

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Monday, May 20, 2013
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

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: April, 15-16, 2013
3. BPH Parole Suitability Hearings and 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 AND PRESENTATIONS

5. Report from Executive Officer
 - Transitional Housing Resource Listing
 - Audio/Video Conferencing at Parole Suitability Hearings
6. Report from Chief Counsel
 - Modifications to Petition to Advance Process
 - Handling of Complaints Against Inmate Counsel
 - Penal Code Section 1170(e) Process
 - Motion for Summary Judgment Ruling in *Gilman v. Brown*, Case No. 2:05-CV-00830 LKK, (E.D. Cal.)

OPEN COMMENTS

7. BPH Commissioners - Agenda Items for Future Meetings
8. 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.

RECESS

**Executive Board Meeting
Tuesday, May 21, 2013
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: 8:30 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.)

Discussion

9. *Coleman v. Brown*, NO. 2:90-cv-0520 LKK J FMP; *Plata v. Brown*, NO. C01-1351 TEH, presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel
10. *Valdivia v. Brown*, Case No. C-94-0671-LKK, (E.D. Cal.), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel
11. *Gilman v. Brown*, Case No. 2:05-CV-00830 LKK, (E.D. Cal.), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

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, May 21, 2013
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

EN BANC HEARINGS

12. 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. DEDMON, ETHEL **W-91681**
 County of Commitment:
 Fresno

13. Referral by the Chief Counsel pursuant to 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.

B. ABEDI, MOHAMMED **D-37163** **(to consider an alleged error of law pursuant to Title 15 Section 2250)**
 County of Commitment:
 Tulare

C. TREJO, LUIS **P-33043** **(to consider term calculation)**
 County of Commitment:
 Kern

D. TRAN, HUNG **P-13510** **(to consider parole plans)**
 County of Commitment:
 San Jose

E. OCHOA, RAUL **J-28119** **(to comply with Penal Code Section 3041.5(a)(4))**
 County of Commitment:
 Los Angeles

F. ALSIN, DENNIS **C-38627** **(to consider new information regarding a rules violation report)**
 County of Commitment:
 San Francisco

G. ORTIZ, CARLOS **D-42705** **(to consider parole plans)**
 County of Commitment:
 Sacramento

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H. SEGURA, ANA **X-32167** **(to consider an alleged error of law pursuant to Title 15 Section 2281(b))**
County of Commitment:
Orange

14. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044 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.

I. LOSE, PHILLIP **E-52617**
County of Commitment:
Los Angeles

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.

DISCUSSION ITEMS

- 15. Regulation Regarding Criminal Justice Realignment (CCR Title 15, Division 2, Chapter 6, Articles 7, 9, 10), presented by Katie Riley, Senior Staff Attorney
- 16. a) Victim Impact Statements, presented by Susie Booth, Graduate Legal Assistant
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes
- 17. a) Guidance on Handling Intimate Partner Battering Information at Parole Suitability Hearings, presented by Mina Choi, Staff Attorney
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes

OPEN COMMENTS

- 18. BPH Commissioners - Agenda Items for Future Meetings
- 19. 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.

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 Training Conference
Tuesday, May 21, 2013
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: **2:30 p.m.**

AGENDA

1. CDCR's Developmentally Disabled Program
Correctional Captain Albert Chamberlin, Division of Adult Institutions
 - a. Overview of Developmentally Disabled Program
 - b. Inmates in the Developmentally Disabled Program
 - c. Disciplinary Process for DDP Inmates
2. Parole Suitability Hearings and Inmates in the DDP
Katie Riley, Senior Attorney
3. Public Comments

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BOARD OF PAROLE HEARINGS
Executive Training Conference
Wednesday, May 22, 2013
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

1. Victim Services Program Update
Cynthia Florez-DeLyon
Assistant Secretary, CDCR
Office of Victim and Survivor Rights and Services
 - a. Update on "VINE" system (Victim Information and Notification Everyday)
 - b. New process for inmate letters to victims and victims' next-of-kin
 - c. Information about compensation available to victims and victims' next-of-kin to cover travel costs associated with attending parole suitability hearings
2. Victims' Issues and Restorative Justice
Heather Warnken
Legal Policy Associate
Chief Justice Earl Warren Institute on Law & Social Policy, UC Berkeley

3. Public Comments

LUNCH BREAK

4. Interstate Compact
CDCR Staff
5. Overview of 3000.1 Hearings
Katie Riley, Senior Attorney
6. Processes for Reconsideration of a Parole Grant
Howard Moseley, Chief Counsel
7. Public Comments

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BOARD OF PAROLE HEARINGS
Executive Training Conference
Thursday, May 23, 2013
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

1. Lifers with a DJJ Record
Eleanor Silva, Manager, Intake & Court Services Unit
Division of Juvenile Justice
2. Lifer Scheduling and Tracking System – Enterprise Information System Updates
Del Hammades, Senior Analyst, CDCR
3. Public Comments

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BOARD OF PAROLE HEARINGS
Executive Training Conference
Thursday, May 23, 2013
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: **1: 30 p.m.**

AGENDA

Overview of Pending Litigation

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. Proper Handling of Objections
Attorney General's Office
2. Proper Application of *In re Shaputis I & II*
Attorney General's Office
3. Weighing of Suitability Factors
Attorney General's Office
4. Proper Standard for Reconsideration of a Parole Grant
Attorney General's Office
5. Proper Application of Clear and Convincing Evidence Standard in Penal Code Section 3041.5
Jerome A. Hessick, Attorney

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**BOARD OF PAROLE HEARINGS
Executive Training Conference
Friday, May 24, 2013
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.**

AGENDA

Overview of Pending Litigation

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. Forensic Assessment Division's Quality Control of Risk Assessments
Dr. Cliff Kusaj, Chief Psychologist, BPH
Howard Moseley, Chief Counsel
[*Johnson vs Shaffer*, Case Number 2:12-cv-01059 GGH P]

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)

2. Determining Good Cause for Postponements
Jennifer Shaffer, Executive Officer
Howard Moseley, Chief Counsel
Katie Riley, Senior Attorney
Jerome Hessick, Attorney
3. Proper Application of *In re Vicks*
Howard Moseley, Chief Counsel

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