

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Monday, September 16, 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: August 19 and 20, 2013
3. 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
 - Proposed Regulations for Audio/Video Conferencing at Suitability Hearings
 - Gate Clearance Procedures for Victims
 - Update on Outreach
6. Report from Chief Counsel
 - Historical Review of Board Directives and Memoranda
 - Proposed Administrative Directive Regarding *In re Andrade* (2006) 141 Cal.App.4th 807
7. Update on the Long Term Offender Pilot Program, presented by Rodger Meier, Chief of In-Prison Programs, CDCR Division of Adult Institutions
8. Report from Commissioners Regarding Tours of Transitional Housing Facilities

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.

MEETING RECESSED TO TUESDAY, SEPTEMBER 17, 2013

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, September 16, 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: **2:00 p.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.)

Issue

1. Rescission Hearings, presented by 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, September 17, 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.**

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.)

Issue

1. *Coleman/Plata v. Brown*, Case No. 2:90-CV-00520 LKK JFM P, presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

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BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, September 17, 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 RECONVENED (Continued from Monday, September 16, 2013)

EN BANC REFERRALS

11. 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. CARDIN, LUIS C35792
 County of Commitment:
 Los Angeles

B. CHAPLIN, MARVIN E20848
 County of Commitment:
 San Diego

C. DANA, ROBERT B81537
 County of Commitment:
 Sutter

D. GILLIS, THORNTON AD9072
 County of Commitment:
 Ventura

E. LOPEZ, RODNEY G15740
 County of Commitment:
 San Bernardino

12. 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.

F. CHIAMULON, RICHARD V48226 To consider the term calculation
 County of Commitment:
 Los Angeles

13. 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.

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G. HERNANDEZ, PETE **E78406**
County of Commitment:
Kings

H. LUND, RONALD **C66744**
County of Commitment:
Riverside

REPORTS AND PRESENTATIONS

14. Introduction of Revised Rescission Hearing Procedures, presented by Howard Moseley, Chief Counsel

DISCUSSION ITEMS

- 15. a) Administrative Directives on Waivers, Stipulations, and Postponements, presented by Katie Riley, Senior Staff Attorney
- b) Board Questions and Comments
- c) Public Comments
- d) Motion and Votes

OPEN COMMENTS

- 16. BPH Commissioners – Agenda Items for Future Meetings
- 17. 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.

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.

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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