

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, August 14, 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 July 17 and 18, 2017 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for August 2017
4. Approval of Motions for Hearings with Procedural Errors

NGUYEN, BINH
Sentencing Court:
Santa Clara

K-14389

Motion: Vacate the panel's July 25, 2017, decision and schedule a new hearing in order to comply with the recording requirement found in Penal Code section 3041.5, subdivision (a)(4).

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
 - Commissioner Participation at National Judicial College
 - Proposition 57 Non-Violent Parole Process Update
7. Report from Chief Counsel
 - Introduction of New Graduate Legal Assistant
 - New Deputy Commissioner Training
8. Report from Chief Deputy of Program Operations
 - Inmate Panel Attorney Orientation
 - September 11, 2017 (Northern California – Sacramento)

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.

- September 25, 2017 (Southern California – Diamond Bar)
9. Report from Chief Psychologist, Forensic Assessment Division
 - Risk Assessment Workload Update

PRESENTATIONS

10. Francisco Homes, presented by Sister Teresa Groth, Executive Director and David Schwed, Development Manager

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, AUGUST 15, 2017

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, August 14, 2017**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 2:30 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. Documents Required at a Parole Consideration Hearing, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

Consideration of Matters Posing a Threat or Potential Threat of Criminal Activity

Pursuant to Government Code section 11126(c)(18)

(A Board may meet in closed session to consider matters posing a threat or potential threat of criminal activity against the personnel, property, buildings, facilities, or equipment, including electronic data, where disclosure of these considerations could compromise or impede safety or security.)

Issue

2. Security at Parole Consideration Hearings, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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

3. *Coleman/Plata v. Brown* (*Coleman v. Brown*, No. 2:90-cv-0520-KJM DAD (E.D. Cal), and *Plata v. Brown*, No. C01-1351 TEH (N.D. Cal.)), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
4. *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, August 15, 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 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. *In re Trejo* (2017) 10 Cal.App.5th 972, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, August 15, 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 August 14, 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.

A. CARTER, KIMBERLY W-25395
Sentencing Courts: **W-49068**
Los Angeles
San Bernardino
San Francisco

15. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

B. HARRISON, LEMAR P-95057 Sentencing Court: Contra Costa	To consider new information regarding institutional misconduct on May 16, 2017
C. BEASLEY, KERRY D-88292 Sentencing Court: Los Angeles	To consider new information regarding psychiatric deterioration, under California Code of Regulations, title 15, section 2451(b)

OPEN COMMENTS

16. 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.

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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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