

**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, November 21, 2016**

**OPEN SESSION**

**(All times are approximate and subject to change.)  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](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 October 17-18, 2016 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for November 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
  - Propositions Affecting CDCR
7. Report from Chief Counsel
  - *In re Butler* Update
  - New Assistant Chief Counsel
8. Report from Chief Psychologist, Forensic Assessment Division
  - Risk Assessment Workload Update

**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.**

**DISCUSSION ITEM**

9. a) Youth Offender Regulations, presented by Jennifer Neill, Chief Counsel
- b) Board Questions and Comments
- c) Public Comments
- d) Motion and Votes

**PRESENTATIONS**

10. Long Term Inmates and Recidivism Rates, presented by Dr. Cliff Kusaj, Chief Psychologist, BPH Forensic Assessment Division
11. Analysis of Comprehensive Risk Assessments Administered in 2015, presented by Dr. Cliff Kusaj, Chief Psychologist, BPH Forensic Assessment Division
12. Overview of the Static-99R, presented by Dr. Cliff Kusaj, Chief Psychologist, BPH Forensic Assessment Division

**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. 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, NOVEMBER 22, 2016**

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, November 22, 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. *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
2. *In re Roy Butler* (2015) 236 Cal.App.4th 1222 (petn. for review pending, petn. filed September 2, 2016, time for grant or denial of review extended to December 1, 2016, S237014.), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, November 22, 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 November 21, 2016)**

15. Roll Call

**EN BANC REFERRALS**

16. 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.

- |                                     |                |
|-------------------------------------|----------------|
| <b>A. LARA, ALFREDO</b>             | <b>D-31690</b> |
| Sentencing Court:<br>Contra Costa   |                |
| <b>B. PEREZ, EDWARD</b>             | <b>D-98572</b> |
| Sentencing Court:<br>Los Angeles    |                |
| <b>C. WEATHERLY, JOHNNY</b>         | <b>D-00347</b> |
| Sentencing Court:<br>San Bernardino |                |

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.

- |                                |                |
|--------------------------------|----------------|
| <b>D. BURKE, CARL</b>          | <b>P-67699</b> |
| Sentencing Court:<br>San Diego |                |
| <b>E. LOPEZ, EMILIANO</b>      | <b>V-81256</b> |
| Sentencing Court:<br>Kern      |                |
| <b>F. MEDINA, ANGEL</b>        | <b>F-04315</b> |
| Sentencing Court:<br>Fresno    |                |

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**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](http://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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