

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, February 16, 2016**

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 January 19 and 20, 2016, Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for February 2016
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider
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
 - Three Judge Court Monthly Status Report
 - Outreach Update
 - Update on Implementation of Senate Bills 261 and 519
7. Report from Chief Counsel
 - Training for New Commissioner and Deputy Commissioner
 - Distribution of Law Binders to Libraries
 - *Montgomery v. Louisiana*
 - Departure of Staff Attorney Kara Houston
8. Report from Chief Deputy of Program Operations
 - Electronic Outreach to Interested Parties

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.

9. Report from Chief Deputy of Field Operations
 - Introduction of New Deputy Commissioner
 - Hearing Room Update
10. Report from Chief Psychologist, Forensic Assessment Division
 - Risk Assessment Monthly Status Report
11. Report from Chief Administrator, Offender Investigations and Screening Division
 - Terrorist Liaison Officer Training

PRESENTATIONS

12. Memorandum Regarding Mental Health Referrals from Hearing Panels, presented by Division of Health Care Services, CDCR

OPEN COMMENTS

13. BPH Commissioners – Agenda Items for Future Meetings
14. 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 WEDNESDAY, FEBRUARY 17, 2016

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, February 16, 2016**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 1:30 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.)

Issues

1. *In re Butler*, Case No A139411 (Cal.1st App. Dist.), presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Chief Counsel (A)
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 Tiffany Shultz, Chief Counsel (A)
3. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Chief Counsel (A)

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

4. Avoiding Litigation Regarding Consultations, presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Chief Counsel (A)
5. Applying the Legal Standard at Rescission Hearings, presented by Phillip Lindsay, Senior Deputy Attorney General, and Gregory Marcot, Deputy Attorney General

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, February 17, 2016**

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.)

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 Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Chief Counsel (A)
2. Litigation Regarding Senate Bill 261 Cases, presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Chief Counsel (A)
3. Essential Documents in the Decision-Making Process, presented Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Chief Counsel (A)

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, February 17, 2016**

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 RECONVENED (Continued from February 16, 2016)

15. Roll Call

EN BANC REFERRALS

16. 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.

A. CROOK, LYLE	E-69772	To consider new information regarding institutional misconduct on October 17, 2015
Sentencing Court(s): Los Angeles		

17. 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. MILES, RUSSELL	AA7376	To consider whether the panel's December 18, 2015, decision complies with <i>In re Martinez</i> (2012) 210 Cal.App.4th 800
Sentencing Court(s): Stanislaus		

C. TURNER, CHET	AE8138	To consider new information regarding his medical condition
Sentencing Court(s): Marin		

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. DILLEY, DANIEL	E-15304
Sentencing Court(s): Los Angeles	

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- E. HORCASITAS, STEVE** **E-87798**
Sentencing Court(s):
Los Angeles

- F. JACKSON, JOSEPH** **C-57796**
Sentencing Court(s):
Los Angeles

- G. OCHOA, SILVINO** **F-07233**
Sentencing Court(s):
Los Angeles

- H. RODRIGUEZ, ROY** **E-21110**
Sentencing Court(s):
Monterey

- I. ROOKS, ANDREW** **G-17350**
Sentencing Court(s):
San Bernardino

- J. THREET, ROY** **T-09253**
Sentencing Court(s):
Santa Clara

OPEN COMMENTS

19. 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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