



# **AGENDA**

## **BOARD OF PAROLE HEARINGS**

### **Executive Board Meeting**

**MONDAY, JUNE 17, 2019**

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 this facility may be subject to research. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

BPH Agenda Webpage: <https://www.cdcr.ca.gov/bph/meeting-agenda/>

### **OPEN SESSION**

(All times and the order of business are approximate and subject to change)

#### **START TIME: 1:00 p.m.**

1515 K Street  
Suite 550  
Executive Board Meeting Room  
Sacramento, California 95814

### **MEETING CALLED TO ORDER**

1. Roll Call

### **CONSENT CALENDAR**

2. Approval of the Draft Minutes from the May 20-21, 2019 Board of Parole Hearings Executive Meetings.
3. Approval of the Parole Suitability Hearings and Backlog Report for June 2019.
4. Approval of Motion 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
  - Chief Counsel Departure
  - Acting Chief Counsel
7. Report from Chief Deputy of Program Operations
  - Statewide Gate Clearance
8. Report from Chief Psychologist, Forensic Assessment Division
  - Outreach
  - New Forensic Assessment Division Psychologist

## **PRESENTATIONS**

9. Risk Assessment and Parole Considerations of Long-Term Incarcerated Sex Offenders, presented by Dr. James Rokop, Chief Psychologist, Department of State Hospitals.

## **10. 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 18, 2019**

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**

**MONDAY, JUNE 17, 2019**

**CLOSED SESSION**

(All times and the order of business are approximate and subject to change)

**START TIME: Upon Recess of Public Session**

1515 K Street  
Executive Board Meeting Room  
Sacramento, California 95814

**Discussion**

**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**

1. Hearing Structure and Articulating a Decision Under the Structured Decision Making Framework, Presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Acting Chief Counsel.

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**

**TUESDAY, JUNE 18, 2019**

**CLOSED SESSION**

(All times and the order of business are approximate and subject to change)

**START TIME: 9:00 a.m.**

1515 K Street  
Executive Board Meeting Room  
Sacramento, California 95814

**Discussion**

**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**

2. *In re McGhee* (2019) 34 Cal.App.5th 902, presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Acting Chief Counsel
3. *In re Palmer* (2019) 33 Cal.App.5th 1199, presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Acting Chief Counsel



# **AGENDA**

## **BOARD OF PAROLE HEARINGS Executive Board Meeting**

**TUESDAY, JUNE 18, 2019**

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### **OPEN SESSION**

(All times and the order of business are approximate and subject to change)

#### **START TIME: 10:00 a.m.**

1515 K Street  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

### **MEETING RECONVENED (Continued from June 17, 2019)**

13. Roll Call

### **EN BANC REFERRALS**

14. 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.

#### **A. GARRETT, ROBERT**

**V39449**

Sentencing Court: Lake

15. 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.

**B. BRAGG, VERNON**

**D04720**

Sentencing Court: Sonoma

**The Board to consider whether the proposed decision complies with In re Lawrence (2008) 44 Cal.4th 1181.**

**C. BROOKS, HAROLD**

**B74384**

Sentencing Court: San Francisco

**The Board to determine whether the denial length should be modified from five years to three years to ensure the Board's decisions are consistent and uniform under California Code of Regulations, title 15, section 2042.**

**D. HILL, PIERCE**

**B95683**

Sentencing Court: Los Angeles

**The Board to consider whether the proposed decision complies with In re Lawrence (2008) 44 Cal.4th 1181.**

**E. WARE, ALLEN**

**B79382**

Sentencing Court: Los Angeles

**The Board to consider new information regarding a January 8, 2019 support letter improperly placed in Mr. Ware's central file.**

16. 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.

**F. CLABORN, JERRY**

**C04455**

Sentencing Court: Los Angeles

**G. FOSTER, JEREMY**

**P07030**

Sentencing Court: Humboldt

**H. KENNEDY, SEAN**

**K26619**

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).

**I. CLIFFORD, ANTHONY**

**E84740**

Sentencing Court: Los Angeles

**J. SERMENO, MICHAEL**

**P52669**

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. 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 for the above cases 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 Website at the following address: <https://www.cdcr.ca.gov/bph/enbanc/>

**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**