

BOARD OF PAROLE HEARINGS
Executive Board Meeting
July 17, 2017

Meeting called to order at 1:06 p.m.

Roll Call: Commissioners Anderson, Cassady, Chappell, Fritz, Minor, Montes, Peck Roberts, Ruff, Taira, and Turner are present. Commissioner Grounds and Commissioner Labahn absent.

Commissioner ANDERSON stated a majority of the currently appointed commissioners are present.

CONSENT CALENDAR

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

REPORTS AND PRESENTATIONS

Report from Executive Officer Jennifer Shaffer

SHAFFER stated that the number of hearings in the board's backlog is continuing to decline in numbers.

SHAFFER stated that the monthly status report for the Three-Judge Panel in the Coleman/Plata class action litigation has not yet been filed for July so she will not be providing information concerning that report at this time. She stated that BPH entered into a stipulation to amend the Three-Judge Panel order dated February 11, 2014 to stop referrals under the Nonviolent, Second Striker parole review process on June 30, 2017, and will replace that process with the Proposition 57 nonviolent offender parole review process. The court approved the stipulation and amended its February 11, 2014 order. The board will report monthly on the Proposition 57 nonviolent offender parole review process beginning in August 2017, as required by the modified court order.

SHAFFER stated that, beginning July 1, 2017, the board began receiving referrals of inmates from the California Department of Corrections and Rehabilitation, Division of Adult Institutions, for parole review under the Proposition 57 nonviolent offender parole review process. Case Records staff began screening inmates for eligibility for this process in June 2017. As of the end of June, Case Records had screened about 15,000 nonviolent offenders. As a result, on July 1, 2017, about 1,800 nonviolent offenders were referred to the board for parole review. As required by the Proposition 57 emergency regulations, the board sent notices of these referrals to district attorneys and registered victims in early July. This initial surge of referrals represents a one-time event as a result of the initial implementation of the Proposition 57 nonviolent offender parole review process. The board does not anticipate receiving another spike of cases like this again anytime in the foreseeable future.

SHAFFER provided a Legislative update. Bills impacting the board that are moving through the legislative process include Assembly Bill 1308, which has been referred to the Senate Appropriations Committee. This bill would extend youth offender eligibility to those who committed their controlling offense while under the age of 26. Assembly Bill 1448 is also still moving through the legislature and would codify a significant portion of the Elderly Parole Program previously implemented by order of the Three-Judge Panel in the Coleman/Plata class action litigation. However, unlike the court-ordered program, this bill would exclude inmates who were sentenced under the state's Three Strikes Law.

Eligible inmates would still need to be age 60 or older and have served 25 years of incarceration. Senate Bill 394 is another bill that is still active and has been referred to the Assembly Appropriations Committee. Senate Bill 394 would allow inmates who were sentenced to life without the possibility of parole for crimes they committed while under the age of 18 to be eligible for a parole hearing as a youth offender during their 25th year of incarceration. Existing law allows for these inmates under certain circumstances to petition the sentencing court for resentencing; this bill would automatically make them eligible for a parole hearing once they have served 25 years.

SHAFFER also announced that the Board's Information Technology System, (BITS) will be rolling out new functionality on August 5, 2017 that will greatly improve the screening process for Mentally Disordered Offenders and Sexual Violent Predators.

SHAFFER extended congratulations to Commissioners Anderson, Cassady, Grounds, and Tiara, for having their appointments to the board recently confirmed by the Senate.

SHAFFER reported the board formed a new workgroup comprised of Case Records staff, board staff, prosecutors, and inmate counsel to evaluate the process for submitting, storing, and distributing documents in advance of a parole hearing. The workgroup will also be looking at the types of documents that should be accepted by the board and Case Records staff in advance of a parole hearing. Victim and inmate advocates will be consulted as the workgroup progresses.

Report from Chief Counsel Jennifer Neill

NEILL provided an update on efforts to disclose summaries of confidential information contained in an inmate's central file in advance of a parole consideration hearing. She stated that, as previously reported, there is now a Classification Services Unit satellite office embedded in the board for this purpose. As the unit began operations, however, it was discovered that using the 1030 form (currently used by correctional counselors to summarize confidential information for the inmate disciplinary process) proved difficult when used for purposes of summarizing multiple memoranda that may be in the confidential section of an inmate's central file. She stated that if inmates have been incarcerated for a long time, creating a 1030 form for each memorandum was difficult. As a result, the Classification Services Unit will instead write one memorandum summarizing all the relevant information contained in the confidential section of the inmate's central file. The memorandum will contain all the same information found on a 1030 form, but it will list information from multiple memoranda, when applicable. The memorandum written by the Classification Services Unit will be uploaded into the Electronic Records Management System (ERMS) for hearing participants and will be stored under the board's tab. Hearing participants and panels should look for that memorandum instead of form 1030s.

SHAFFER added that the memoranda written by the Classification Services Unit will only summarize confidential information dating back 10 years. If a hearing panel wants to rely on something older, they should call the legal hotline for guidance.

NEILL stated that feedback is needed to determine if going back 10 years is sufficient.

COMMISSIONER FRITZ asked if the Classification Services Unit could prioritize certain inmates whose hearings have been scheduled and for whom disclosure of confidential information was an issue at the last hearing.

NEILL stated that the Classification Services Unit memoranda should be created in advance of every hearing scheduled in August and disclosed at least 10 days prior to the hearing.

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

KUSAJ stated that in July of 2017 FAD psychologists were assigned 224 Comprehensive Risk Assessments to be completed in August 2017. Only a handful of assessments assigned in July are for hearings scheduled after November 1st. A total of nine unassigned assessments remain for November 2017. It is anticipated that all remaining Comprehensive Risk Assessments will be completed and distributed at least 60 days before hearings and nearly two-thirds will be completed more than 90 days for hearings scheduled after November 15, 2017.

KUSAJ also announced that the board has hired three new clinical psychologists: Timothea McGinley, Charles Odipo, and Albert Oppedisano.

PRESENTATION

Healthright 360 presented by Wayne Garcia, Vice President of Programs and staff member Michael Brenner. GARCIA and BRENNER gave a PowerPoint presentation regarding the Walden House program that merged with HealthRight 360.

OPEN COMMENTS

VANESSA NELSON-SLOANE of Life Support Alliance said that clarification is necessary for how the board defines and applies the great weight standard in youth offender hearings. She also stated that youth offender hearing transcripts and the board's Comprehensive Risk Assessments do not appear to consistently take into consideration the hallmark features of youth as required. She also stated that additional information is needed to clarify how commissioners and clinicians apply the youth offender factors when assessing risk and making suitability decisions.

Meeting recessed at 2:24 p.m.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
July 18, 2017

Meeting was called to order at 10:09 a.m.

Roll Call: Commissioners Anderson, Cassady, Chappell, Fritz, Grounds, Labahn, Minor, Montes, Peck, Roberts, Ruff, Taira, and Turner are present.

Commissioner ANDERSON stated a majority of the currently appointed commissioners are present.

Referrals by the Governor pursuant to Penal Code section 4802, to review a commutation application. Members of the Public may address the Board for a period not to exceed five (5) minutes.

A. MORRIS, QUINTIN J-12457

ALEXANDER SIMPSON, Associate Director of the California Innocence Project, in support of commutation.

AUDREY McGLINN, KATHERINE BONAGUIDI, and ALISSA BJERKHOEL with the California Innocence Project, in support of commutation.

DONNA LEBOWITZ, Los Angeles District Attorney's Office, in opposition of commutation.

B. STEWART, JEREMY F-03724

ELIZABETH STEWART, inmate's mother, DAVE WESLEY, inmate's friend, DENNIS MARTINEZ inmate's friend, and LARRY MORRIS, inmate's uncle, in support of commutation.

DONNA LEBOWITZ of the Los Angeles District Attorney's Office, appearing on behalf of the San Diego District Attorney's Office, in opposition of commutation.

MICHELLE MARTIN read a letter from the victim, in opposition of commutation.

Referrals pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Member of the public may address the Board for a period not to exceed five (5) minutes.

C. ANDERSON, LANCE BA-7883

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, in opposition of a referral to the sentencing court for recall of sentence.

CHRISTINE WARD of I-Can read letters on behalf of victims Michael Nave, Jason King, Stephanie Nave, and Marcus Nave, all in opposition of a referral to the sentencing court for recall of sentence.

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.

D. SRAN, RACHPAL G-50563

CHARLES CARBONE, inmate's attorney, supported the grant.

SURINDA SRAN, inmate's wife, SUNNIE SRAN, inmate's daughter, SUNDEEP SRAN, inmate's daughter, SATVINDER SRAN, inmate's son, CINDY SRAN, inmate's sister, and GURPREET SIDHU, inmate's nephew, in support of the grant.

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).

E. NATALIE GUIUAN W-61645
No comments allowed.

PUBLIC COMMENTS

VANESSA NELSON-SLOANE, Life Support Alliance, was encouraged by Dr. Kusaj's report stating that Comprehensive Risk Assessments would be completed on time. However, she expressed concerns regarding the board's objective regarding transparency and how the Comprehensive Risk Assessment process is not in alignment. NELSON-SLOANE suggested that the board create a meaningful process for inmates to appeal Comprehensive Risk Assessments. She also stated that Comprehensive Risk Assessments need to use more simple language so that inmates can understand them better, if they are to benefit from them. She stated that changes in risk assessment scores need to be better explained, Forensic Assessment Division training should be made public, and should be subject to peer review.

Meeting adjourned at 11:37 a.m.



Board of Parole Hearings Scheduled and Backlog Hearings Report Penal Code Section 3041(d) August 2017

