

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, December 10, 2012
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **1:00 p.m.**

AGENDA

1. California Department of Corrections and Rehabilitation (CDCR) Gang Management Policy:
George Giurbino, Director (R), Adult Institutions, CDCR
2. Public Comments on CDCR Gang Management Policy
3. Best Practices Advisory Committee
 - a. See Attached Committee Agenda – (See Following Page)

BOARD OF PAROLE HEARINGS
Best Practices Advisory Committee Meeting
Monday, December 10, 2012
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **3:30 p.m.**

Best Practices Advisory Committee: The scope of this committee is to identify best administrative processes, hearing practices, and decision review processes and to establish methods for providing meaningful feedback to commissioners concerning hearing practices and decisions. Members of this committee are commissioners Ferguson, Fritz, LaBahn, Peck and Zarrinam.

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Best Practices Committee Meeting Minutes: October 16, 2012
3. Public Comment - Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the consent calendar.

REPORTS

4. Report from Executive Officer
5. Report from Chief Counsel
 - *Presentation on Committee Goals*, presented by Kara Houston, Staff Counsel

DISCUSSION ITEMS

6.
 - a) *Administrative Directive on Continuances*, presented by Kara Houston, Staff Counsel
 - b) Board Questions and Comments
 - c) Public Comments
 - d) Motion and Votes

OPEN COMMENTS

7. Description of Survey Project, Commissioner Cynthia Fritz
8. BPH Commissioners - Agenda Items for Future Meetings
9. Public comments – Comments are limited to five minutes

ADJOURNMENT

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, 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.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, December 11, 2012
CLOSED SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(A board may meet in 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.)

1. *People v. Sundberg* (October 12, 2012, B240381) [nonpub. opn.]
2. *In re Denise Shigemora* (September 27, 2012, D060974) [unpub. opn.]

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BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Tuesday, December 11, 2012
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 10:00 a.m.

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: November 14, 2012
3. BPH Lifer Hearing Backlog Report
4. 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 pulled by a Board Member for discussion or separate action.

REPORTS

5. Report from Executive Officer
6. Report from Chief Counsel
 - *Notification of Action by Governor*
7. Public Comment on Reports - Comments are limited to five minutes.

DISCUSSION ITEMS

8.
 - a) *Administrative Directive on Continuances*, presented by Kara Houston, Staff Counsel
 - b) Board Questions and Comments
 - c) Public Comments
 - d) Motion and Votes

OPEN COMMENTS

9. BPH Commissioners - Agenda Items for Future Meetings
10. 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.

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EN BANC HEARINGS

11. **Recall and Referral for Resentencing - Penal code section 1170(e):**
Determination of eligibility for recommendation to sentencing court for recall of sentence. Members of the audience may speak to the Board for a period not to exceed five (5) minutes.
- A. **GUERRA, Guadalupe** **T-33811**
County of Commitment:
Sacramento
12. **Decision Review - California Code of Regulations, title 15, section 2042:**
Referral by the Chief Counsel to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the audience may speak to the Board for a period not to exceed five (5) minutes.
- B. **CORBY, Sargent** **H-16868** **(Title 15, §2041(h) referral)**
County of Commitment:
Sutter
- C. **MARTIN, John** **J-87352** **(release date calculation)**
County of Commitment:
Contra Costa
13. **En Banc Referral - California Code of Regulations, title 15, section 2044(a):**
Referral by a member of the hearing panel who requests the full Board to consider the case. Members of the audience may speak to the Board for a period not to exceed five (5) minutes.
- D. **GILMORE, Christopher** **D-75500**
County of Commitment:
Los Angeles
14. **Governor's Referrals - Penal Code section 3041.1:**
Request by Governor's Office to review parole decision. Members of the audience may speak to the Board for a period not to exceed five (5) minutes.
- E. **MCLENDAN, Andre** **V-41437**
County of Commitment:
Alameda
- F. **THOMPkins, Ray** **E-99962**
County of Commitment:
Alameda

The decision in the above hearings will be posted no later than 4 p.m. in the lobby on the ground floor of 1515 K Street and also on the BPH internet page at the following address:
www.cdcr.ca.gov/BOPH/enbanc.html.

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CLOSED SESSION – EN BANC CASES

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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BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Tuesday, December 11, 2012
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 1:30 p.m.

AGENDA

1. Rehabilitation Advisory Committee
 - a. Attached Committee Agenda – (See Following Page)
2. Conditions of Parole in light of *People v. Lent* (15 Cal.3d 481(1975))
Katie Riley, Senior Staff Counsel
3. Overview of CDCR Disciplinary Actions
To Be Determined
4. Public Comments

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BOARD OF PAROLE HEARINGS
Rehabilitation Advisory Committee Meeting
Tuesday, December 11, 2012
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 1:30 p.m.

Correctional Rehabilitation Programs Committee: The scope of this committee is to research and recommend a process for routinely obtaining and providing information to commissioners concerning correctional rehabilitation programs available to inmates sentenced to indeterminate terms. Members of this committee are commissioners Figueroa, Labahn, Montes, Peck and Singh.

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Correctional Rehabilitation Programs Committee Meeting Minutes: September 18, 2012
3. Public Comment - Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the consent calendar.

REPORTS

4. Report from Executive Officer
5. Report from Chief Counsel
 - *Presentation on Committee Goals*, presented by Katie Riley, Senior Staff Counsel

PRESENTATION

6. *CDCR Adult Rehabilitative Programs*, presented by Tanya Rothchild, Deputy Director, Rehabilitative Programs

OPEN COMMENTS

7. BPH Commissioners - Agenda Items for Future Meetings
8. Public comments – Comments are limited to five minutes

ADJOURNMENT

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BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, December 12, 2012
CLOSED SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)
(A board may meet in 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.)

1. Rescission Hearings
Veronica Mendoza, Staff Counsel
[*In re Sena*, Case Number H035977]
2. Confidential Information
Kara Houston, Staff Counsel
[*In re Duane Jones*, Case Number BH 008584]
3. Risk Assessments
Dr. Clifford Kusaj, Chief Forensic Assessment Division
[*Johnson vs Shaffer*, Case Number 2:12-cv-01059 GGH P]

LUNCH BREAK

4. Ex Parte Communications/ Court-Ordered Hearings
Attorney General's Office
[*In re Coronel*, Case Number H037166]
5. The Good Cause Standard
Attorney General's Office
[*In re DeLuna*, Case Number 101994]
6. The Clear and Convincing Evidence standard – Attorney General's Office
[*Gilman vs. BPH*, Case Number USDC, ED, 2:05-cv-00830-LKK-GGH (PC)]

Pursuant to Government Code section 11126(e)(2)
(A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when, based on existing facts and circumstances, there is a significant exposure to litigation against the state body)

1. Overview of 3000.1 Hearings
Katie Riley, Senior Staff Counsel

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BOARD OF PAROLE HEARINGS
Executive Board Meeting
Thursday, December 13, 2012
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 9:00 a.m.

AGENDA

GUEST PRESENTATION

1. Successful Rehabilitation
Dr. Ed Latessa
2. Public Comments on Successful Rehabilitation presentation

LUNCH BREAK

STAFF PRESENTATIONS

1. Risk Assessment and Parole Decision Making
Dr. Clifford Kusaj, Chief Forensic Assessment Division
2. Clarification of the 10 Day Rules
Howard Moseley, Chief Counsel
3. Overview of Progress Hearings
Jerome Hessick, Staff Counsel
4. Lifer Scheduling and Tracking System (LSTS) Overview
Howard Moseley, Chief Counsel
5. Strategic Offender Management System (SOMS) Overview
Sara Lopez, Parole Agent III
6. Public Comments on Staff Presentations

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BOARD OF PAROLE HEARINGS
Executive Board Meeting
Friday, December 14, 2012
CLOSED SESSION
(All times are approximate and subject to change.)

1515 K Street
Computer Lab
Suite 560
Sacramento, California 95814

NOTE START TIME: 9:00 a.m.

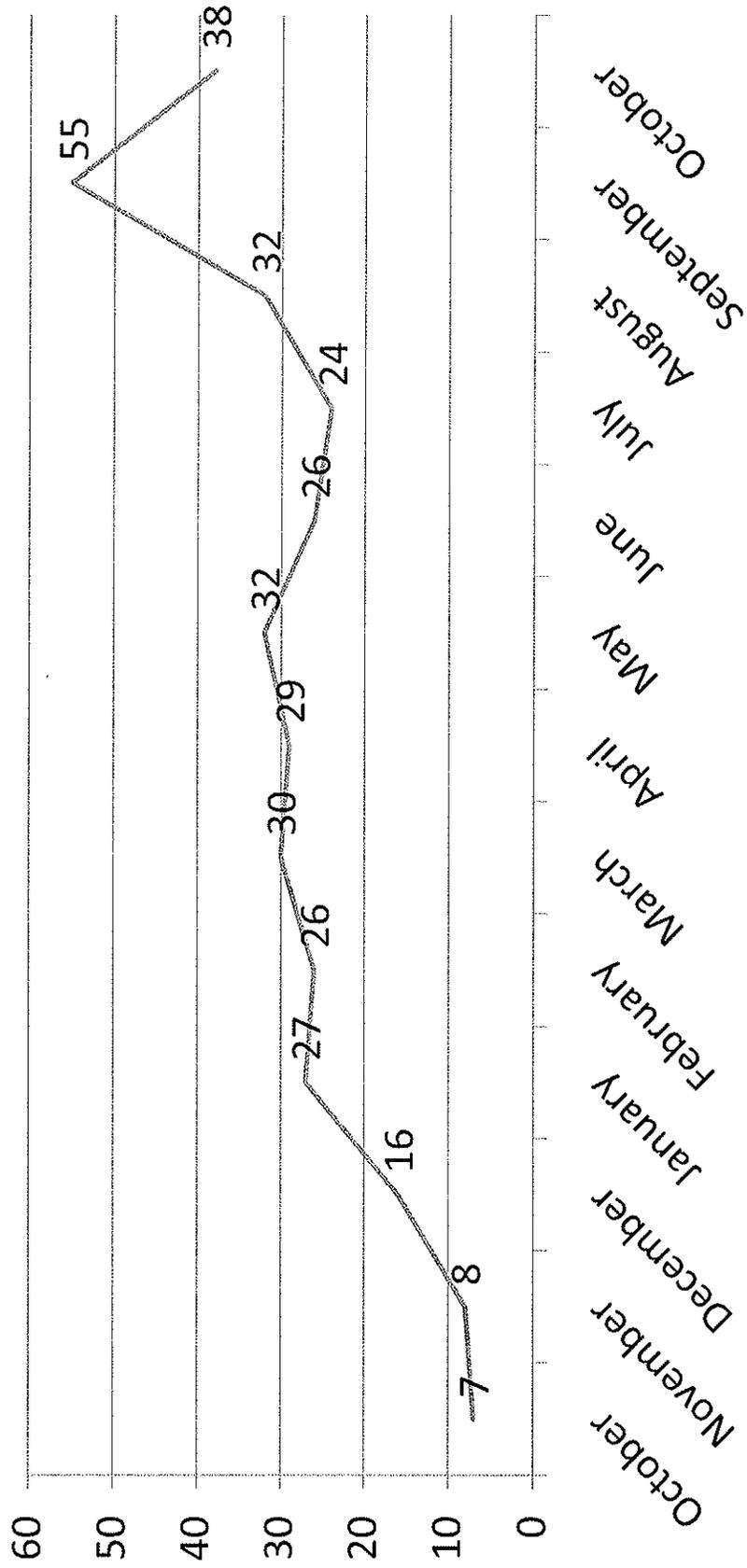
AGENDA

1. Lifer Scheduling and Tracking System (LSTS) Hands-on training
Howard Moseley, Chief Counsel; Tim Baker, Chief, Investigations
2. Strategic Offender Management System (SOMS) Hands-on training
Sara Lopez, Parole Agent III
3. Evaluation of Training Week
Shannon Desmarais, Training Manager

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BPH: PC 3041(d) Report ("Backlog" Report)

Oct, 2011 - Oct, 2012





BOARD OF PAROLE HEARINGS



ADMINISTRATIVE DIRECTIVE NO: 2012-03

SUBJECT: PROCEDURES TO FOLLOW WHEN A PAROLE SUITABILITY HEARING IS CONTINUED

INTRODUCTION

This Administrative Directive clarifies the procedures to follow when a parole suitability hearing is continued.

LEGAL AUTHORITY

California Code of Regulations, Title 15, section 2253(e)(2), provides that “[I]f a life parole consideration hearing is continued, the board shall attempt to impanel the same panel members when the hearing is reconvened. However, the board may, in its discretion, reconvene a new panel and commence a new hearing.”

DIRECTIVE

In the event a hearing panel orders that a parole suitability hearing be continued, the scheduling unit shall normally schedule the same panel members to hear the matter. However, if the scheduling unit is unable to impanel the same members due to any circumstance, then the new panel shall commence a new hearing when they convene. In other words, if the commissioner(s) or the deputy commissioner appointed to hear the continuation of the original hearing is different than the commissioner(s) or deputy commissioner who heard the original hearing, then the continuation of the original hearing will be conducted as a new or de novo hearing.

This Administrative Directive shall take effect immediately. If you have any questions concerning the contents of this Administrative Directive please contact the legal office at (916) 324-7604.

APPROVED BY: _____

JENNIFER P. SHAFFER
Executive Officer, BPH

DATE: _____