

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, January 20, 2015

Meeting Called to Order at 1:04 p.m.

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

CONSENT CALENDAR

Commissioner ROBERTS moved to approve the minutes of the December 22 and 23, 2014 meeting. Commissioner TURNER seconded the motion, which was carried unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that on January 15, 2015, the state filed its monthly status report with the Three-Judge Panel pursuant to the order in the *Plata/Coleman* class action litigation. There were 310 youth offender hearings held in 2014 and an additional 140 were scheduled, but were waived, postponed, continued or cancelled. From February 11 to December 31, 2014, there were 390 elder parole hearings held. An additional 138 hearings were scheduled, but were waived, postponed, continued or cancelled. At the beginning of January 2015, the Division of Adult Institutions started referring eligible non-violent, non-sex-registrant, second-strike inmates to the board. Registered victims, district attorneys, and inmates will be notified and given 30 days to submit written statements concerning the offender's potential release to the board. The board will start making parole release decisions for these offenders in February 2015.

As of January 2015, suitability hearings are being conducted using information packets that are electronically distributed to panel members, prosecutors, and inmates' counsel. Inmates' counsel may now take computing devices into the institutions for suitability hearings. In addition, the new hearing notification process took effect for hearings scheduled in January 2015 and the board now sends notices by regular U.S. Mail. SHAFFER thanked stakeholders and staff for making these transitions proceed without major difficulty.

The board's stakeholder conference call took place on January 12, 2015. The call provided information about the *Plata/Coleman* case, in particular the court-ordered process for paroling non-violent, non-sex registrant second-strike inmates. The board also provided an overview of 2014 administrative directives, pending regulatory changes, and the 2015 schedule for monthly executive meetings. There were 54 participants.

SHAFFER stated that she and Chief Counsel Howard Moseley will be attending the California District Attorneys' Association conference on January 26, 2015.

Report from Chief Counsel, Howard Moseley

MOSELEY stated that Penal Code section 3000.1 hearings will be re-named “parole reconsideration hearings.” The comment period for the proposed regulatory changes concerning parole reconsideration hearings closed yesterday. The regulation package will be submitted to the Office of Administrative Law.

Youth offender hearing regulations have been drafted and were distributed in draft form today. MOSELEY stated that the CDCR case records division determines inmates’ youth offender status and calculates the YPED. The regulations define the YPED. The board’s decision-review process for youth offender parole suitability decisions is the same as it is for other parole suitability hearing decisions, as is the Governor’s review. Term calculations are unnecessary for youth offenders and Marsy’s Law applies to youth offender hearings. The draft regulations will be on the board’s website tomorrow. MOSELEY invited feedback from stakeholders. Comments should be sent to the board’s legal division.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL stated that the Board’s 2015 executive meeting calendar has been posted on the website. The meetings will take place on the following dates: February 17th and 18th; March 16th and 17th; April 21st and 22nd; May 18th and 19th; June 15th and 16th; July 20th and 21st; August 17th and 18th; September 21st and 22nd; October 19th and 20th; November 23rd and 24th; December 21st and 22nd. The November and December meetings take place during holiday weeks, to maximize scheduling capacity.

Commissioner training is scheduled for April 22-24 and October 21-23. Attorney orientation will be on September 7th in Northern California at the board’s headquarters and on September 28th in Southern California, probably in Diamond Bar. There will be a Watchdog refresher training for commissioners after today’s meeting.

Report from Chief Deputy of Field Operations, Rhonda Skipper-Dotta

SKIPPER-DOTTA stated that the board has been working with the Division of Adult Parole Operations to streamline the parole discharge review process. The process will be completely electronic, through the PVDTS system. From March 21, 2015, parole agents will be able to work in their offices and transmit information to the case records division. Hearings will be calendared electronically and there will be three panels to conduct discharge reviews, with one alternate. The reviews will take place electronically statewide and will reduce the burden on the board’s Southern Region, which is the only region that currently conducts the reviews. The new system will save the state in overnight shipping costs, eliminate paperwork, and enhance scheduling flexibility. Delays will be reduced considerably because decisions will be available immediately. SKIPPER-DOTTA stated that she will report on the operation of the system at the April 2015 meeting.

PUBLIC COMMENT

VANESSA NELSON-SLOANE, Life Support Alliance, welcomed the fact that the number of parole grants rose significantly in 2014. She also welcomed the increased range of programming available to inmates. The introduction of youth offender, elder and enhanced medical parole hearings has been a positive step. NELSON-SLOANE hoped that there will be an increase in the number of elder and medical parole grants. She expressed concern about the quality of the Forensic Assessment Division's risk assessments and the Governor's reversals of parole grants.

Commissioner ANDERSON stated that Commissioner ZARRINNAM arrived at the meeting at 1:24 p.m.

Meeting recessed at 1:25 p.m.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, January 21, 2015

Meeting called to order at 10:04 a.m.

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

EN BANC REFERRALS

Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence.

A. MARTINEZ, STEVEN P-23908

ALEXIX DE LA GARZA, Los Angeles County District Attorney's Office, read a letter from RICHARD SACHS, San Diego County District Attorney's Office, opposing a recommendation for recall of sentence.

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.

B. RANDALL, KIMINI P-35327

DOLAN BEAIRD, inmate's friend, supported his grant of parole.

C. STORY, MICHAEL H-42955

No speakers.

D. TORRICELLAS, THERESA W-21722

ALEXIX DE LA GARZA, Los Angeles County District Attorney's Office, read a letter from RICHARD SACHS, San Diego County District Attorney's Office, opposing a rehearing.

E. VASQUEZ, RUDI J-19194

No speakers.

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.

F. LEMUS, FERNANDO K-69511

KATIE GILBERT, inmate's attorney, SIOBHAN ALVAREZ, DELICAI LEMUS, inmate's daughters and CRYSTAL BROCKWAY, victim and inmate's step-daughter, supported his parole grant.

G. MEJIA, ROBERT K-02824

CHARLES CARBONE, inmate's attorney, submitted that there are no grounds to order a rescission hearing. JULIA MONTES, inmate's wife, FELIPA MEJIA, inmate's mother, HECTOR MEJIA, inmate's brother and ELIZABETH TOBAR, inmate's fiancée, supported his parole grant.

Referral by a panel member, pursuant to Penal Code section 3041 (a), to request review of a parole decision by the full Board.

H. ARGUETA, OSCAR J-95389

No speakers.

I. FLORES, LAWRENCE F-37037

ALEXIX DE LA GARZA, Los Angeles County District Attorney's Office, expressed concern about the lack of information provided to district attorneys' offices about the reasons for referring their cases to the full Board. This impairs their ability to address relevant issues.

OPEN COMMENTS

MARC NORTON, attorney for Andrew Young, referred to a recent Court of Appeal decision ordering his client's immediate release. NORTON drew the Board's attention to the court's criticism of the panels' decision.

VANESSA NELSON SLOANE, Life Support Alliance, expressed concern that elderly inmates are denied parole because of a lack of recent programming. She stated that repeating previously completed programming is counter-productive. A more significant factor is an inmate's ability to remain disciplinary-free for a lengthy period.

CHRISTINE WARD, I Can and Crime Victims Action Alliance, stated that she had attended recent hearings and had been impressed by the panels' treatment of victims.

BILL BEAN, Crime Victims United, regretted the fact that few victims attend parole suitability hearings. He stated that many victims find the process too distressing.

Meeting adjourned at 11:02 a.m.

Board of Parole Hearings

Scheduled and Backlog Hearings Report

Penal Code section 3041(d)

February, 2015

