



**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, September 18, 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 August 14 and 15, 2017 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for September 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 Commissioner Robert Barton
 - Proposition 57 and Three Judge Panel Update
 - Expansion of Inmate Locator
7. Report from Chief Counsel
 - *In re Palmer* (S244139, app. pending)
 - Regulations on Comprehensive Risk Assessments

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.

8. Report from Chief Deputy of Program Operations
 - Inmate Panel Attorney Orientation
 - September 11, 2017 (Northern California – Sacramento)
 - September 25, 2017 (Southern California – Diamond Bar)
9. Report from Chief Deputy of Field Operations
 - Mentally Disordered Offenders Orientation for Independent Evaluators
 - September 12, 2017 (Northern California – Sacramento)
 - September 26, 2017 (Southern California – Diamond Bar)
10. Report from Chief Psychologist, Forensic Assessment Division
 - Risk Assessment Workload Update

PRESENTATIONS

11. Overview of Council on Mentally Ill Offenders (COMIO), presented by Stephanie Welch, Executive Officer, COMIO
12. Overview of National Alliance on Mental Illness (NAMI), presented by Jessica Cruz, Executive Director, and Steven Kite, Deputy Director, NAMI – California

OPEN COMMENTS

13. BPH Commissioners – Agenda Items for Future Meetings
14. 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, September 19, 2017

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, September 18, 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 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

- *In re Rodriguez* (Super. Ct. Sacramento County, 2017, No. 17HC000014)
- *In re Sanders* (Aug. 11, 2017, A148167) [nonpub. opn.]

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

- Initial Parole Consideration Hearings for Unique Cases (e.g., third strikers), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, September 19, 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

- *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.)*

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, September 19, 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 September 18, 2017)

15. Roll Call

EN BANC REFERRALS

16. Referral 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. CAROLINA, ERIC AM-7039
Sentencing Court:
Fresno

B. JONES, RAYNON V-15940
Sentencing Court:
Los Angeles

17. 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. GARCIA, ANTONIO J-17973 **To consider new information
regarding Mr. Garcia's alleged
institutional misconduct on June 28,
2017**
Sentencing Court:
Merced

D. HARGREW, ANTHONY J-29944 **To consider whether the panel
reviewed all relevant, reliable
confidential information**
Sentencing Court:
San Bernardino

18. 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.

E. BROWN, MICHAEL C-32350
Sentencing Court:
San Francisco

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F. BYRD, ALVIN

P-37120

Sentencing Court:
San Diego

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

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