

BOARD OF PAROLE HEARINGS
Executive Board Meeting
March 14 & 15, 2016

March 14, 2016

Meeting Called to Order at 1:00 p.m.

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

Commissioner ANDERSON stated that a majority of currently-appointed commissioners is present.

CONSENT CALENDAR

Public Comment on the Consent Calendar

MARC NORTON, attorney, requested an amendment to the minutes of the February 2016 meeting. He referred to his comments regarding his client, Kash Register, and stated that the phrase “significant compensation,” should be amended to “\$16.7 million.”

Commissioner MINOR moved to approve the consent calendar, as amended. Commissioner MONTES seconded the motion, which carried unanimously.

REPORTS

Report from Executive Officer, Jennifer Shaffer

SHAFFER introduced Chief Counsel, JENNIFER NEILL and described her professional background. She thanked TIFFANY SHULTZ for her service as acting as Chief Counsel.

SHAFFER stated that, on February 22, 2016, the United States Court of Appeal, Ninth Circuit overruled the District Court’s decision in *Gilman v. Brown*. The appellate court held that Marsy’s Law denial lengths are constitutional and dismissed the class action.

SHAFFER stated that the monthly Three-Judge Panel status report will be filed later this week. Last week, she visited transitional housing facilities in San Francisco with BRIAN KELLEY and TIFFANY SHULTZ. As part of the Board’s outreach program, she taught a class at Stanford Law School.

Report from Chief Counsel, presented by Assistant Chief Counsel, Tiffany Shultz.

SHULTZ stated that the Board has filed a motion to amend the court’s order in the *Butler* case. The plaintiffs will now file a reply. The Board’s training week will take place during the week of April 18, 2016. The draft agenda will be published soon.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL stated that the Board has instituted a new practice. If the 65-day hearing packet sent to hearing participants does not contain the current comprehensive risk assessment, the Board will e-mail it to the parties as soon as it becomes available rather than waiting for the risk assessment

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to be included in the hearing documents sent 10 days prior to the hearing, frequently referred to as the “10-day packet.”

Report from Chief Psychologist, Forensic Assessment Division, Dr. Cliff Kusaj

KUSAJ stated that 275 risk assessments have been assigned for completion in April 2016. Half of them are for hearings scheduled in June and all but four will be available 30 days before the hearing. More than half will be completed 65 days before the hearing. The goal is to complete assessments at least 60 days before the hearing. There are 129 unassigned assessments for the July calendar. They will be completed in May. Assignment completion continues to outpace the workload.

PRESENTATION

The Last Mile: Technology-Based Job Training and Life Skills Instruction, Leading to Successful Reentry, Presented by Chris Redlitz, General Partner, Transmedia Capital

REDLITZ gave a PowerPoint presentation describing the objectives and operation of the program. He played a video and provided a handout.

PUBLIC COMMENT

CHRISTINE WARD, I-Can and Crime Victims Action Alliance, stated that she has observed several hearings. She commended commissioners’ practice of explaining hearing procedures and the panel’s decision to victims. This has helped alleviate their anxieties about the hearing process.

OLIVIA SIDEMAN, University of California, Berkeley, School of Law, summarized case law regarding the weight to be attached to the issue of insight. She submitted that it is one factor that should be balanced with all other relevant factors. An inmate who has inadequate insight may still be suitable for parole.

KETH WATTLEY, UnCommon Law, regretted the limited information made available in cases that are referred *en banc* by Chief Counsel, based on new information. He submitted that failure to provide sufficient information about the reason for a referral infringes an inmate’s right to due process. WATTLEY stated that the untimely delivery of risk assessments causes severe difficulties, particularly for state-appointed attorneys, who are required to meet with their clients 45 days before the hearing. WATTLEY regretted that no comment or new information is permitted in tie votes that are considered *en banc*.

Meeting recessed at 1:48 p.m.

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Meeting called to order at 10:03 a.m.

Roll call: Commissioners Anderson, Chappell, Fritz, Garner, Labahn, Minor, Montes, Peck, Richardson, Roberts, Turner, and Zarrinnam present.

Commissioner ANDERSON stated that all commissioners are present.

EN BANC REFERRALS

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.

A. HANAFI, MOHAMMAD AK-2948

KIRK ENDRES, inmate's attorney, submitted that there are no grounds for ordering a rescission hearing.

DEBORAH BAKER, inmate's ex-wife, supported his release on parole.

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

Referral, pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote.

B. RUIZ, ALBERTO C-98277

No comment permitted.

PUBLIC COMMENT

VANESSA NELSON-SLOANE, Life Support Alliance, stated that the Amends program started yesterday. The program helps inmates to draft remorse letters to victims and their family. Staff from the Inspector General's Office attended a presentation on the project. In the coming months, hearing panels will see certificates issued by Amends in inmates' central files.

Meeting adjourned at 10:22 a.m.

Board of Parole Hearings
Scheduled and Backlog Hearings Report
Penal Code section 3041(d)
April, 2016



