



**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, June 18, 2018**

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 May 14 and 15, 2018 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for June 2018
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
 - Visit with Connecticut Board of Parole and Pardons
 - Commissioner Appointment
7. Report from Chief Counsel
 - Update on *In re Butler*
8. Report from Chief Deputy of Program Operations
 - Gate Clearance

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.

9. Report from Chief Psychologist, Forensic Assessment Division

- Risk Assessment Workload Update

PRESENTATIONS

10. New Audio Recording Software and Equipment, presented by Travis Stratton, Staff Services 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, JUNE 19, 2018

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CLOSED SESSION
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1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: Upon recess of public session

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:

1. *Armstrong v. Brown* (N.D. Cal., Case No. C-94-2307-CW) (pending), presented by Jennifer Neill, Chief Counsel
2. *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

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.)

Issues:

1. Addressing Dismissed and Pending Rules Violation Reports, presented by Jennifer Neill, Chief Counsel
2. Implementation of Senate Bill 394, presented by Jennifer Neill, Chief Counsel
3. Consistent Application of the *In re Lawrence* Standard, presented by Jennifer Neill, Chief Counsel

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CLOSED SESSION
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1515 K Street
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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.)

Issues:

1. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Assistant Chief Counsel
2. *Tony Rackauckas, et al. v. State of California, et al.*, Orange County Superior Court, Case No. 30-2018-00985610-CU-WM-CJC, presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Assistant Chief Counsel

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OPEN SESSION

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1515 K Street
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Suite 550
Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

MEETING RECONVENED (Continued from June 18, 2018)

13. Roll Call

EN BANC REFERRALS

14. 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. THOMPSON, K-34707
TIMOTHY
Sentencing Court:
Los Angeles

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

B. BREWER, CHARLES K-47196
Sentencing Court:
Los Angeles

~~C. COKER, CLAUDE AH-5867~~ Inmate deceased
Sentencing Court:
Orange

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D. ~~DAVIS, ALBERT~~ **F-49429** Inmate deceased
Sentencing Court:
Sacramento

E. MELENDEZ, ANGELO **AC-2197**
Sentencing Court:
San Joaquin

16. Referral by a hearing panel member pursuant to Penal Code section 3041(a)(5) and California Code of Regulations, title 15, section 2044(a) 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.

F. CORVERA, **WE-9660**
BERNADETTE
Sentencing Court:
Los Angeles

17. 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).

G. VASQUEZ, PHILLIP **P-02770**
Sentencing Court:
Los Angeles

OPEN COMMENTS

18. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board, however, 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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