

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, November 23, 2015**

OPEN SESSION

**(All times are approximate and subject to change.)
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html**

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 1:00 p.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the October 19-23, 2015, Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for November 2015
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider
5. 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 a Board Member requests separate action.

REPORTS

6. Report from Executive Officer
 - Three Judge Court Monthly Status Report
 - Outreach Update
7. Report from Chief Counsel
 - *Johnson v. Shaffer* Update
 - Senate Bill 230 Update
 - Proposed Administrative Directive Regarding Ex Parte Communication, presented by Mina Choi, Staff Attorney
8. Report from Chief Deputy of Program Operations
 - Attorney Watchdog Packets for Mentally Disordered Offenders Hearings
 - Board's Information Technology System (BITS) Enhancements, presented by Christine Buffleben, Chief of the Executive Analysis Unit

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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.

9. Report from Chief Deputy of Field Operations
 - National Association of Hearing Officers Conference Held on October 25-28, 2015
10. Report from Chief Psychologist, Forensic Assessment Division
 - Forensic Assessment Division Training Update
 - Risk Assessment Backlog Update
11. Report from Chief Administrator, Offender Investigations and Screening Division
 - Introduction of New Staff
 - BITS Upgrade for Sexually Violent Predator Screening

DISCUSSION ITEMS

12. a) Revised Administrative Directive 2012-01 Criteria for Law Students Representing Life Inmates at Parole Suitability Hearings, presented by Howard Moseley, Chief Counsel
 - b) Board Questions and Comments
 - c) Public Comments
 - d) Motion and Votes
13. a) Administrative Directive 2015-03 Evidentiary Questions at Parole Consideration Hearings, presented by Veronica Mendoza, Senior Staff Attorney
 - b) Board Questions and Comments
 - c) Public Comments
 - d) Motion and Votes

PRESENTATIONS

14. Senate Bill 261 Update, presented by Jennifer Shaffer, Executive Officer

OPEN COMMENTS

15. BPH Commissioners – Agenda Items for Future Meetings
16. 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, November 24, 2015

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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
Monday, November 23, 2015**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 2:00 p.m.

DISCUSSION

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issue

1. Evidentiary Considerations at Parole Consideration Hearings for Determinately Sentenced Inmates, presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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, November 24, 2015**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: **9:00 a.m.**

AGENDA

MEETING RECONVENED (Continued from November 23, 2015)

17. Roll Call

PRESENTATION

18. A Data-Driven Approach to Victim Services: The California Case for Research-Practitioner Partnerships and Survivor-Led Reform, presented by Heather Warnken, Fellow, Office of Justice Programs, U.S. Department of Justice.

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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, November 24, 2015**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

EN BANC REFERRALS

19. 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. MONTOYA, ALFRED P-24487
Sentencing Court(s):
Orange

B. WANLESS, MICHAEL F-83469
Sentencing Court(s):
Shasta

20. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and 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.

C. MARTIN, DANIEL C-70256 **To consider whether the panel's consideration of the sexual component of Mr. Martin's life crime is consistent with *In re Rosenkrantz* (2002) 29 Cal.4th 616**
Sentencing Court(s):
Orange

D. ZEPEDA, DAVID AR7091 **To consider new information regarding a September 17, 2014, rules violation report and Mr. Zepeda's medical condition**
Sentencing Court(s):
San Diego

21. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044(b) 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.

E. DAVIS, MICHAEL H-08904
Sentencing Court(s):
San Diego

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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.

- | | |
|-------------------------------------|----------------|
| F. FLORES, LAWRENCE | F-37037 |
| Sentencing Court(s):
Los Angeles | |
| G. HERNANDEZ, RUBEN | H-62709 |
| Sentencing Court(s):
Los Angeles | |
| H. NGUYEN, THI | K-61171 |
| Sentencing Court(s):
Los Angeles | |
| I. RICHARDS, MERRIL | C-66928 |
| Sentencing Court(s):
Los Angeles | |
| J. YBARRA, JOAQUIN | B-71314 |
| Sentencing Court(s):
Fresno | |

OPEN COMMENTS

22. 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 as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours 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.")

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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, November 24, 2015**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 2:00 p.m.

DISCUSSION

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issue

1. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Howard Moseley, Chief Counsel

Personnel Matters

Pursuant to Government Code section 1126(a)(1)

(A board may meet in closed session to consider the appointment, employment, evaluation of performance or dismissal of public employee.)

Issue

2. Personnel Matters, presented by Rhonda Skipper-Dotta, Chief Deputy of Field Operations

ADJOURNMENT

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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.