

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Monday, May 20, 2013**

**Meeting called to order at 1:02 p.m.**

**Roll Call:** Commissioners Ferguson, Labahan, Turner, Anderson, Montes, Singh, Garner, Fritz, Peck present; Zarrinnam absent

**CONSENT CALENDAR**

**Comments and clarifications regarding meeting minutes of April 15, 16, 2013:** None

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

**Public Comment on Consent Calendar:** None

Commissioner Roberts moved to approve the consent calendar and was seconded by Commissioner Turner. The motion passed unanimously.

**REPORTS AND PRESENTATIONS**

**Report from Executive Officer, Jennifer Shaffer**

SHAFFER congratulated Nikolette Clavel, Graduate Legal Assistant, on passing the California State Bar. She also congratulated Commissioners Montes, Roberts, Zarrinnam and Singh for being confirmed by the Senate.

SHAFFER stated that the Transitional Housing Resource Listing is now posted online and will be updated quarterly. The listing provides information on each program, such as the minimum length of stay. The fact that a program is listed does not mean that it is endorsed by the Board.

SHAFFER informed the meeting that audio/video conferencing telephones have been sent to all the institutions. The Board will consider its policy about the use of the telephones at the next meeting.

**Report from Chief Counsel, Howard Moseley**

MOSELEY outlined modifications that have been made to the petition to advance process. The form BPH 1045(a) consists of two parts. The first is completed by the petitioning inmate. The form has been designed to provide inmates with a clear explanation of the petition process. The second part of the form is used in the review process. The petition is screened to ensure that the Board has jurisdiction. If the Board has jurisdiction to consider the petition, it is then reviewed on its merits.

MOSELEY described instances where the Board has considered complaints about the conduct of inmates' counsel. Some complaints have been received from inmates, often concerning counsel's inadequate preparation or failure to meet with the inmate. Commissioners have drawn the Board's attention to examples of tardiness, last-minute substitutions or failures to appear at the hearing. The cancellation of hearings causes severe difficulties for the scheduling unit. MOSELEY stated that a privately-retained inmate's counsel has been referred to the California State Bar for repeated client abandonment. A working group, under the direction of the Executive Officer, has been set up to monitor complaints against inmates' counsel. The group will report its findings periodically to the Board.

MOSELEY referred to a handout which describes the process of referral for recall of sentence, pursuant to Penal Code section 1170(e).

MOSELEY provided an update of the litigation in *Gilman v. Brown*, Case No. 2:05-CV-00830 LKK, (E.D. Cal.). He stated that the court denied both plaintiffs' and defendants' motions for summary judgment. The case is scheduled for trial in June.

### **OPEN COMMENTS**

**BPH Commissioners - Agenda Items for Future Meetings:** None

#### **Public Comments**

VANESSA NELSON-SLOANE, Life Support Alliance, described a seminar that the organization had presented on May 18, 2013. The seminar gave information to family members on providing effective support for life prisoners, as they prepare for suitability hearings.

KEITH WATTLEY, UnCommon Law, expressed concern about the closed sessions listed on the Thursday and Friday agenda. He questioned, in particular, whether it was appropriate to hold in closed session the overview of pending litigation and the discussion of suitability factors.

**Meeting recessed at 1:28 p.m., to reconvene at 10:00 a.m. on May 21, 2013.**

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, May 21, 2013**

**Meeting reconvened and called to order at 10:00 a.m.**

**Roll Call:** Commissioners Ferguson, Labahan, Turner, Anderson, Montes, Singh, Garner, Fritz, Peck present; Zarrinnam absent

**EN BANC HEARINGS**

**Recall and Referral for Resentencing, pursuant to Penal Code section 1170(e)**

**A     DEDMON, ETHEL           W-91681**

BLAKE GUNDERSON , Fresno County District Attorney's Office, opposed recall and referral for resentence.

DIXIE HAGADORN, NIKKI BARTLETT , ETHEL GARDNER and CAROL McDANIEL, inmate's nieces, supported recall and referral for resentence.

**Referral by Chief Counsel, pursuant to California Code of Regulations, Title 15, section 2042**

**B     ABEDI, MOHAMMED       D-37163**

SHERRY ABEDI, inmate's daughter, requested that the Board order a rehearing.

DIANE LETARTE, inmate's attorney, requested that the Board order a rehearing.

**C     TREJO, LUIS               P-33043**  
No speakers

**D     TRAN, HUNG                P-13510**

BENJAMIN RAMOS, inmate's attorney, requested that the Board affirm the inmate's grant of parole.

**E     OCHOA, RAUL              J-28119**  
No speakers

**F     ALSIN, DENNIS            C-38627**  
No speakers

**G     ORTIZ, CARLOS            D-42705**  
No speakers

**H**     **SEGURA, ANA**                    **X-32167**  
No speakers

**Referral by the Governor for Review of parole decision by the full board, pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044**

**I**     **LOSE, PHILLIP**                    **E-52617**

STEVE KATZ, Los Angeles County District Attorney's Office, opposed parole.

JILL KLINGE, Alameda County District Attorney's Office, read letters opposing parole.

MICHAEL LOSE, inmate's cousin, supported parole.

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, opposed parole.

**DISCUSSION ITEMS**

**Regulation Regarding Criminal Justice Realignment (CCR Title 15, Division 2, Chapter 6, Articles 7, 9, 10), presented by Katie Riley, Senior Staff Attorney**

RILEY presented the regulation providing for changes to procedures relating to warrants, parole revocation and work time credits.

**Board Questions and Comments:** None

**Public Comments:** None

Commissioner Turner moved to adopt the regulations and was seconded by Commissioner Roberts. The motion was carried unanimously.

**Administrative Directive on Victim Impact Statements, presented by Susie Booth, Graduate Legal Assistant**

BOOTH presented the directive. Following questions and comments from the Board, further consideration of the directive was tabled.

**Administrative Directive on Handling Intimate Partner Battering Information, presented by Staff Attorney Mina Choi**

CHOI presented Administrative Directive 2013-04, addressing panels' assessment, attachment of weight, evaluation of inmates' insight and recording of findings.

**Board Questions and Comments:** None

**Public Comments:**

JILL KLINGE, Alameda County District Attorney's Office, submitted that an incredible claim of intimate partner battering could be evidence of lack of insight.

STEVE KATZ , Los Angeles County District Attorney's Office, questioned whether the directive was consistent with the provisions of the governing statute.

Commissioner FRITZ moved to approve the directive and was seconded by Commissioner SINGH. The motion was carried unanimously.

**OPEN COMMENTS**

VANESSA NELSON-SLOANE, Life Support Alliance, expressed concern about the number of closed sessions this week.

CHRISTINE WARD, Action Alliance, expressed concern about the treatment of victims at hearings by some inmates' counsel.

**Meeting adjourned at 11:00 a.m.**

**Board of Parole Hearings**

**Scheduled and Backlog Hearings Report**

**Penal Code section 3041(d)**

**June, 2013**

