

BOARD OF PAROLE HEARINGS
Executive Board Meeting
June 20 & 21, 2016

June 20, 2016

Meeting Called to Order at 1:05 p.m.

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

Commissioner ANDERSON confirmed that a majority of currently-appointed commissioners was present.

CONSENT CALENDAR

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

REPORTS AND PRESENTATIONS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that the Three-Judge Panel status report was filed on June 15, 2016. From January 1, 2014 to May 31, 2016, there were 1,358 youth offender hearings, resulting in 367 grants, 838 denials, 153 stipulations to unsuitability and no tie votes. There were 741 hearings waived, postponed, continued or cancelled.

From February 11, 2014 to May 31, 2016, there were 1,351 elderly parole hearings, resulting in 359 grants, 890 denials, 102 stipulations and no tie votes. There were 636 hearings waived, postponed, continued or cancelled.

From July 1, 2014 to June 9, 2016, the Board conducted 81 medical parole hearings, with 24 hearings being postponed, continued or cancelled.

There were 7,434 referrals of non-violent second strike inmates between January 1, 2015 and May 31, 2016. The Board approved 2,461 for release and denied release to 2,333 inmates. The remaining referrals are pending because the 30-day written input period has not elapsed or because the inmate is not within 60 days of his or her 50% time-served date.

SHAFFER stated that, in May, 2016, she and Commissioner ANDERSON attended the Association of Paroling Authorities International Conference, held in Florida. It was attended by representatives from other countries and from many states. The conference was very informative, providing training sessions on such issues as co-occurring substance abuse and mental disorders. It was apparent that each jurisdiction is very unique in the way it addresses parole issues.

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Report from Chief Counsel, Jennifer Neill

NEILL stated that the court has approved the stipulated agreement in *Johnson v. Shaffer*. The Board has until January 1, 2017 to implement the agreement and is drafting the required regulations.

The United States Court of Appeal, Ninth Circuit has denied *en banc* review in the *Gilman* case. The plaintiffs have indicated that they will seek leave to appeal to the United States Supreme Court.

The motion to modify the *Butler* settlement has been heard and the parties are awaiting the court's ruling.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL stated that, on June 13, 2016, she and NEILL attended the First Annual Life Term Offender Re-entry Symposium at the California State Polytechnic University, Pomona. The San Gabriel Valley Parole District organized the event, which was attended by community leaders, law enforcement agencies, elected officials, judges, attorneys and former life inmates. MACIEL and NEILL gave a presentation on the Board's philosophy and on the laws that govern its operation.

MACIEL stated that the Board has a new contract for telephone interpreters, effective July 1, 2016.

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

Associate Chief Deputy Commissioner, DAN MOELLER, reported on behalf of SKIPPER-DOTTA. He reported that SKIPPER-DOTTA and the board's Associate Chief Deputy Commissioners recently attended a management training conference at the National Judicial College.

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

KUSAJ stated that, in June, 2016, 296 comprehensive risk assessments were assigned to the Forensic Assessment Division's (FAD) psychologists. Most assessments were for hearings scheduled after September 15, 2016. It is projected that all will be completed at least 30 days before the hearing and that 75% will be completed at least 60 days before the hearing. There are no unassigned assessments on the September, 2016 hearing calendar. In the past 12 months, the inventory of unassigned, pending assessments has decreased by 220. KUSAJ also introduced two new FAD psychologists, Brianna Satterthwaite and Will Cirimele.

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PRESENTATION

How Does Storytelling Affect Public Safety? Presented by Scott Budnik, Founder and President of the Anti-Recidivism Coalition

BUDNIK gave a PowerPoint presentation and provided a handout. JEROME DIXON, LARRY FLORES, SAM LEWIS, RYAN LO, JOSE GONZALEZ, ADRIAN VASQUEZ, ART GONZALEZ, NORMA CUPIAN and BOBBY GARCIA took part in the presentation.

PUBLIC COMMENT

VANESSA NELSON-SLOANE, Life Support Alliance, stated that some deputy commissioners refer to themselves as, “administrative law judges” at hearings. She stated that this is unhelpful and confuses some hearing participants. NELSON-SLOANE regretted the practice that some deputy district attorneys have been permitted to ask clarifying questions directly to the inmate in parole suitability hearings. She requested that panels insist that such questions be put through the presiding officer. NELSON-SLOANE cautioned against placing undue reliance on the factual accuracy of probation officers’ reports. NELSON-SLOANE expressed concern that some panels interrupt inmates and use unprofessional expressions when addressing them.

KEITH WHATTLEY, Uncommon Law, commended the presentation from the Anti-Recidivism Coalition. He welcomed the Board’s greater transparency and improved communication. He stated that there are continuing issues regarding panels’ use of confidential information, and with the treatment of mentally-ill inmates and with youth offenders, sentenced before the age of 23. Half of youth offenders are in Level IV prisons, where the rate of parole grants is under 4%.

Meeting recessed at 2:27 p.m.

June 21, 2016

Meeting called to order at 10:02 a.m.

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

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

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

D. STEPHENSON, CRAIG

No speakers.

PUBLIC COMMENT

LOU SMALDINO expressed concern that inmates who have committed heinous crimes are being granted parole.

Commissioner FRITZ attended at 11:00 a.m.

VANESSA NELSON-SLOANE, Life Support Alliance, stated that the organization has issued certificates for the Amends Project. The response to the project has been very positive. It is expanding and materials are now available in Spanish.

DEBRA TATE expressed concern that recent laws allow inmates to be released early. She stated that the day before she submitted a petition containing 140,000 signatures to the Governor's Office. TATE understood that the Board is often constrained by legislation and case law, but requested that it review each inmate with extreme care, to ensure that public safety is safeguarded.

CHRISTINE WARD, I Can and Crime Victims Action Alliance, read a letter for MELINDA RASCH, the daughter of the victim of rape and attempted murder. She attended the parole suitability hearing of CLARENCE GARRETT (E12970), and upon arrival was told that he had waived his right to a hearing. She was extremely angry that the Board had not informed her of this fact. Although the Board had written to her apologizing for the error, she believed the response to be inadequate.

MARC NORTON, attorney, stated that he had heard rumors that Commissioner GARNER is retiring. He commended Commissioner Garner on his fairness and professionalism in conducting hearings.

Commissioner ANDERSON stated that the rumors are unfounded and that Commissioner GARNER will continue to serve with the Board.

Meeting adjourned at 11:17 a.m.

Board of Parole Hearings

Scheduled and Backlog Hearings Report

Penal Code section 3041(d)

July, 2016



