

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, September 19, 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 August 15-16, 2016 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for September 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 AND PRESENTATIONS

6. Report from Executive Officer
 - Introduction of New Commissioner Randolph Grounds
 - Reappointment of Commissioners Arthur Anderson, Cynthia Fritz, Peter LaBahn, Michele Minor and Ali Zarrinnam
 - Three Judge Court Monthly Status Report
 - Assembly Bill 898
 - Outreach to Central California Women's Facility (CCWF)
7. Report from Chief Counsel
 - *In re Butler*
 - Departure of Senior Staff Attorney Katie Riley

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
 - Inmate Panel Attorney Orientation
 - September 12, 2016 (Northern California – Sacramento)
 - September 26, 2016 (Southern California – Diamond Bar)
 - Hearing Room Relocation at California Institution for Men (CIM)
 - Departure of Deputy Commissioners Stuart Gardner and Rita Wagner
9. Report from Chief Deputy of Field Operations
 - Mentally Disordered Offenders (MDO) Independent Evaluator Orientation
 - September 13, 2016 (Northern California – Sacramento)
 - September 20, 2016 (Central California – Atascadero)
 - September 27, 2016 (Southern California – Diamond Bar)
10. Report from Chief Psychologist, Forensic Assessment Division
 - Risk Assessment Workload Update

DISCUSSION ITEMS

11. a) Regulations Regarding the Forensic Assessment Division, presented by Jennifer Neill, Chief Counsel
- b) Board Questions and Comments
- c) Public Comments
- d) Motion and Votes

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. However, 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, SEPTEMBER 20, 2016

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, September 19, 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

Consideration of Matters Posing a Threat or Potential Threat of Criminal Activity

Pursuant to Government Code section 11126(c)(18)

(A Board may meet in closed session to consider matters posing a threat or potential threat of criminal activity against the personnel, property, buildings, facilities, or equipment, including electronic data, where disclosure of these considerations could compromise or impede safety or security.)

Issue

1. Board's Information and Technology System, presented by Christine Buffleben, Chief of Application Development

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

2. *In re Butler*, Case No A139411 (Cal.1st App. Dist.), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
3. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P), presented by Jennifer Neill, Chief Counsel, and Heather McCray, Senior Staff Attorney

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, September 20, 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.)

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 Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, September 20, 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 September 19, 2016)

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. DIAS, WILFRED P-70537

Sentencing Court:
Santa Clara

B. MARTINEZ, ARMANDO F-91845

Sentencing Court:
Los Angeles

C. ZELINSKI, DAVID J-58252

Sentencing Court:
Marin

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.

D. RAMIREZ, ESTEBAN K-96812

Sentencing Court:
Orange

**To consider whether the proposed
decision is consistent with Penal
Code sections 3051 and 4801(c)**

17. 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.

E. BROOKS, RAYLEEN W-40103

Sentencing Court:
Los Angeles

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F. PRITCHARD, ERIC **K-78061**
Sentencing Court:
Los Angeles

OPEN COMMENTS

18. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, 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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