

BOARD OF PAROLE HEARINGS

Executive Board Meeting

July 18 & 19, 2016

July 18, 2016

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

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

Commissioner ANDERSON stated that a majority of currently-appointed commissioners is present.

CONSENT CALENDAR

Commissioner TURNER moved to approve the consent calendar. Commissioner MONTES seconded the motion, which carried unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that the Three-Judge Panel report was filed this week. From January 1, 2014 to June 30, 2016, the board has conducted 1,485 youth offender hearings, resulting in 398 grants, 916 denials, 171 stipulations to unsuitability and 834 hearings waived, postponed, cancelled or continued. There are no split votes for the full board to consider.

From January 1, 2015 to June 30, 2016, there have been 7,788 non-violent, second-strike offender referrals. They resulted in 2,614 approvals for release and 2,502 denials. The remaining referrals are pending because the 30-day written input period has not elapsed or because the inmate is not within 60 days of his or her 50% time-served date.

As of July 9, 2016, there have been 84 medical parole hearings. A further 25 hearings were postponed, continued or cancelled.

There were 1,421 elderly parole hearings between February 11, 2014 and June 30, 2016, resulting in 376 grants, 938 denials, 107 stipulations to unsuitability and 655 hearings waived, postponed, continued or cancelled. There are no split votes for the full board to consider.

SHAFFER stated that she and chief counsel, Jennifer Neill attended the California District Attorneys' Association conference on June 27, 2016.

Report of Chief Counsel, Jennifer Neill

No report.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL stated that the mandatory inmate panel attorney training sessions will take place on September 12, 2016 in Sacramento and on September 26, 2016 in Diamond Bar. The sessions will start at 8:00 a.m. She encouraged attorneys to attend the sessions because it is unlikely that make-up sessions will be held.

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

YOLANDA DE LA TORRE, staff services manager, stated that mandatory mentally-disordered offender orientation for independent evaluators will take place on September 13, 2016 in Sacramento and on September 27, 2016 in Diamond Bar. Training sessions at Atascadero and Patten State Hospitals will be arranged for September, 2016. The agenda will be posted on the MDO website.

Report of Chief Psychologist, Dr. Cliff Kusaj

KUSAJ stated that, in July, 2016, forensic assessment division psychologists were assigned 272 comprehensive risk assessments, to be completed in August. It is anticipated that all assessments will be completed and distributed at least 30 days before the hearing. More than 75% will be completed at least 60 days before the hearing and 15% more than 90 days before the hearing. There are no unassigned risk assessments on the October, 2016 hearing calendar.

OPEN COMMENTS

VANESSA NELSON-SLOANE, Life Support Alliance, disagreed with recent comments made at a recent executive board meeting that suggested the board does not follow the law when making parole suitability decisions. She believes the board conducts its hearings in accordance with the law.

SHAFFER regretted that the Board's Information Technology System computer training must be held in closed session. There was insufficient time to create a separate test environment with fictitious data for the training, so actual inmate information must be used. The board will try to hold future information technology training sessions in public.

Meeting recessed at 1:16 p.m.

July 19, 2016

Meeting called to order at 10:06 a.m.

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

Commissioner ANDERSON stated that a majority of currently-appointed commissioners is present.

EN BANC REFERRALS

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

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A. LOPEZ, GARY K-22944

BLAKE GUNDERSON, Fresno County District Attorney's Office, opposed a recommendation for recall of sentence. CHRISTINE WARD read an opposition letter from the victim, EMILY PEREZ.

SHAFFER stated that the Penal Code section 1170(e) referral of LEVERS, THOMAS, P-19122, will be considered at the August, 2016 meeting. However, members of his family received incorrect information that the case would be on today's agenda and have, therefore, travelled to attend this meeting. She apologized for the oversight and invited them to address the meeting regarding the referral.

GWENDOLYN EVERS, inmate's wife and JOANN DORAN, inmate's sister, supported a recommendation for the recall of his sentence.

B. TURNER, BENJAMIN C-61977

No speakers.

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

C. CROOK, LYLE E-69772

CHARLES CARBONE, inmate's attorney, submitted that there are no grounds for ordering a rescission hearing.

D. RODRIGUEZ, GEORGE H-83070

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

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.

E. CALIX, RAPHAEL D-11492

SABINA CROCETTE, inmate's attorney, opposed ordering a rescission hearing.

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BRIAN CAHILL and VICTOR PEARELLA, inmate's friends, supported his release on parole.

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

F. CHAIDEZ, JONATHAN AA-6653

CHARLES CARBONE, inmate's attorney, opposed ordering a rescission hearing.

FRANCES CHAIDEZ, inmate's wife, supported his grant of parole. She read a support letter on behalf of MARIA PECINA, inmate's mother. BRENDA WATSON, prison ministries facilitator and MARY HELEN PECINA-CASTRO, inmate's aunt, supported his release. HANNAH CASTRO, inmate's cousin, read a support letter from JENNIFER SETA, inmate's sister.

BLAKE GUNDERSON, Fresno County District Attorney's Office, recommended ordering a rescission hearing. CHRISTINE WARD read a letters from the victim's parents, SANDRA and CHRIS SALCIDO, opposing the inmate's release.

G. HAMPTON, LANNIE H-93688

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

H. HATCHER, VINCENT D-00384

MAURICE GOEUS and DONALD LEWIS inmate's friends, supported his release.

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

I. KINCHELOE, DALE C-30208

RITA AGGARWAL, Uncommon Law, read a support letter from ADA FLORES, inmate's sister. KONY KIM, attorney, Uncommon Law, opposed ordering a rescission hearing.

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J. MCCOTTRELL, WALTER B-87482

PATRICIA SHROEDER, COLETTE SWIM HEADLEY, LESLIE BADWA, inmate's friends and JANE SWIM, inmate's wife, supported his release. KONY KIM, inmate's attorney, opposed ordering a rescission hearing.

AARON WEST, Santa Clara District Attorney's Office, recommended ordering a rescission hearing. CHRISTINE WARD read a letter from the victim, LYDIA GRANDA, opposing the inmate's release.

OPEN COMMENTS

CHRISTINE WARD, I-Can and Crime Victims' Action Alliance, thanked the board for its compassionate and professional treatment of victims at its hearings and expressed appreciation for commissioners who take the time to explain the parole hearing process to victims before and after parole hearings.

VANESSA NELSON-SLOANE, Life Support Alliance, stated that the evaluation of an inmate's risk to public safety in the comprehensive risk assessments used to be based on a five -category system. A three-category system is now used and NELSON-SLOANE questioned the impact of the new system on parole suitability decisions. She noted that 80% of risk assessments have a non-elevated evaluation, but that the grant rate is only 17%. She requested that the board provide information on the impact of the three-category system

Meeting adjourned at 12:36 p.m.

Board of Parole Hearings
Scheduled and Backlog Hearings Report
Penal Code section 3041(d)
August, 2016



