



AGENDA

BOARD OF PAROLE HEARINGS

Executive Board Meeting

MONDAY, JANUARY 14, 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 December 17 and 18, 2018 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for January 2019.
4. Approval of Motions for Hearings with Procedural Errors.

A. MARTINEZ, SERGIO

H48201

Sentencing Court: Los Angeles

Motion: Vacate the panel's December 11, 2018 decision and schedule a new hearing in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

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
 - Stakeholders Meeting on ~~January 21, 2019~~ February 4, 2019
 - Implementation of AB 2845
 - Indeterminately-Sentenced Nonviolent Offenders
7. Report from Chief Counsel
 - Youth Offender Regulations
8. Report from Chief Deputy of Program Operations
 - Email Notifications to District Attorneys
9. Report from Chief Psychologist, Forensic Assessment Division
 - Training for Forensic Assessment Division Psychologists
 - New Staff

PRESENTATIONS

10. Accommodations Available for Hearing-Impaired Inmates at Parole Hearings, Presented by Daniel Moeller, Associate Chief Deputy Commissioner.
11. Lifer Housing in San Diego, Presented by Ryan Youtsey, Parole Administrator (A), Division of Adult Parole Operations, CDCR.

OPEN COMMENTS

12. BPH Commissioners – Agenda Items for Future Meetings
13. 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, JANUARY 15, 2019

BOARD OF PAROLE HEARINGS
Executive Board Meeting

MONDAY, JANUARY 14, 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. Recommendations Regarding Inmate Housing on Non-Designated Yards, Presented by Connie Gipson, Deputy Director, Facility Operations, Division of Adult Institutions, and Jennifer Neill, Chief Counsel
2. Articulating Decisions Involving Youth Offenders, Presented by Jennifer Neill, Chief Counsel, and Heather McCray, Assistant Chief Counsel

BOARD OF PAROLE HEARINGS
Executive Board Meeting

TUESDAY, JANUARY 15, 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 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

1. *Adams v. Board of Parole Hearings Executive Officer, et al.*, San Joaquin County Superior Court No. STK-CV-UCR-2018-0003516, Presented by Jennifer Neill, Chief Counsel



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BOARD OF PAROLE HEARINGS Executive Board Meeting

TUESDAY, JANUARY 15, 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 January 14, 2019)

14. Roll Call

EN BANC REFERRALS

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.

A. FOSSINGER, DANNY

E77997

Sentencing Court: Los Angeles

The Board to consider new information regarding alleged institutional misconduct on November 19, 2018

B. HARDIMAN, CESAR

H02971

Sentencing Court: Los Angeles

The Board to consider new confidential information dated January 3, 2019.

C. KAZAS, CHRISTOPHER

T50271

Sentencing Court: Sonoma

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

D. QUIROZ, CRESENCIO

C43624

Sentencing Court: San Bernardino

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

E. THOMAS, KEVIN

K60056

Sentencing Court: Alameda

The Board to consider whether the proposed decision complies with *In re Lawrence* (2008) 44 Cal.4th 1181 and Penal Code sections 3051 and 4801(c).

F. TRAN, KIET

K73553

Sentencing Court: San Joaquin

The Board to consider whether the panel properly granted a waiver in accordance with California Code of Regulations, title 15, section 2253.

G. WILLIAMS, DARRELL

T84485

Sentencing Court: Contra Costa

The Board to consider new information regarding alleged institutional misconduct on December 21, 2018.

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.

H. SPRAGUE, AARON

H42130

Sentencing Court: Kings

OPEN COMMENTS

17. 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