

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, December 16, 2013
CLOSED SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
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. *Gilman v. Brown*, Case No. 2:05-CV-00830 LKK (E.D. Cal.), presented by Howard Moseley, Chief Counsel.
2. *In re Butler*, Case No. A139411 (Cal. 1st App. Dist.), presented by Howard Moseley, Chief Counsel.
3. Cases involving claims of innocence that are likely to result in a court-ordered rehearing, presented by Howard Moseley, Chief Counsel.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Tuesday, December 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: **9:00 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 18 and 19, 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
 - Implementation of SB 260 (Related documents will be posted at www.cdcr.ca.gov/boph; click on the “SB 260” link in the right hand menu bar.)
6. Report from Chief Counsel
 - Determining Whether an Inmate Qualifies as a Youth Offender
7. Youth Offender Characteristics, Presented by Heather McCray, Staff Attorney, and Dr. Cliff Kusaj, Chief Psychologist
8. Conducting Penal Code section 3041 “Consultations,” Presented by Tiffany Shultz, Staff Attorney
9. Report from Chief Deputy of Program Operations
 - New Panel Attorney Appointment Process
 - Inmate Counsel Orientation Makeup Dates: January 6, 2014 (Sacramento, CA)
January 13, 2014 (Diamond Bar, CA)
10. New Lifer Scheduling & Tracking System Functionality
11. Discussion Regarding Tours of Transitional Housing Facilities

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.

EN BANC REFERRALS

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.

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|--|----------------|---|
| A. CARLOS, GARCIA
County of Commitment:
Los Angeles | K-89409 | To comply with Penal Code § 3041.5(a)(4) |
| B. FISCHER, FREDERICK
County of Commitment:
San Diego | B-55652 | To comply with Penal Code § 3041.5(a)(4) |
| C. MCNUTT, ELAINE
County of Commitment:
Alameda | W-34278 | To consider parole plans |

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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| D. LYNCH, JOHN
County of Commitment:
Tulare | T-61378 |
| E. TRAN, VIET
County of Commitment:
San Bernardino | H-93494 |
| F. TUCKER, TERRANCE
County of Commitment:
Orange | K-52595 |

DISCUSSION ITEMS

14. a) Administrative Directive 2013-06 Regarding Inmate Presentation of Documents, Presented by Susie Booth, Staff Attorney
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes
15. a) Proposed Administrative Directive 2013-07 Regarding Assessing Youth Offenders, Presented by Howard Moseley, Chief Counsel
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes
16. a) Proposed Revisions to Risk Assessment Tools, Presented by Dr. Cliff Kusaj, Chief Psychologist
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes

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17. a) Dissolution of Advisory Committees, Presented by Jennifer Shaffer, Executive Officer
- 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.

The decisions in the above hearings will be posted 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

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.