

BOARD OF PAROLE HEARINGS
Executive Board Meeting
September 15, 2014

Meeting called to order at 1:10 p.m.

CONSENT CALENDAR

Roll Call: Commissioners Anderson, Fritz, Garner, Labahn, Montes, Peck, Richardson, Roberts, Singh, Turner and Zarrinam present.

Commissioner TURNER moved to approve the minutes of the August, 2014 Executive Board Meeting. Commissioner ROBERTS seconded the motion, which carried unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated the board had hosted an informal meeting with inmate counsel and prosecutors from Northern California about the board's transition to electronic hearing packets. On October 31, 2014, the board will distribute hearing packets electronically for the first time. The purpose of the meeting was to obtain preliminary input from attorneys. Additional outreach will be conducted and SHAFFER welcomed stakeholders' input.

SHAFFER congratulated Commissioners GARNER, MONTES, PECK, ROBERTS, SINGH and TURNER on their recent re-appointment by the Governor to the Board.

SHAFFER stated that the board will be assuming the responsibility for sending notices for parole suitability hearings. Senate Bill 875 permits the Board to send hearing notices to judges and registered victims via United States mail. This will be the board's primary method of notification, although registered victims may request other methods of notification, including certified mail. The bill has been sent to the Governor for signature. If signed, the bill will take effect immediately.

The board has been working with the Division of Adult Institutions to obtain state-wide institutional gate clearance for attorneys. Clearance has been secured for board-appointed counsel. We are now working on obtaining statewide gate clearance for prosecutors. Once those are obtained, the board will work on obtaining clearance for privately-retained inmate counsel who regularly attend hearings. SHAFFER thanked Chief Deputy of Program Operations Sandra Maciel for her work on this significant project

Report from Chief Counsel, Howard Moseley

MOSELEY stated that the board's training conference will take place during the week of October 20, 2014. Monday and Friday will be half-day sessions, to accommodate travel time. Public sessions will be on Tuesday, Wednesday, and Thursday. There will be an update on LSTS and Watchdox. Victims' rights groups will make a presentation and there will also likely be a presentation on the Long Term Offenders' Pilot Program.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL stated that the board will be assuming responsibility for preparing and distributing all hearing notices and packets for hearings scheduled to occur after January 1, 2015. She distributed a handout showing a comparison of documents currently included in hearing packets and those that will be included in the new electronic hearing packets. The first hearing packets (for hearings scheduled to occur in January 2015) will be distributed on October 31, 2014. The board will be using a secured file-sharing process provided by vendor WatchDox. The board is working with the Division of Adult Institutions to authorize inmate counsel and prosecutors to bring their electronic computing devices into institutions for parole suitability hearings. The board will be providing training on the WatchDox system via statewide webinars and annual attorney orientations on October 6 and 13, 2014, as well as at the October 2014 Executive Board Meeting.

Staff Services Manager, TARA DOETSCH and Deputy Commissioner, TED RICH gave a Power Point presentation on WatchDox. DOETSCH explained that the hearing packets will be exported and uploaded into WatchDox. Inmate counsel and prosecutors assigned to the case will have access the files by signing on to the WatchDox website. The system is user-friendly and confidential. Inmate counsel and prosecutors will be notified by e-mail that the file is available for viewing.

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

SKIPPER-DOTA stated that she had attended the National Judicial College from August 11th to 22nd, 2014 in Reno, Nevada. Commissioner RICHARDSON and the board's Associate Chief Deputy Commissioners also attended the college. The classes were rewarding and well-taught. It was particularly interesting to meet hearing officers from other states.

Program Inventory, presented by Jane Soria, Manager for the Community Partnerships Unit, Office of Policy Standardization

NATALIE FRANSHAM and JANE SORIA gave a PowerPoint presentation on the programs available to inmates at various institutions. They also provided an inmate program inventory, listing the programs at each institution and giving a brief description of the programs' content.

Overview of Consultations, presented by Chief Counsel, Howard Moseley

MOSELEY gave a presentation on consultations, which have replaced documentation hearings. A consultation takes place during the sixth year before an inmate's minimum eligible parole date. Its purpose is to review the inmate's progress and to provide information concerning the parole suitability hearing process. Consultations are not hearings, so inmate attorneys and prosecutors are not present and the tone of a consultation tends to be less formal than that of a hearing. The commissioner is required to give the inmate individualized recommendations about preparing for his or her initial parole consideration hearing. The inmate must be given a written summary of the recommendations within 30 days of the consultation.

The consultation addresses the hearing process, the inmate's hearing rights, petitions to advance a hearing, and term calculations. MOSELEY provided a handout listing suggested issues for discussion. The consultation is not audio recorded and, therefore, there is no transcript of the consultation. Findings and recommendations are recorded in LSTS and commissioners can request investigations. They can also request that missing information be included in the central file.

PUBLIC COMMENTS

KETH WATTLEY, attorney, welcomed the ability to bring electronic equipment to hearings.

VANESSA NELSON SLOANE, Life Support Alliance, suggested that future training events might include a presentation on the Step-Down program, which deals with gang-affiliated inmates who are housed in security housing units. It is an alternative to debriefing. NELSON-SLOANE indicated that the Senate Policy Office is in favor a refresher course on the program.

AARON WEST, Santa Clara County District Attorney's Office, also welcomed the ability to bring electronic equipment to hearings. She stated, however, that there is a danger that a wholly-electronic system might lead to a loss of information. She expressed concern that crucial information provided by the District Attorney's Office, such as photographs, police interviews, and appellate decisions, might be kept in the inmate's slough file and not included in the central file. WEST expressed the view that panels should continue to have access to hard copies of documents.

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, stated that her office has experienced difficulties in using video conferencing at hearings. The office has made a significant investment in video equipment and software. However, some institutions have not been co-operative and have insisted on using teleconferencing. She referred to recent incidents when hearings were scheduled for video conferencing but were changed at short notice to a teleconference.

JILL KLINGE, Alameda County District Attorney's Office, stated that her office had also experienced difficulties with video conferencing. She welcomed the change to electronic hearing packets and suggested that highlights and tabs would be helpful. She requested that copies of all risk assessments, CDC-115s, CDC-128As and progress reports be made available in the hearing

packets. KLINGE regretted that charging documents, autopsy reports, and appellate decisions will no longer be included. She recently reviewed a central file that had not been tabbed. Having to scroll through over 1500 pages was very inconvenient.

GAIL BROWNE, Life Support Alliance, welcomed the inmate program inventory. Many inmates still experience challenges in getting into programs. There are long waiting lists, a shortage of volunteers at some institutions, and programs are often unavailable to all inmates.

Meeting recessed at 2:20 p.m. until Tuesday, September 16, 2014 at 10:00 a.m.

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
September 16, 2014**

Meeting reconvened at 10:07 a.m.

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

EN BANC REFERRALS

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

A. FUENTES, ROBERT C-88749

CAMMIE DODSON, Justice Now, supported a recommendation for recall and resentencing. LISA FUENTES, inmate's daughter, ADAM FUENTES, inmate's brother CYNTHIA FUENTES and REBECCA VENTURA, inmate's sisters, ROBERT SEVILLA, inmate's brother-in-law and FRANK FUENTES, inmate's father, also supported the recommendation.

SCOTT DIVINE, Sacramento County District Attorney's Office, opposed the recommendation.

B. HICKMAN, MAURICE AM-1630

ELIZABETH LAJEUNE, Justice Now, supported a recommendation for recall and resentencing. She read a support letter from DOROTHY HICKMAN.

C. JENNINGS, CHARLES C-01249

GAIL BROWN, ~~Life Support Alliance~~ and inmate's friend, supported a recommendation for recall and resentencing. KELLI MABES, inmate's niece, KATHERINE JENNINGS, inmate's wife, DENNIS JENNINGS, inmate's brother, JEAN JENNINGS, inmate's mother and KELLY DENSMORE, attorney at Justice Now, also supported the recommendation.

BLAKE GUNDERSON, Fresno County District Attorney's Office, opposed the recommendation.

D. JEWELL, DENNIS D-46354

JANE SCHROEDER, Justice Now, supported a recommendation for recall and resentencing.

Meeting recessed at 11:25 a.m. and reconvened at 11:35 a.m.

E. LACKEY, NOVIS V-29177

CAMMIE DODSON, Justice Now, supported a recommendation for recall and resentencing. JANAE SUMSION, inmate's granddaughter, LORETTA ELIASON, inmate's daughter and MARK ELIASON, inmate's son-in-law, also supported the recommendation.

Referral by the Chief Counsel pursuant to California Code of Regulations, title 15, section 2042, to comply with Penal Code section 3043, subdivision (b)(1), regarding victim impact statements.

F. TYLER, ELONZA K-57476

CHRISTINE WARD, Crime Victim Actions Alliance, regretted the failure to notify the victims. She recommended ordering a new hearing. MARGIE CUEVA read a letter from MORGAN TYLER, victim's oldest daughter, opposing parole. NANCY VALADEZ read an opposition letter from DEANA COOPER, victim's sister. GARY FELLIN, victim's husband, opposed parole.

Referral by the Chief Counsel pursuant to California Code of Regulation, Title 15, section 2042 , to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety.

G. CHANDLER, STEVEN P-43473

No speakers

H. COPELAND, JAY K-27866

No speakers

I. GOINS, LEE D-96901

No speakers

J. GRAHAM, OTTO D-26955

No speakers

K. GUITERREZ, FORTINO H-49665

No speakers

L. HARRIS, WILLIAM E-73299

No speakers

M. KENNEDY, JAMES D-59009

No speakers

N. MALDONADO, GABRIELLA W-43603

No speakers

O. OTERO, RICKY T-17022

VERONICA LOPEZ, inmate's step-daughter and victim, and VERONICA LOPEZ, inmate's ex-wife, opposed granting parole.

P. ROSALES, DAVID J-99296

No speakers

Referral by the Governor pursuant to Penal Code section 3041.1 and the California Code of Regulations, Title 15, section 2044.

Q. FUNK, RUSSELL F-15794

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

R. LORD, CARMEN X-37707

ALEXIS DE LA GARZA, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing.

S. ROBISON, CARL K-27060

No speakers

T. SEWELL, TERRY T-45639

No speakers

PUBLIC COMMENTS

VANESSA NELSON-SLOANE, Life Support Alliance, stated the change of title from, "Deputy Commissioner" to "Administrative Law Judge" has caused uncertainty among inmates. She recommended that, for the purposes of a hearing, deputy commissioners should retain their former title.

NORA WILSON, attorney with Justice Now, stressed the importance of Penal Code section 1170(e) and emphasized the state's financial savings resulting from releasing terminally-ill inmates.

SUSAN BURTON, New Way of Life, outlined the work of the organization and introduced former life inmates, NANNIE WILKERSON, TIFFANY JOHNSON, DAVID REY and WILLIAM SIZEMORE. They described their experiences since being released on parole.

ANNIE CLEMONS, RICHARD CASTRO, AHMAD PHILLIPS and DANA HILL, former life inmates, described their work with the Amity Foundation.

CHRISTINE WARD, Crime Victims Action Alliance, stated that registered victims have the right express their views to a hearing panel. Failure to notify victims of the hearing causes distress and confusion. Where there has been a failure to notify, a re-hearing should be ordered.

Meeting adjourned at 1:05 p.m.

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

