

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**December 18 and 19, 2017**

**December 18, 2017**

**Meeting Called to Order at 2:02 p.m.**

**Roll Call:** Commissioners Anderson, Barton, Cassady, Castro, Dobbs, Grounds, Labahn, Montes, Peck, Roberts, Ruff, Taira and Turner present. Commissioners Chappell and Minor absent.

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

**CONSENT CALENDAR**

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

**REPORTS AND PRESENTATIONS**

**Report from Executive Officer, Jennifer Shaffer**

SHAFFER stated that Commissioner FRITZ has been appointed as an administrative law judge at another state agency. SHAFFER expressed the board's gratitude to Commissioner Fritz for her dedication and professional service to the board as a deputy commissioner and as a commissioner.

SHAFFER introduced Commissioner DOBBS, described her professional background, and welcomed her to the board.

The board has recently proposed amendments to the emergency regulations governing the Nonviolent Parole Review Process under Proposition 57. The regulations create a bifurcated review process. As a result, notices to victims and prosecutors will only be sent after the board has determined that it has jurisdiction to review the case. The regulations should take effect in the spring of 2018, if approved.

The Three-Judge Panel Status Report was filed on December 15, 2017. From January 1, 2014 to November 30, 2017, there were 3,819 youth offender hearings, resulting in 1,004 grants, 2,322 denials and 493 stipulations to unsuitability. There were 2,082 waived, postponed, continued or cancelled hearings. There are no current split votes, awaiting the full Board's determination.

The non-violent, second-strike referrals ended on June 30, 2017. From January 1, 2015 to June 30, 2017, there were 12,677 referrals, resulting in 4,463 inmates' being approved for release and 5,373 being denied. Some referrals are still pending because the inmates are not within 60 days of their 50% time-served date. There have been 457 referrals transitioned to the new non-violent offender review process.

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The non-violent offender parole process started on July 1, 2017. There have been 4,416 referrals from July 1 to November 30, 2017, of which 3,327 have reviewed on the merits. SHAFFER stated that 617 inmates have been approved for release and 2,710 denied. The other referrals are within the 30-day written comment period or are pending the Board's jurisdictional review.

As of December 9, 2017, 117 medical parole hearings have been conducted, with an additional 28 that were scheduled and postponed, continued, or cancelled.

From February 11, 2014 to November 30, 2017, there have been 2,407 elderly parole hearings, resulting in 625 grants, 1,589 denials and 193 stipulations to unsuitability. There are no current split votes awaiting the full Board's determination. An additional 1,104 hearings were waived, postponed, continued or cancelled.

BRIAN KELLEY, Acting Chief of the Offender Investigations and Screening Division, stated that Senior Investigator RON FRANTZ is retiring at the end of this month.

#### **Report from Chief Counsel, Jennifer Neill**

NEILL summarized the amendments to the Board's Forensic Assessment Division regulations. The amendments were necessary because of court orders and comments from the Office of Administrative Law. There is a 15-day public comment period and it is anticipated that the regulations will be presented to the full Board in February 2018.

On January 4, 2018, the California Supreme Court will hear oral argument in *Re: Butler*. The court then has 90 days to render its decision.

#### **Report from Chief Deputy of Program Operations, Sandra Maciel**

MACIEL stated that the hearing room renovation project is almost complete. She thanked LISA LUETHY and TODD EGOLF for their work on the project.

#### **Report from Chief Deputy of Field Operations, Rhonda Skipper-Dotta**

SKIPPER-DOTTA stated that the Board has appointed 8 new deputy commissioners.

#### **Report from Chief Psychologist, Forensic Assessment Division, Dr. Cliff Kusaj**

KUSAJ stated that in December 2017, FAD psychologists were assigned 186 comprehensive risk assessments, to be completed in January 2018. All but two of the assessments are for hearings after March 1, 2018. Approximately 90% of the assessments will be completed and distributed at least 60 days before hearings scheduled after March 15, 2018, with about one-third being completed more than 90 days before hearings scheduled after April 15, 2018.

KUSAJ stated that on December 4, 2017, he and Senior Psychologist JASMINE TEHRANI gave a presentation to the Los Angeles County District Attorney's Office.

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**PRESENTATION**

**Successful Community Re-Entry for Older Adults with Serious Mental Illness presented by Dr. Heather Leutwyler, Associate Professor, University of California, San Francisco**  
LEUTWYLER gave a PowerPoint presentation.

**OPEN COMMENTS**

VANESSA NELSON-SLOANE, Life Support Alliance, described the workshops that the organization presents at various institutions. She stated that some inmates are confused about Senate Bill 394 and the elderly parole hearing process. She regretted that sufficient information is not available. She stated that she would welcome the opportunity to discuss Forensic Assessment Division issues with Dr. KUSAJ.

ELLEN YATES, retired psychologist, expressed concerns about some of the proposed Forensic Assessment Division regulations. She stated that recording clinician interviews would be beneficial.

**Meeting recessed at 3:12 p.m.**

**December 19, 2017**

**Meeting called to order at 10:03 a.m.**

**Roll Call:** Commissioners Anderson, Barton, Cassady, Castro, Dobbs, Grounds, Labahn, Montes, Peck, Roberts, Ruff, Taira, and Turner present. Commissioners Chappell and Minor absent.

**EN BANC REFERRALS**

**Referrals by the Governor, pursuant to Penal Code section 4802 to review a regarding a commutation application.**

**A. MOHAMMED, RONNIE H-84354**

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, opposed the commutation application. MICHELLE MARTIN read a letter from the victim, opposing the application.

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**Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence.**

**B. WILLIAMS, LAWRENCE C-20637**

No speakers.

**Referral by the Chief Counsel pursuant to California Code of Regulations, title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety.**

**C. BROWLEY, BRIAN J-68857**

PHYLLIS SHESS, San Diego County District Attorney's Office, recommended ordering a rehearing. CHRISTINE WARD read a letter from the victim, opposing the inmate's release on parole.

**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.**

**D. DANIELS, JEFFREY C-05131**

No speakers.

**Referral by a panel member pursuant to Penal Code section 3041 (a) and California Code of Regulations, title 15 section 2044 (a) to request review of a parole decision by the full Board.**

**E. SPYCHALA, THOMAS B-44248**

Inmate deceased.

**OPEN COMMENTS**

VANESSA NELSON-SLOANE, Life Support Alliance stated that FAD training should be open to the public. She also suggested that an expert panel review of the FAD's work product would be beneficial. She invited commissioners to attend Life Support Alliance's family seminar, to be held on February 24, 2018.

**Meeting adjourned at 10:36 a.m.**



## Board of Parole Hearings Scheduled and Backlog Hearings Report Penal Code Section 3041(d) January 2018

