

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, March 18, 2013**

Meeting called to order at 1:05 pm

CONSENT CALENDAR

Roll Call: Commissioners Anderson, Ferguson, Figueroa, Garner, Labahn, Fritz, Montes, Peck, Roberts, Singh, Turner, and Zarrinnam present.

Comm. ANDERSON announced the Best Practices Advisory Committee will meet at 3:00 p.m. today; the executive board will meet again in closed session at 9:00 a.m. tomorrow; and then reconvene in open session at 10:00 a.m.

Comments and clarifications regarding meeting minutes: None

Lifer Hearing Backlog Report: The backlog report is now posted online each month, along with the agenda.

Public Comment on Consent Calendar: None

Motion: Comm. PECK moved to approve the consent calendar and was seconded by Comm. MONTES. The motion passed unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer Jennifer Shaffer

In order to allow sufficient time to schedule subsequent parole suitability hearings following a parole reversal by the Governor, and to enable all participants reasonable time to prepare for the subsequent hearing, a memorandum was recently issued directing the Scheduling Unit to set the subsequent hearings 18 months after the previous hearing following a Governor's reversal.

Exec. Officer SHAFFER introduced two new employees of the board: Parole Administrator LIZ ALLEN and Staff Attorney MINA CHOI.

Report from Chief Counsel Howard Moseley

Chief Counsel MOSELEY asked to table the discussion regarding transitional housing programs until the April meeting.

Staff Attorney CHOI reported on AB 1593, which was enacted on January 1, 2013, concerning intimate partner battering (IPB). Pursuant to the new law, parole panels must give "great weight" to IPB evidence

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.

and IPB evidence may not be used to support a finding that the inmate lacks insight or minimizes responsibility.

Overview of Intimate Partner Battering by Dr. Nancy Kaser-Boyd, Ph.D, Professor, UCLA

Dr. KASER-BOYD described her qualifications as an IPB expert, including her experience testifying as a witness called by both prosecution and defense counsel. Dr. KASER-BOYD emphasized that there is no “typical” IPB inmate profile, although most are women and have experienced physical or sexual abuse as a child. The batterers, on the other hand, usually grew up seeing their mothers battered, have poor anger management skills, experience severe jealousy, lack empathy and have a sense of male entitlement.

Comm. FRITZ asked about the type of programming that would help IPB inmates work through these issues. Dr. KASER-BOYD said self-help groups, including correspondence courses, can help these inmates better understand their own circumstances.

Comm. FRITZ asked about the type of programming available to IPB inmates. Dr. KASER-BOYD said that anger management courses are available but often lack depth.

Comm.. ANDERSON asked about the effect of cultural influences. Dr. KASER-BOYD said some cultures emphasize the primacy of the male role in society which can lead to a tolerance of domestic violence and a lack of family and community support for women.

Comm. ZARRINNAM asked what kind of questions would be pertinent to ask a batterer at a parole hearing. Dr. KASER-BOYD said that a starting point might be to ask why the inmate believes he battered his victims.

Comm. MONTES asked how often males are victims of battering. Dr. KASER-BOYD estimated that 5% of victims are male. While there are violent women, female abuse usually takes the form of threats, such as denying contact with children. Dr. KASER-BOYD recommended the same anger management programs for women as for men. Comm. MONTES suggested parenting programs; Dr. KASER-BOYD agreed.

Exec. Officer SHAFFER asked what approach commissioners should take at parole hearings involving IPB inmates. Dr. KASER-BOYD recommended commissioners be aware that female inmates might have some residual fear of male commissioners.

Chief Counsel MOSELEY stated that part of the Legal Division’s role is to review parole hearing transcripts. He asked whether Dr. KASER-BOYD could identify the types of responses an IPB inmate might make on the record that would be relevant to the question of insight. Dr. KASER-BOYD stated that the inmate should be able to articulate how he or she is different now; whether he or she can recognize an abusive relationship; and what appropriate steps he or she would take to get out of that kind of relationship.

Comm. ANDERSON thanked Dr. KASER-BOYD for her presentation.

OPEN COMMENTS

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.

Agenda Items for Future Meetings: None suggested

Public Comments

VANESSA NELSON-SLOANE of Life Support Alliance referred to a report on the demoralizing effect on inmates of lengthy parole denials.

HEIDI RUMMEL of the Post-Conviction Project thanked the Board and Dr. KASER-BOYD for the IPB presentation.

Meeting recessed at 2:40 p.m.

Meeting reconvened on Tuesday, March 19, 2013, at 10:04 a.m.

Roll Call: Commissioners Anderson, Ferguson, Figueroa, Garner, Labahn, Fritz, Montes, Peck, Roberts, Singh, Turner, and Zarrinam present.

Comm. ANDERSON stated that the Board would consider public comment regarding the en banc hearings first.

EN BANC HEARINGS

Recall and Referral for Re-sentencing: Penal Code section 1170(e)

A. CLEVELAND, MONIQUE W-49683

ALEXIS de la GARZA, Los Angeles County District Attorney's Office, expressed concern that she was not provided information about the inmate's medical condition. She referred to the inmate's criminal history, history of substance abuse and continued gang involvement in prison. She asked the Board to take such factors into account when determining if the inmate is still a risk to public safety.

B. LIMJOCO, AGAPITO P-04713

No public comments.

C. PENDERGRASS, ERNEST C67782

DONNA McCLELLAND, inmate's daughter, supported recall of sentence on behalf of his family.

MARC NORTON, inmate's attorney, supported recall of sentence.

JILL KLINGE, Sonoma County District Attorney's Office, opposed recall of sentence.

Referral by Chief Counsel: California Code of Regulations, Title 15, section 2042

D. GALLO, JERRY H-14073

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.

No public comments.

E. VILLANUEVA, MIGUEL H-49644

CRUZ MAGALLEN and ANTONIA PRECINDO, inmate's cousins, supported release.

VICTOR PERRELLA, ELIZABETH BUCHEN, JACK LIEBERMAN, EDWARD CLAPP and JOHN KELLY, San Quentin volunteers, supported release.

ANGIE NARANJO, RUBIE VILLANUEVA and ANTHONY AYALA, inmate's sisters, supported release.

JUAN NARANJO and ERNESTO GURROLA, inmate's brothers-in-law, supported release.

AURELIA AYALA, inmate's mother, supported release.

CAROL STANTON and MICHELL KUO, San Quentin teachers, supported release.

KEITH WATTLEY, inmate's attorney, supported release.

Referral by the Governor for Review of Pardon Application: Penal Code section 4802

F. MARTINEZ, MARYANN

ALEXIS de la GARZA, Los Angeles County District Attorney's Office, opposed the application.

PRESENTATION

"What We Know About General and Violent Recidivism," presented by Dr. JASMINE TEHRANI, Senior Psychologist

Meeting adjourned for closed session at 12:45 p.m.

Meeting reconvened in open session at 2:15 p.m.

Roll call: Commissioners Labahn, Turner, and Zarrinnam not present; all other commissioners present.

PRESENTATION

"Guiding Rage Into Power" Program, presented by JACQUES VERDUIN, JENNIFER LYON and PATRICK MIMMS

Comm. ANDERSON noted that Comm. TURNER returned during the presentation.

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.

Comm. ANDERSON asked how the program is funded. Mr. VERDUIN replied that the program is a non-profit and there is a network of private individuals who fund the program.

Comm. PECK asked how many men are in the group and what is the ideal number of participants. Mr. VERDUIN replied that there are 34 in the group but half that number would be better.

Comm. FRITZ questioned how much of the program deals with domestic violence. Mr. VERDUIN replied that it is about 30%.

Mr. VERDUIN commented that inmates do not receive a facilitators certificate without participating in the program for another year.

Comm. MONTES asked about the course structure and the number of hours a week inmates are involved in it. Mr. VERDUIN explained that the course addresses the six steps that lead to a violent act (three fear moments and three decision moments) over the course of a year, during which time inmates attend for two hours a week and are asked to practice each lesson throughout the week.

Comm. ANDERSON asked Mr. MIMMS how he has adjusted to life after his release from prison. Mr. MIMMS said that he has relied on all of the resources available to him and on his support network.

Mr. VERDUIN stated that a work book for the program is about 70% complete.

Comm. TURNER asked whether the program addresses sex crimes. Mr. VERDUIN said that was outside the scope of the program.

DISCUSSION ITEMS

Administrative Directive 2013-02, "Managing Parole Hearings, Including Oral Statements Made by Counsel in Closing," presented by Staff Attorney JEROME HESSICK

Staff Counsel HESSICK explained that commissioners are required to consider all relevant and reliable information presented at parole hearings but that unnecessary, irrelevant or cumulative information may be limited.

Comm. FRITZ asked whether the administrative directive would limit testimony. Staff Counsel HESSICK confirmed that testimony would not be limited under this administrative directive.

Chief Counsel MOSELEY added that another purpose of the administrative directive is to ensure uniform and consistent management of parole hearings, including any time limitations commissioners may impose on closing statements by counsel.

Comm. GARNER asked Chief Counsel MOSELEY whether the administrative directive requires the imposition of a time limit on closing statements by counsel. Chief Counsel MOSELEY responded that imposition of a time limit is not required, but if a time limit is imposed then it must take into consideration the complexity of the individual case, notice must be provided, and the time limit must be enforced uniformly.

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.

Comm. FRITZ moved to approve the administrative directive and was seconded by Comm. FERGUSON. The motion was carried unanimously.

Administrative Directive 2013-03, "Requirements When Discussing Waivers, Stipulations, and Postponements With Inmates at Hearings," presented by Senior Staff Attorney KATIE RILEY

Senior Staff Counsel RILEY explained that all discussions between parole hearing panels and inmate regarding waivers, stipulations and postponements must be made on the record and the discussion should occur after an Americans-with-Disabilities-Act review has been conducted.

Comm. ANDERSON asked why it was necessary to put the discussions on the record. Chief Counsel MOSELEY stated that the requirement was imposed on the board by the court handling the *Rutherford* litigation.

Comm. GARNER moved to approve the administrative directive and was seconded by Comm. MONTES. The motion was carried unanimously.

OPEN COMMENTS

Future agenda items: None

Public Comments

HEIDI RUMMEL of the Post-Conviction Project thanked Dr. TEHRANI for her presentation.

EDITH CHANDLER, a former life prisoner, referred to a Stanford University study showing that former life prisoners perform well on parole.

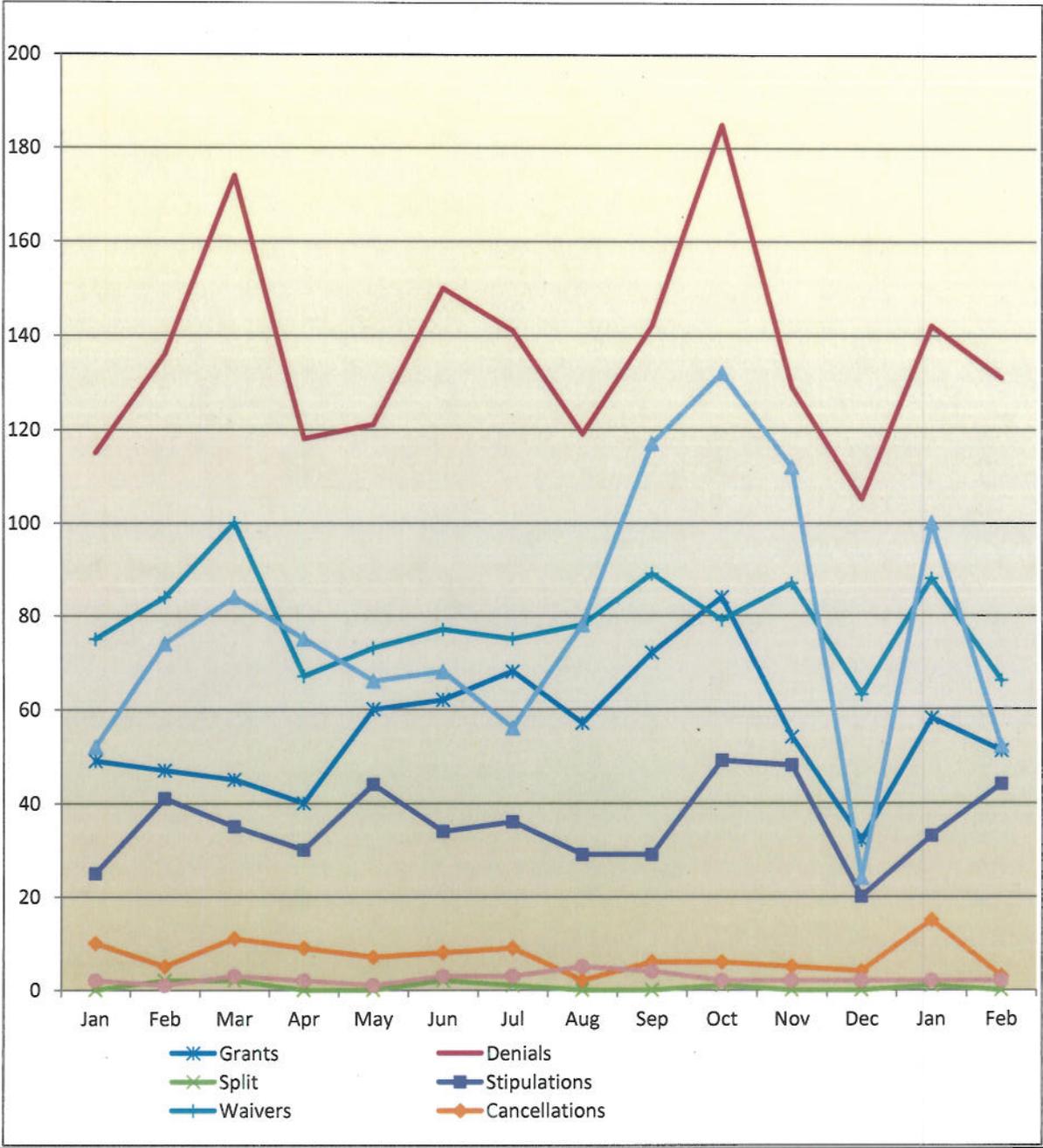
SUSAN BURTON, executive founder and director of A New Way of Life project, introduced former life inmates, ESPARANZA ALVAREZ, TIFFANY JOHNSON, NANNY WILKERSON and NORMA CAPLAN, who described their involvement with the project and their experiences after release from prison.

VANESSA NELSON-SLOAN of Life Support Alliance referred to a report on the suicide rate in California prisons. She said that mental health services in prison are inadequate and lengthy denials increase prisoners' despair.

Meeting adjourned at 3:44 pm

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.

PAROLE SUITABILITY HEARINGS
SUMMARY
JANUARY, 2012-FEBRUARY, 2013



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.

PENAL CODE SECTION 3041(d) REPORT
JANUARY, 2012-FEBRUARY, 2013

