

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, June 15, 2015

OPEN SESSION

(All times are approximate and subject to change.)
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html

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

START TIME: 1:00 p.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the May 18 and 19, 2015 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for June 2015
4. Approval of Motions for Hearings with Procedural Errors

A. TYSON, MORGAN
Sentencing Court(s):
Alameda

C-81713

Motion: Vacate the panel's May 29, 2015 decision, and schedule a new hearing in order to comply with the recording requirement found in Penal Code section 3041.5, subdivision (a)(4).

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

6. Report from Executive Officer
 - Youth Offender Hearings Status Update
 - Statewide Stakeholder Conference Call
 - Association of Paroling Authorities International Conference
7. Report from Chief Counsel
 - Consultations Bench Guide
 - Regulations Update, presented by Heather McCray, Senior Staff Attorney
 - Update on **David Moreno (K-50835)**, Los Angeles County: The board referred Mr. Moreno's case back to the Division of Health Care Services (DHCS) on April 21, 2015. Upon receipt of updated medical information, DHCS withdrew Mr. Moreno's Penal Code section 1170(e) referral.

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.

8. Report from Chief Deputy of Program Operations
 - Board's Information Technology System (BITS; formerly LSTS) Update, presented by Christine Buffleben, Chief of the Executive Analysis Unit
9. Report from Chief Deputy of Field Operations
 - Deputy Commissioner Hiring

DISCUSSION ITEMS

10. a) Administrative Directive 2015-02 Victim Support Persons, presented by Susie Booth, Staff Attorney
 - b) Board Questions and Comments
 - c) Public Comments
 - d) Motion and Votes

PRESENTATIONS

11. Timelist Group, Reformed Identity for Self Empowerment (RISE), presented by Andre L. (Yusef) Wiley, Sr., Executive Director, Yasmine Shah, Office Manager, and Gehad Massoud, Case Manager

OPEN COMMENTS

12. BPH Commissioners – Agenda Items for Future Meetings
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.

MEETING RECESSED TO TUESDAY, JUNE 16, 2015

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, June 15, 2015**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 2:00 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.)

Issue

1. Weighing the Suitability Factors, presented by Heather McCray, Senior Staff Attorney, and Tiffany Shultz, Assistant Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, June 16, 2015**

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. *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 Tiffany Shultz, Assistant Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, June 16, 2015**

OPEN SESSION

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1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

MEETING RECONVENED (Continued from June 15, 2015)

14. Roll Call

EN BANC REFERRALS

15. 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. FRAGOSA, BRUCE	B-30394
Sentencing Court(s): Santa Barbara	

16. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and 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. GARZA, ROLANDO	C-11215	To consider an alleged error of fact pertaining to the inmate's alleged institutional misconduct on January 29, 2012
Sentencing Court(s): Tulare		

17. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

C. HARRIS, NINAUS	C-47388	To consider alleged institutional misconduct on April 20, 2015
Sentencing Court(s): Alameda		

18. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044(b) 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.

D. SELVIAN, CHALEN	E-62457
Sentencing Court(s): Tuolumne	

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19. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041(e).

E. SHAVERS, BARRY **K-23249**
Sentencing Court(s):
Alameda

OPEN COMMENTS

20. 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

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