

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Proposed Amendment to Meeting Minutes of
Wednesday, January 22, 2014

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

C. HATHCOCK, WELDON B-18483

DENNIS ~~K~~CUSICK, inmate's attorney, submitted that the decision denying parole should be vacated and a rehearing ordered; that the inmate is a danger to himself but not to others, and that the inmate needs to be in a care facility that can treat the inmate's dementia.

BLAKE GUNDERSON, Fresno County District Attorney's Office, ~~and Alexis De La Garza, Los Angeles County District Attorney's Office,~~ submitted that the panel's denial of parole should be affirmed.

D. KELSCH, RAYMOND D-63773

DENNIS ~~K~~CUSICK, inmate's attorney, submitted that the decision denying parole should be vacated and a rehearing ordered and that the inmate should only be released to a very restricted environment.

~~ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, stated that inmate Kelsch never acknowledged his problems in prison. She stated that the inmate's daughter was concerned for his safety and does not believe he can be released.~~

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Minutes
Tuesday, February 18, 2014

Meeting called to order at 1:12 p.m.

Roll Call: Commissioners Anderson, Fritz, Garner, Guerrero, Labahn, Montes, Peck, Richardson, Singh, Turner, and Zarrinnam were present. Commissioner Roberts was not present.

CONSENT CALENDAR

Comments and Clarification Regarding Board of Parole Hearings Meeting Minutes of January 22, 2014: No comments.

Lifer Hearing Backlog Report: No comments.

Public Comment on Consent Calendar: No comments.

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

REPORTS AND PRESENTATIONS

Report from Executive Officer, JENNIFER SHAFFER

SHAFFER stated that the case of James Robelen (J-04601) has been removed from the calendar.

SHAFFER stated that there were 16 youth offender hearings in January 2014. They resulted in 7 grants of parole, 7 denials, 1 stipulation and 1 continuance. She stated that the February 2014 youth offender hearing schedule has been posted on the Board's website.

Chief Counsel MOSELEY clarified that the March youth offender hearings had not yet been posted.

SHAFFER reported that the Board is working to streamline the hearing process and maximize its efficiency. Inmate central files are now accessible electronically at all institutions, except Pelican Bay State Prison, and it is anticipated that all files will be electronically accessible by the end of April 2014. The Board's objective is to streamline the hearing process by capitalizing on the accessibility of electronic files. An internal workgroup is being set up to present recommendations at a future Board meeting. Stakeholders will be invited to provide input.

SHAFFER summarized some features of the 2013 Report of Significant Events, which has been made available to the public. She reported that the Board has completed the staff layoff plan, resulting from the transfer of parole revocation proceedings to the courts. Despite the downsizing, the Board accomplished a lot in 2013.

The Board received constructive input from stakeholders about its policy for audio and video conferencing. This prompted a new draft policy, incorporating a number of changes. The draft is available for review and SHAFFER invited comments on the policy, which will be considered at the next meeting.

MOSELEY clarified that since the policy relates to administrative matters, no vote of approval by the Board will be necessary.

Report from Chief Counsel, HOWARD MOSELEY

MOSELEY gave an update on the on LSTS changes that are due to be implemented on February 21, 2014. Pre-hearing stipulations have been eliminated and all stipulations will now be considered by the hearing panel. There will no longer be a term calculated for inmates who qualify as youth offenders. If granted parole, these inmates will be eligible for immediate release, once they meet their minimum eligible parole date or their youth parole eligibility date, whichever occurs first. The LSTS options for postponements and continuances have been changed to “next available date” or 7, 8, 9, 10 or 11 months. In addition, in response to requests from commissioners, space for an extra 500 characters has been added to the comment box. A text box has been added to the parole plans section to enable panels to detail primary and secondary parole plans. This will assist with more timely verification of parole plans since it allow the verification process to start without waiting for the hearing transcript to be produced.

SHAFFER clarified that the changes will come into effect after the hearings on February 21, 2014, have been completed.

Report from Chief Deputy of Program Operations, SANDRA MACIEL

MACIEL reported that hearing recordings will be transferred electronically to the Board. Deputy Commissioners will upload the recordings daily into a secure system. This will save postage, speed up hearing transcription, and prevent the need for re-hearings resulting from lost hearing recordings. Deputy Commissioners received training on the new system in December 2013. The system was tested last week at Folsom State Prison, Valley State Prison, and the California Institute for Women. There were no problems.

Report from Chief Deputy of Field Operations, RHONDA SKIPPER-DOTTA

SKIPPER-DOTTA gave an overview of the criminal justice realignment process, specifically the transfer of revocation proceeding to the courts. This required difficult decisions, in particular the laying-off of many valued board staff members. Prior to realignment, the Board had 13 offices. There are now four offices. The number of deputy commissioners was reduced to 20. The closure process took two and a half years and SKIPPER-DOTTA acknowledged the contribution of board staff to the successful realignment process. The board no longer issues warrants for parolees at large; that responsibility has been transferred to the courts. The Board will continue to conduct parole discharge reviews on cases with a commitment offense date of January 27, 2012, or earlier. The mission for Associate Chief Deputy Commissioners has moved from parole revocation to the parole suitability hearing process. As part of their new responsibilities, they have consulted the wardens of each institution in their respective regions to

identify areas for improving hearing processes at the institutions. Their report will be presented soon.

Discussion Regarding Tours of Transitional Housing Facilities: None

OPEN COMMENTS

BPH Commissioners: Agenda Items for Future Meetings: None.

Public Comments:

KEITH WATTLEY, Uncommon Law, sought clarification of the Board's procedures, given that pre-hearing stipulations are no longer considered. He questioned whether there are procedures for recording the statements of registered victims who attend a hearing where a stipulation is approved. He also requested clarification about the changes resulting from the *Plata* and *Coleman* decisions. In particular, he questioned whether a term calculation would be necessary. He recommended that commissioners provide feedback about issues arising from youth offender hearings.

VANESSA NELSON-SLOANE, Life Support Alliance, stated that there has been uncertainty among inmates about the effects of the *In re Butler* settlement. Some inmates have asked why there was no term calculation following their denial of parole. Inmates have expressed concern about the administrative directive limiting submission of materials on the day of the hearing to 20 pages. She reiterated that inmates are being pressured to attend the Long-Term Offender Pilot Program and requested clarification to end this perception. She expressed concern about the Board's new attorney appointment process, but welcomed the fact that appointed counsel will be held accountable for the quality of their representation. She stated that Life Support Alliance has received a number of complaints from inmates about the adequacy of their representation at hearings.

JILL KLINGE, Alameda County District Attorney's Office, stated that there have been instances where the District Attorney's representative receives the risk assessment on the day of the hearing. She also requested that the District Attorney's Office be provided with copies of inmate petitions to advance a hearing date, together with any supporting documentation, if the petition is approved. She requested the documents to be available to all parties in preparation for hearings that are advanced. She noted an increase in the number of hearings being advanced a result of administrative review. The hearings do not lead to a new risk assessment being conducted and this impairs the meaningful determination of an inmate's suitability for parole. She stated that it has been difficult to obtain gate clearance at Valley State Prison. She raised concerns about inmates with future release dates being released immediately. She questioned how registered victims will be notified of an inmate's release.

Meeting recessed at 1:47 p.m. until Wednesday, February 19, 2014, at 10.00 a.m.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Minutes
Wednesday, February 19, 2014

Meeting reconvened on Wednesday, February 19, 2014, at 10:05 a.m.

Roll Call: Commissioners Anderson, Fritz, Garner, Guerrero, Labahn, Montes, Peck, Richardson, Singh, Turner, and Zarrinnam were present. Commissioner Roberts was not 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. JENNINGS, CHARLES C-01249

GAIL BROWN, Life Support Alliance; JEAN JENNINGS, inmate's mother; DONNA JOHNSON and CHARLINE PLETT, inmate's sisters; KATHERINE JENNINGS, inmate's wife; DENNIS JENNINGS, inmate's brother; CHARLES JENNINGS, inmate's nephew; and KELLI MABES, inmate's niece, all supported recommending the recall of the inmate's sentence.

BLAKE GUNDERSON, Fresno County District Attorney's Office, opposed recommending the recall of the inmate's sentence.

B. MAGEE, LYDEL D-20132

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, opposed recommending the recall of the inmate's sentence. She also drew the Board's attention to the fact that at the January 2014 meeting, she addressed the Board on the case of inmate KELSCH and not inmate HATHCOCK.

C. ROBELEN, JAMES J-04601

Case removed from the agenda.

Referral by the Chief Counsel, pursuant to California Code of Regulations, title 15, section 2042

D. JURADO, GUY B-96199

RAND UBRY, inmate's stepson, opposed ordering a rehearing.

E. HUERTA, DANIEL K-80830

No speakers.

F. MARTINEZ, FRANCISCO K-39583

No speakers.

G. OLMOS, JAIME AF-4802

No speakers.

Referral to consider a rescission hearing, pursuant to California Code of Regulations, title 15, section 2450 et seq.

H. ACEVES, SALVADOR H-73423

No speakers.

Referral by the Governor, pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044 to review a parole decision.

I. ROGGE, CHAVES E-37145

No speakers.

J. TALANAY, ANTHONY E-76885

No speakers.

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

K. OLSGARD, MELISSA N-09479

MELISSA OLSGARD addressed the Board in support of her application for a pardon.

L. PREVITI, JAMES H-94215

JAMES PREVITI addressed the Board in support of his application for a pardon. GREGG DORST, applicant's friend, supported the application.

OPEN COMMENTS

BPH Commissioners: Agenda Items for Future Meetings: None.

Public Comment:

VANESSA NELSON-SLOANE, Life Support Alliance, supported commissioners visiting transitional housing facilities. She stated that ordering life parolees to reside at transitional facilities for an excessive period of time is counter-productive. She opposed a blanket policy of ordering parolees to reside at such facilities for a static amount of time. She stated that the documents distributed at the meeting the day before were helpful and informative. She expressed concern about the persons who provided training to the Forensic Assessment Division in 2013, noting that they were either employed by the Forensic Assessment Division or were authors of the risk assessment tools used by the Division. She recommended that the Division seek a broader perspective from professionals outside the Division, including some from CDCR.

LAURA ROMERO, an inmate's mother, thanked the Board for its work. She stated that some inmates are uncertain whether the 120 day decision review period is still in effect.

Meeting adjourned at 10:55 a.m.

Board of Parole Hearings
Scheduled and Backlog Hearings Report
Penal Code section 3041(d)
March, 2014

