

**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, March 20, 2017**

**OPEN SESSION**

**(All times are approximate and subject to change.)  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](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 February 21 and 22, 2017 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for March 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
  - General Outreach Update
7. Report from Chief Counsel
  - *Johnson v. Shaffer* Update
  - *In re Butler* Update
8. Report from Chief Deputy of Program Operations
  - Stakeholder Meeting on March 27, 2017, at 1:00 p.m.
9. Report from Chief Psychologist, Forensic Assessment Division
  - Risk Assessment Workload Update

**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.**

**PRESENTATIONS**

10. New Classification Regulations, presented by Brian Moak, Chief of CDCR Classification Services Unit, and Keith Henderson, Correctional Counselor III

**OPEN COMMENTS**

11. BPH Commissioners – Agenda Items for Future Meetings
12. 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 TUESDAY, MARCH 21, 2017**

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, March 20, 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.)*

**Issues**

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
2. *Novoa v. California Department of State Hospitals, et al.* (Super. Ct. Los Angeles County, 2013, No. BC487936)
3. Considering Investigations When Deciding Pardons, presented by Jennifer Neill, Chief Counsel, and Brian Kelley, Acting Chief Administrator, Offender Investigations and Screening Division

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

**CLOSED SESSION**

*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

START TIME: 9:00 a.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.)*

Issues

1. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
2. *In re Butler*, review granted November 16, 2016, S237014, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, March 21, 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 March 20, 2017)**

13. Roll Call

**EN BANC REFERRALS**

14. 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.

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| <b>A. BURNS, VICTORIA</b>                            | <b>N/A</b>     |
| Sentencing Court:<br>Santa Clara                     |                |
| <b>B. MILLER, JOHN</b>                               | <b>J-03767</b> |
| Sentencing Court:<br>Riverside                       |                |
| <b>C. ROBINSON, SHAON</b>                            | <b>N/A</b>     |
| Sentencing Courts:<br>San Francisco and San<br>Mateo |                |
| <b>D. SNYDER, IRMA</b>                               | <b>W-58770</b> |
| Sentencing Court:<br>Los Angeles                     |                |

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.

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| <b>E. GAMACHE, JAMES</b>                  | <b>T-12825</b> |
| Sentencing Courts:<br>Monterey and Orange |                |

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.

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| <b>F. BAKER, LLOYD</b><br>Sentencing Court:<br>San Diego    | <b>E-78995</b> | <b>To consider whether the proposed decision complies with <i>In re Lawrence</i> (2008) 44 Cal.4th 1181 and Penal Code section 3041.5(d)(2)</b>    |
| <b>G. RODRIGUEZ, JAIME</b><br>Sentencing Court:<br>Monterey | <b>V-14921</b> | <b>To determine whether the panel considered all relevant and reliable information, including a confidential memorandum dated February 4, 2015</b> |
| <b>H. RODRIGUEZ, OSCAR</b><br>Sentencing Court:<br>Orange   | <b>P-07282</b> | <b>To consider whether the proposed decision complies with <i>In re Lawrence</i> (2008) 44 Cal.4th 1181</b>  |

17. 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.

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| <b>I. DIBBLE, LEE</b><br>Sentencing Court:<br>Ventura | <b>P-01897</b> |
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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).

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| <b>J. DELEON, DIMAS</b><br>Sentencing Court(s):<br>San Joaquin | <b>D-60350</b> |
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#### **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](http://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**

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