

BOARD OF PAROLE HEARINGS

Executive Board Meeting

February 16 and 17, 2016

February 16, 2016

Meeting Called to Order at 1:05 p.m.

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

Commissioner LABAHN stated that a majority of currently-appointed commissioners is present and that Commissioners MONTES and PECK would be attending shortly.

CONSENT CALENDAR

Public Comments

VANESSA NELSON-SLOANE, Life Support Alliance, stated that the minutes of the January, 2016 meeting contain an error. She stated that an inmate's completion certificate of the Amends Project is placed in their central file, not their letter.

Commissioner MONTES attended at 1:07 p.m.

Commissioner ROBERTS moved to approve the minutes of the January, 2016 meeting, including the above amendment. Commissioner TURNER seconded the motion, which carried unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that the report to the Three-Judge Panel will be filed today. From January 1, 2014 to January 31, 2016, there were 1,003 youth offender hearings, resulting in 270 grants, 627 denials and 106 stipulations to unsuitability. There were an additional 536 youth offender hearings scheduled that were waived, postponed, continued, or cancelled. Up to January 31, 2016, 5,915 non-violent, second strike inmates were referred to the Board. The Board approved 1,846 inmates for release, denied 1,747, with the remaining decisions pending. The Board does not consider a referral until inmates are within 60 days of having served 50% of their sentence. As of February 9, 2016, there had been 67 medical parole hearings. A further 20 hearings were postponed, continued, or cancelled. From February 11, 2014 to January 31, 2016, there have been 1,130 elderly parole hearings. There have been 302 grants, 743 denials and 85 stipulations to unsuitability. A further 525 hearings were waived, postponed, continued, or cancelled. Senate Bill 230 took effect on January 1, 2016, and inmates will no longer be granted parole with a future release date as a result of a term calculated by the Board. Inmates are now released immediately if the Governor decides to take no action regarding their grant, assuming there are no holds or *Thompson* terms and they have reached their relevant minimum parole eligibility date.

SHAFFER gave an update on the Board's outreach efforts. She will address a class at Stanford Law School on February 24, 2016 and will attend a tour of the San Francisco Parole Program on

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March 10, 2016. The California Department of Corrections and Rehabilitation has established a lifer advisory committee, to learn from the experiences of former inmates after their release on parole.

Pursuant to Senate Bills 261 and 519, more than 16,000 inmates have been screened for youth offender hearing eligibility. The Board has already completed over 400 consultations. Senate Bill 261 requires the Board to hold youth offender hearings, by December 31, 2017, for all indeterminately-sentenced inmates who were immediately eligible for a hearing when the bill took effect. There have been 348 hearings scheduled to occur by the end of April, 2016 for inmates who will receive new comprehensive risk assessments addressing youth offender factors.

Commissioner PECK attended at 1:20 p.m.

Report from Acting Chief Counsel, Tiffany Shultz

SHULTZ stated that Commissioner CHAPPELL and Deputy Commissioner KLEIER have completed their initial hearing officer training. The legal division is sending a legal resources binder to the law library of each institution. It will include administrative directives, legal memoranda and California Code of Regulations, Title 15, Division 2.

SHULTZ gave an overview of the recent United States Supreme Court decision in *Montgomery v. Louisiana*. In *Miller v. Alabama*, the court held that mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders. *Montgomery* makes the principle retroactive for inmates sentenced before the *Miller* decision. SHULTZ doubted that *Montgomery* will have a significant impact in California. Senate Bill 9 already enables many youth offenders sentenced to life without the possibility of parole to petition for resentencing after 15 years. There are relatively few such youth offenders in California.

SHULTZ stated that Staff Attorney KARA HUSTON has accepted a position at the Department of Public Health. She thanked HUSTON for her service to the Board.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL described the new electronic outreach program, where notifications are sent to interested parties, such as district attorneys, state-appointed and private attorneys, and other parties included on the Board's list.

SHAFFER stated that the new system will be used to distribute information that is available on the Board's website. Many people are unable to attend the monthly meetings and it is the Board's intention to increase the flow of information to interested parties.

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

SKIPPER-DOTTA stated that hearing rooms at the institutions are being upgraded. Recently, a new heating and air-conditioning system was installed at Avenal State Prison. The room at the California Men's Colony is the next to be upgraded.

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Associate Chief Deputy Commissioner SHANNON HOGG introduced Deputy Commissioner LOREN KLEIER and described his professional experience.

Report from Chief Psychologist, Forensic Assessment Division, Dr. Cliff Kusaj

In February, FAD psychologists were assigned 246 comprehensive risk assessments, to be completed in March. There are 166 assessments for hearings scheduled in April and May, 2016. Most of the remaining assessments are for hearings scheduled in June, 2016. The goal is to complete assessments at least 60 days before hearings scheduled through June, 2016. There are 174 assessments for the June calendar that have not been assigned and will be completed in April. It is anticipated that more than half of the assessments will be distributed at least 60 days before the hearing. The remaining assessments will be completed at least 30 days before the hearing. The 10 recently-appointed psychologists are building full caseloads and FAD will soon be able to complete around 300 assessments per month. This should exceed the demand for assessments and lead to a continuing decrease in unassigned assessments.

Pursuant to the agreements made in *Johnson v. Shaffer*, beginning with hearings scheduled in June of this year, inmates who are scheduled for a hearing will receive a new risk assessment if their last risk assessment is more than three years old. There will be no new assessments for Senate Bill 261-eligible inmates with hearings scheduled before June 1, 2016, if their current assessment was conducted within the last five years. Their “standard” hearing will proceed but the inmates will still be eligible to receive a youth offender hearing by December 31, 2017.

Report from Chief Administrator, Offender Investigations and Screening Division, presented by Senior Investigator Sigifriedo Rizo

RIZO announced that Board investigators recently received terrorist liaison officer training.

PRESENTATIONS

Memorandum Regarding Mental Health Referrals from Hearing Panels, presented by Dr. Amber Carda, Senior Psychologist at CDCR Health Care Services

CARDA gave a PowerPoint presentation and provided a handout describing the referral procedures set out in the memorandum.

PUBLIC COMMENT

JILL KLINGE, Alameda County District Attorney’s Office, thanked the Board and the Office of Victims and Survivor Rights and Services for their efforts to reduce the stresses faced at hearings by victims’ and their families. She regretted that institutional staff training on victims’ rights is often inadequate. She requested that panels take into account the emotional pressures that victims experience at hearings.

VANESSA NELSON-SLOANE, Life Support Alliance, stated that inmates experience difficulties in having documents placed in their central file. She requested that panels take this into account if inmates present documents at the hearing that exceed the 20 page limit. She stated that parolees are frequently directed to transitional housing that was not included in their parole plans. The change often results in inmates’ being accommodated far from their families.

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GAIL BROWN, Life Support Alliance, stated that, following SHAFFER's visit to Solano State Prison last week, some inmates expressed the belief that those with A, B or C numbers would automatically be granted parole at their next hearing. BROWN stated that she did not believe that SHAFFER had given any such assurance. BROWN stated that the Life Support Alliance is holding a seminar on March 19, 2016, from 7:30 a.m. to 4:30 p.m. She also commented that the procedures enabling panels to make mental health referrals was welcomed.

SHAFFER emphasized that she had given no assurances that any class of inmate is guaranteed parole. Her presentations deal with issues like Board procedures, changes in the law governing parole hearings, and comprehensive risk assessments.

Meeting recessed at 2:03 p.m.

February 17, 2016

Meeting called to order at 10:05 a.m.

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

EN BANC REFERRALS

Referral to consider ordering a rescission hearing, pursuant to title 15, California Code of Regulations section 2450 *et seq.*

A. CROOK, LYLE

E-69772

SHEILA CARD, inmate's wife, opposed ordering a rescission hearing. MARC NORTON, inmate's attorney, submitted that there were no grounds for ordering a rescission hearing.

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, submitted that the inmate's current rescission hearing should proceed.

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.

B. MILES, RUSSELL

AA-7376

No speakers.

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C. TURNER, CHET AE-8138

No speakers.

Referral by a panel member pursuant to Penal Code section 3041 (a) and California Code of Regulations, title 15 section 2044 (b) to request review of a parole decision by the full Board.

D. DILLEY, DANIEL E-15304

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

E. HORCASITAS, STEVE E-87798

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

F. JACKSON, JOSEPH C-57796

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

G. OCHOA, SILVINO F-07233

No speakers.

H. RODRIGUEZ, ROY E-21110

MAGO RODRIGUEZ and JUAN RORRIGUEZ, inmate's brothers and DON SCOTT, inmate's friend, opposed ordering a rescission hearing.

CHARLES OLVIS, Monterrey County District Attorney's Office, recommended ordering a rescission hearing. ROSALINDA AVILA, victim, opposed the inmate's release on parole.

Board of Parole Hearings

Scheduled and Backlog Hearings Report

Penal Code section 3041(d)

March, 2016

