

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, May 18, 2015

Meeting Called to Order at 1:20 p.m.

Roll Call: Commissioners Labahn Fritz, Garner, Peck, Richardson, Roberts, Singh, Turner, and Zarrinnam present. Commissioner Anderson absent.

Commissioner Labahn stated that Commissioners Minor and Montes would be attending later. He confirmed that a majority of currently-appointed commissioners were present. He stated that Executive Officer, Jennifer SHAFFER is not present and Chief of Program Operations Sandra MACIEL would take her place at the meeting.

CONSENT CALENDAR

Commissioner SINGH moved to approve the consent calendar and was seconded by Commissioner GARNER. The motion carried unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer, Jennifer Shaffer, presented by Chief of Program Operations, Sandra Maciel

MACIEL stated that SHAFFER and Commissioner ANDERSON are attending the Association of Paroling Authorities International Conference in Columbus, Ohio. Topics to be discussed at the conference include mentally ill offenders, Canada's parole board quality assurance in decision making framework and the latest research, developments, and special considerations for parole determination of individuals who entered the adult criminal justice system as youths. SHAFFER will give a report on the conference at the June, 2015 meeting.

The board's is continuing its outreach program and in May, 2015, MACIEL and SHAFFER visited California State Prison, Sacramento and California State Prison, Folsom. SHAFFER visited Mule Creek State Prison.

MACIEL provided a legislative update. Assembly Bill 487, which requires district attorney notification of specified parole proceedings, has been referred to the Committee on Public Safety. Assembly Bill 920 would authorize the victim or victim's next of kin to request review of all non-confidential information in the prisoner's central file and be provided a copy of the Board's hearing packet within 30 days prior to the hearing. The bill would also allow the victims to submit documents, including recommendations, regarding the inmate's parole suitability. The bill is in committee, the first hearing is set and it has been referred to the Appropriations Committee suspense file.

Senate Bill 224 would establish an elder parole program for prisoners with a re-entry plan and who are 50 years of age or older and have served 15 years of their sentence. The bill has been placed on the Appropriations Committee's suspense file. Senate Bill 261 would require the Board to conduct a youth offender parole hearing for offenders sentenced to state prison who committed specified crimes under the age of 23. It has also been placed on the Appropriations Committee's suspense file.

The board will be hosting its quarterly stakeholder's conference call on Monday, June 1, 2015. Stakeholders are invited to appear in person at the board's headquarters or call in, using the AT&T conference call operator. The agenda, along with the conference call contact information will be e-mailed soon.

Commissioner Minor attended the meeting at 1:27 p.m.

Report from Chief Counsel, Howard Moseley

MOSELEY referred to the case of *Young*, which had been the subject of public comment received by the board at a prior board meeting. He stated that the California Supreme Court has ordered the opinion de-published. The case involved a 2009 parole denial. The inmate filed a petition for writ of habeas corpus and the court ordered a rehearing. The board again denied parole and the matter was eventually heard by the California Court of Appeal. Pursuant to the appellate court's order, the state was ordered to immediately release the inmate. The board requested that the Supreme Court order the Court of Appeal's opinion depublished. The Supreme Court granted the request and the opinion may no longer be cited. The Supreme Court reaffirmed the case of *Prather* and emphasized that, in granting a writ of habeas corpus, a court should order a rehearing, rather than an inmate's immediate release. MOSELEY stated that the de-publication did not result in Mr. Young's return to prison.

Staff Attorney, SUSIE BOOTH gave a presentation on proposed Administrative Directive 2015-02, The Role of Victim Support Persons. MOSELEY invited feedback on the proposed directive.

MOSELEY summarized the proposed regulations for youth offender hearings. They have been revised, following feedback from stakeholders. Section 2441 lists the factors to which a panel must give great weight when making a parole suitability decision regarding a youth offender. Section 2443 clarifies the youth parole eligibility dates. Section 2444 (c) has been revised and states that the board will not schedule a hearing where a youth offender's earliest possible release date is less than five months after he or she completes the 15th year of incarceration. MOSELEY invited further feedback until July 1, 2015.

MOSELEY stated that the bench guide governing consultations considered at the May, 2015 meeting is currently scheduled to be published in June 2015.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL stated that the board is close to securing institutional gate clearances for district attorneys and private attorneys. All the information needed to process the clearance memorandum has been obtained and it is anticipated that clearance will be secured in June 2015.

Report from Chief Deputy of Field Operations, Rhonda Skipper-Dota

The report was presented by Associate Chief Deputy Commissioner DANIEL MOELLER. He stated that the board has employed several new deputy commissioners, one of whom started that day. Another two will start in Fresno on June 1, 2015. On June 8, 2015, a deputy commissioner will start in San Bernardino. We expect there will be an additional four positions established in the next budget cycle. There will be a week of training in Sacramento before the deputy commissioners start at their assigned field offices. The legal division will conduct in-depth training in July and it is expected that the training will be completed in mid-August.

Commissioner ROBERTS asked whether the deputy commissioners will attend the administrative law college.

MOELLER stated that we will probably offer the administrative law college courses in Sacramento again.

Meeting recessed at 2:20 p.m. and reconvened at 2:34 p.m.

PRESENTATIONS

Insight-out, Guiding Rage into Power, presented by Jacques Verduin, Director

VERDUIN described the work of the program, using a Power Point presentation and a video.

VERDUIN explained that program meets once a week for two hours. Inmates are also given homework. He also explained that inmates enter the program by seniority from a waiting list and that the program's external staff makes the decision as to which inmates are selected.

PUBLIC COMMENT

KEITH WATTLEY, Uncommon Law, stated that the notices for cases referred to the full board provide insufficient information about the reason for the referral. He stated that panels are not giving the required weight to the youth offender factors. The grant rate for youth offenders is significantly less than that for inmates who committed their offenses as adults.

Commissioner MONTES attended the meeting at 2:53 p.m.

VANESSA NELSON-SLOANE, Life Support Alliance, complemented VERDUIN on his presentation. She encouraged panels to state on the record that the inmate's parole plans are acceptable and to specify the length of time the parolee should attend a program. Parole agents often require parolees to attend different programs for an unnecessarily lengthy period. NELSON-SLOANE stated that imposing geographical limitations can cause difficulties for parolees. She also stated that rules violation reports are still being issued for inmates as a result of taking prescribed medication.

HARRIET SOLANO, Crime Victims United, supported proposed Administrative Directive 2015-02. She expressed concern about a recent hearing where the inmate's counsel had objected vociferously to the victim's counsel's delivering the impact statement. The panel refused to

allow the victim's counsel to do so. SOLANO emphasized that the State Constitution and the board's directives permit victims' counsel to deliver an impact statement. She stated that victims' counsel should also have access to the board packet.

Meeting recessed at 3:05 p.m. until Tuesday, May 19, 2015 at 10:00 a.m.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday May 19, 2015

Meeting called to order at 10:00 a.m.

Roll Call: Commissioners Fritz, Garner, Labahn, Minor, Montes, Peck, Richardson, Roberts, Singh, Turner and Zarrinnam present. Commissioner Anderson absent. Commissioner Labahn confirmed that a majority of currently-appointed commissioners is present.

EN BANC REFERRALS

Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence.

A. FRAGOSA, BRUCE B-30394

GLADYS O'MAHONEY, victim's daughter, MIGUEL FIGUEROA, victim's husband and JOAN FAIRFIELD, victim's representative, Santa Barbara County District Attorney's Office, opposed a recommendation for recall of sentence.

B. VILLACRES, CHARLES H-00324

MARSHA SCRIBNER, inmate's ex-wife, supported a recommendation for recall of sentence.

CINDY DENNISON, victim's daughter, TYLER DENNISON, victim's grandson and CATHY HAWKINS, friend of victim's daughter, opposed a recommendation for recall of sentence.

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.

C. BEAUCHAMP, ERIC E-87593

No speakers.

D. BREZEALE, GRADY E-21585

No speakers.

E. HART, KEITH H-11417

No speakers.

F. KINCHELOE, DALE C-30208

KEITH WATTLEY, inmate's attorney, submitted that the board should affirm the inmate's parole grant.

G. WILLIAMS, KINGSLEY D-96444

No speakers.

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.

H. CHRUNIAK, CHARLES C-38223

MICHAEL SHANNON, inmate's attorney, supported the parole grant.

TOM WENKE, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application.

I. DAVIS, DIRK C-23775

DIRK DAVIS, applicant, requested that the board recommend that the Governor grant a pardon. TOM MULLEN, applicant's friend, supported the request.

PUBLIC COMMENTS

CHRISTINE WARD, Crime Victims Action Alliance and I-Can, welcomed a change to proposed Administrative Directive 2015-02, clarifying the role of the victim's support person at a hearing. She thanked the members of the victims' families who spoke at today's meeting.

VANESSA NELSON-SLOANE, Life Support Alliance, stated that the Supreme Court's decision to depublish the *Young* opinion did not invalidate the lower court's criticisms of the board's decisions. She welcomed the court's order in *Butler* and referred to its views regarding the unconstitutionality of disproportionate sentencing.

KEITH WATTLEY, Uncommon Law, stated that 17% of youth offenders receive a parole grant at a hearing, whereas 25% of other inmates are granted parole.

Meeting adjourned at 10:55 a.m.

Board of Parole Hearings

Scheduled and Backlog Hearings Report

Penal Code section 3041(d)

June, 2015

