WEDNESDAY	10/23 - THURSDAY	10/24 - FRIDAY
TRAVEL	<p align="center">CLOSED SESSION 9:00 am</p> <p align="center">OPEN SESSION 10:00 am - Board Meeting</p> <p align="center">CLOSED SESSION 12:00 pm - Deliberations</p>	<p align="center">OPEN SESSION 9:00 am – Long Term Offender Pilot Program</p> <p align="center">10:00 am – CA Parole Supervision and Reintegration Model & Long Term Offender Community Programming</p> <p align="center">10:30 am – Lifer Peer Reentry Navigation Network</p> <p align="center">11:00 am – Overview of Government Assistance for Elderly and Disabled</p>	<p align="center">OPEN SESSION 9:00 am – LSTS Updates</p> <p align="center">10:30 am – Victims’ Rights in Parole and Post-Conviction</p>	COMPUTER LAB TRAINING
	LUNCH	LUNCH	LUNCH	LUNCH
<p align="center">CLOSED SESSION 1:00 pm</p>	<p align="center">OPEN SESSION 2:00 pm – Overview of BPH Panel Attorney Orientation</p> <p align="center">2:30 pm – Crime Victims Action Alliance and I-CAN Crime Victims Assistance Network</p>	<p align="center">OPEN SESSION 1:30 pm – Aging in a Forensic Setting</p> <p align="center">3:00 pm – Overview of Intimate Partner Battering</p>	<p align="center">CLOSED SESSION 1:30 pm</p>	TRAVEL/ADMINISTRATIVE BUSINESS