

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, February 21, 2017**

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 January 17 and 18, 2017 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for February 2017.
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
 - Introduction of New Commissioner Michael Ruff
 - Introduction of Acting OISD Chief Administrator Brian Kelley
 - Three Judge Court Monthly Status Report
7. Report from Chief Counsel
 - Introduction of New Staff Attorney
 - *In re Butler* Update
 - *Johnson v. Shaffer* Update
8. Report from Chief Deputy of Program Operations
 - Stakeholder Meeting on March 27, 2017 at 1:00 p.m.
9. Report from Chief Deputy of Field Operations
 - Introduction of New Administrative Law Judges

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.

10. Report from Chief Psychologist, Forensic Assessment Division

- Risk Assessment Workload Update

11. Report from Chief Administrator, Offender Investigations and Screening Division

- Introduction of New Staff
- Long Term Offender Program

OPEN COMMENTS

12. BPH Commissioners – Agenda Items for Future Meetings

13. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, 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 WEDNESDAY, FEBRUARY 22, 2017

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, February 21, 2017**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 1:30 p.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

1. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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.)

Issues

2. Use of Rules Violation Reports in Petition to Advance and Administrative Review Decisions, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
3. Gang Debriefing and Step Down from Segregated Housing Unit Issues at Parole Hearings, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
4. Use of Investigations in Decision Making, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, 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
Wednesday, February 22, 2017**

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

MEETING RECONVENED (Continued from February 21, 2017)

14. Roll Call

EN BANC REFERRALS

15. 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. FIGUEROA, JIMMY T-31172
Sentencing Court:
Tulare

B. YOUNG, CLARENCE C-35530
Sentencing Court:
Los Angeles

16. 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. MANNING, LENZO E-71638 **To determine whether the panel considered all relevant, reliable information, including confidential information dated 5/27/11**
Sentencing Court(s):
San Bernardino

D. PORTILLO, WALTER K-20571 **To determine whether the panel considered all relevant, reliable information, including confidential information dated 9/29/14, 10/1/14, 10/24/14, and 10/21/16**
Sentencing Court(s):
Los Angeles

E. VALENCIA, EDGAR J-07778 **To determine whether the panel considered all relevant, reliable information regarding Mr. Valencia's compliance with medication**
Sentencing Court(s):
Santa Cruz

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.

17. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

- F. BONANNO, MARTIN** **D-76017**
Sentencing Court:
Butte

- G. DEMPSTER, DENNIS** **Case Nos. 05-912256-5 and 05-901636-1**
Sentencing Court:
Contra Costa

- H. GALUSHA, BENJAMIN** **E-13757**
Sentencing Court:
Los Angeles

- I. LEWIS, KATHERINE** **W-45579**
Sentencing Court:
Los Angeles

- J. LOOP, DAVID** **K-90798**
Sentencing Court:
Riverside

18. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041(e).

- K. CAMBA, ORLANDO** **J-86607**
Sentencing Court(s):
Solano

OPEN COMMENTS

19. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, 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.")

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.