

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**January 16, 2018**

**Meeting Called to Order at 10:04 a.m.**

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

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

**CONSENT CALENDAR**

Commissioner BARTON moved to approve the consent calendar. Commissioner MONTES seconded the motion, which carried unanimously.

**REPORTS AND PRESENTATIONS**

**Report from Executive Officer, Jennifer Shaffer**

SHAFFER stated that Commissioner TAIRA is leaving the board. He has accepted a position of administrative law judge with another state agency. SHAFFER acknowledged TAIRAs professionalism and dedication to the board and thanked him for his service.

SHAFFER also reported on two recently enacted legislative measures affecting the board, which took effect on January 1<sup>st</sup>. She stated that Assembly Bill 1308, which extends the age of a youth offender to those who committed their controlling offenses prior to the age of 26. SHAFFER stated that a few hearings have been postponed so that the board could have time to prepare a comprehensive risk assessment that reflect youth offender factors. However, many comprehensive risk assessments were prepared with youth offender factors included, in anticipation of the bill going into effect on January 1<sup>st</sup>. Youth offenders under Assembly Bill 1308 who already have a hearing scheduled and whose comprehensive risk assessment does not address the youth offender factors will be given a choice. They may proceed with the hearing without the revised comprehensive risk assessment or postpone the hearing and wait for a comprehensive risk assessment that reflects the youth offender factors.

Under Senate Bill 394, inmates who were under the age of 18 when they committed their controlling offense and who were sentenced to life without the possibility of parole are now eligible for a parole hearing during their 25<sup>th</sup> year of incarceration. The board will begin scheduling these inmates for hearings. It is estimated that there are approximately 262 inmates currently incarcerated who were juveniles when they were sentenced to life without the possibility of parole, however very few of these inmates have served the requisite 24 years. The Board will begin scheduling consultations for those who are within six years of being eligible for a parole hearing.

**Report from Chief Counsel, Jennifer Neill**

NEILL stated that the California Supreme Court heard oral argument in *Butler* on January 4, 2018. The court will render its decision on or before April 4, 2018.

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

In January 2018, FAD psychologists were assigned 290 comprehensive risk assessment, to be completed in February 2018. It is anticipated that 80% will be completed and distributed at least 60 days before hearings scheduled after April 15, 2018 and about 45% will be completed more than 90 days before hearings scheduled after May 15, 2018.

KUSAJ gave a summary of the four-day training event for FAD psychologists, held at the beginning of January 2018. He stated that training provides a forum for FAD psychologists to debrief on recent casework. It enables FAD to review procedures, to strategize solutions to current issues and to ensure that appropriate scientific findings are applied when preparing risk assessments.

**PRESENTATION**

**Waivers, Stipulation, Postponements and Continuances, presented by Staff Attorney Mina Choi**

CHOI gave a PowerPoint presentation and showed several videos.

**EN BANC REFERRALS**

**Referral by the Governor pursuant to Penal Code section 4802 to review a commutation application.**

**A. DIVINCINO, MICHAEL E-84792**

JILL KLINGE, Alameda County District Attorney's Office, spoke on behalf of the Los Angeles County District Attorney's Office. She requested that the matter be continued, to enable a representative from the Los Angeles District Attorney's Office to attend. She stated that the office opposes the application.

**B. GIBSON, GREGORY E-10798**

THOMAS MAGUIRE, Catholic priest, and RAY LEONARDINI, inmate's friend, supported the application for commutation of sentence.

JILL KLINGE, Alameda County District Attorney's Office, requested a continuance on behalf of the Los Angeles County District Attorney's Office and recorded its opposition to the application.

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**C. JORDAN, JOAQUIN J-27227**

MARY HAWKINS, inmate's aunt, NANDI CROSBY-JORDAN, inmate's wife, and ASHLEY BAKER, KAREN HEIL, GAIL MARIE ERLANSON and BRUCE MORESE, inmate's friends, supported the application.

JILL KLINGE, Alameda County District Attorney's Office, requested a continuance on behalf of the Los Angeles County District Attorney's Office and recorded its opposition to the application.

**D. TEVENAL, CARLOS D-38667**

JILL KLINGE, Alameda County District Attorney's Office, requested a continuance, on behalf of the San Diego County District Attorney's Office and read an opposition letter from the office. She read an opposition letter from the victim, MIGUEL ANGEL RIVERA.

**OPEN COMMENTS**

VANESSA NELSON-SLOANE, Life Support Alliance, stated that some inmates were selected for transfer to Pelican Bay State Prison, expecting to be able to participate in a new lifer program. She expressed concern that the program has not started, that jobs are not available, and that family visiting has proven difficult. She also congratulated Commissioner RUFF on his confirmation and stated that the Division of Adult Parole Operations will be holding a peer reentry meeting on January 29, 2018.

ELLEN YATES regretted that the FAD training is not open to the public.

**Meeting adjourned at 12:02 p.m.**



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

