



CONSENT CALENDAR

BOARD OF PAROLE HEARINGS

Executive Board Meeting

January 14 & 15, 2019

Meeting Called to Order at: 1:04 p.m.

Roll Call: Commissioners Anderson, Barton, Cassady, Castro, Chappell, Dobbs, Labahn, Long, Minor, Roberts, Ruff, Sharrieff, Schneider, and Taira are present. Commissioner GROUNDS not present.

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CONSENT CALENDAR

Commissioner ANDERSON stated one case contained a procedural error, Sergio Martinez, H48201.

Commissioner DOBBS moved to approve the consent calendar. Commissioner ROBERTS seconded the motion, which carried unanimously.

REPORTS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that there was a typographical error on the agenda. The stakeholders meeting posted on the agenda for January 21, 2019 will actually be held on February 4, 2019. The agenda for the stakeholders meeting and call-in information will be sent to all interested parties.

SHAFFER stated that Assembly Bill 2845 is legislation that took effect January 1, 2019 concerning pardons and commutations of sentence. The legislation requires the Board to send applicant's notice when their Certificate of Rehabilitation is received from a superior court. Certificates of Rehabilitation are considered applications for a full pardon. The Board will notify the applicant that we have received their Certificate of Rehabilitation. The bill also requires the Board to review the application and make a recommendation to the Governor within one year.

Currently, the pardon and commutation of sentence process is a paper process at the Board. The Board plans to develop and deploy functionality in the Board's Information Technology System to automate the process so we will be able to more easily track and assign cases. However, it is not likely the new functionality will be ready until this summer. Until then, we will send notices and track cases manually. The bill also requires superior courts to post applications for Certificates of Rehabilitation on their websites and for the Board to provide sample forms for the courts. The Board has reviewed the existing form, made some updates and will be making it available to the courts soon. We will also be updating the Board's website to include more information about the pardon and commutation of sentence processes and will make the sample forms available there too. At this time we anticipate that the Board will be able to meet all the statutory mandates imposed by AB 2845.

SHAFFER also stated that emergency regulations implementing a parole process under Proposition 57 for indeterminately-sentenced nonviolent offenders were approved by the Office of Administrative Law and went into effect on January 1, 2019. The regulations are posted on CDCR's website under the link "Proposition 57." Inmates sentenced to a term of life with the possibility of parole for a nonviolent offense and who have no violent convictions associated with their current term of imprisonment will be eligible for possible referral to the Board for a parole hearing once they have served the full term of their primary offense. Inmates must pass public safety screening criteria before they can be referred to the Board for a hearing. The public safety screening criteria is behavior-based and similar to the public safety screening criteria used for the existing Proposition 57 parole review process for determinately-sentenced inmates. Inmates who do not pass the public safety screening criteria will be screened annually until they pass the screening or reach their Minimum Eligible Parole Date or their Elderly Parole Eligible Date, whichever is earliest.

Case records staff will begin screening inmates for eligibility and calculating their Nonviolent Parole Eligible Dates this month. The Board has until the end of 2020 to schedule hearings for all inmates who are eligible for a hearing under the regulations, who have served 20 years, and who were within 5 years of their MEPD (as of January 1, 2019). The Board has until the end of 2021 to schedule all other inmates whose NPEDs are prior to the end of 2021.

We anticipate the first hearings will be scheduled in June of this year. It is estimated there will be about 2,000 inmates immediately eligible for a hearing. This is in addition to the approximately 1,800 youth offender hearings the Board must schedule by the end 2021. As a result, the Board will experience an unprecedented number of hearings to schedule over the next few years. We are working on several initiatives to address the increased workload, from more efficient scheduling practices to processes to expedite and shorten the length of parole hearings without compromising public safety. We will provide updates on these endeavors at our monthly executive Board meetings and through statewide stakeholder meetings and emails.

Report from Chief Counsel, Jennifer Neill

NEILL stated the Board’s youth offender regulations have been filed and the public comment period remains open until February 14, 2019.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL was not able to attend in person. Executive Officer SHAFFER stated the cost to send first class mail is increasing to 50 cents per envelope and the Board is exploring the possibility of sending parole hearing notices to district attorneys via email. Electronic notification to district attorneys would save the Board several thousand dollars annually. The Board is working with the California District Attorneys Association on this issue.

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

KUSAJ recognized the promotion of FAD psychologists Dr. Stacy Thacker and Dr. Craig Lareau to supervising Senior Psychologists effective January 1, 2019.

KUSAJ also announced the hiring of 10 new psychologists: WES BETTGER, KIM MISCIA, KARI GLENN BEATTY, ANGELINA ENOS, RACHEL (LATTER) STIEFERMAN, KAYLEENA ELLINS, JENNIFER SOARES, KIM GHOSOPH, STEPHANIE HAMM and ROB KORANDA.

DISCUSSION ITEMS

LINDSEY, KELLY (T-45799)

Commissioner ANDERSON asked if there were any questions from the Board regarding the discussion item Kelly Lindsey, T45799.

NEILL stated that this case was added to this month’s agenda. The Governor acted timely to refer the case to the full Board, but the referral was inadvertently omitted from the original agenda.

Commissioner CHAPPELL moved to approve and the motion was seconded by Commissioner RUFF. The motion carried unanimously.

PRESENTATIONS

Accommodations Available for Hearing-Impaired Inmates at Parole Hearings, presented by Daniel Moeller, Associate Chief Deputy Commissioner and Associate Governmental Program Analyst, Theresa Barker.

MOELLER and BARKER gave of the PowerPoint presentation.

Lifer Housing in San Diego, presented by Ryan Youtsey, Parole Administrator (Acting), Division of Adult Parole Operations, CDCR, Jessica Fernandez Staff Services Manager II with the Division of Rehabilitative Programs, and Joan Bys, Parole Administrator I.

YOUTSEY, FERNANDEZ and BYS gave a PowerPoint presentation.

SHAFFER noted that if inmates have parole plans for a privately-funded transitional housing program, the panels should note it in their decisions. SHAFFER also stated the

Board received several complaints when parolees were moved from the state-sponsored transitional housing program in San Diego and that the Board wants the public to know that the reason they were moved was because the state determined the living conditions at the program were not satisfactory and were out of compliance with the contract.

Commissioner BARTON asked if statistics were kept on the outcome of parolees placed in transitional housing programs and would be interested in reviewing them.

Parole Administrator, YOUTSEY indicated those statistics exist and that he would provide those numbers for review.

OPEN COMMENTS

Commissioner ANDERSON asked if any member of the Board had a request for an agenda item. None heard.

PUBLIC COMMENTS

VANESSA NELSON SLOANE, Life Support Alliance, asked that the panel explain at parole hearings that inmates are not allowed to look at victims while in the hearing room. Also stated, was the concern inmates have when addressing errors in a Probation Officers Report (POR) and the process for correcting those errors; that deaf inmates should be provided an interpreter that is not a prison staff employee; and that the public should be able to attend the annual FAD training.

JAMES JORDAN, Mountain Manor Senior Residence located in Sacramento, stated this facility provides services and care for medical parolees.

Meeting recessed at 2:13 p.m.

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Consent Calendar

January 15, 2019

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Roll Call: Commissioners Anderson, Barton, Cassady, Castro, Chappell, Dobbs, Labahn, Long, Minor, Roberts, Ruff, Sharrieff, Schneider, and Taira, Commissioner GROUNDS absent.

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

EN BANC REFERRALS

Referrals 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.

**A. FOSSINGER, DANNY
E77997**

DONNA LEBOWITZ, Los Angeles District Attorney's Office recommended a rescission hearing.

**B. HARDIMAN, CESARI
H02971**

REBECCA RABKIN, associate, Law Office of Charles Carbone, and LATASHA JONES, family member, opposed a recession hearing.

DONNA LEBOWITZ, Los Angeles District Attorney's Office recommended a recession hearing.

**C. KAZAS, CHRISTOPHER
T50271**

CAMILLE HEDGES inmates' sister and MS. DUNAM, inmates' mother, supported a request for a new hearing.

**D. QUIROZ, CRESENCIO
C43624**

No speakers.

**E. THOMAS, KEVIN
K60056**

MINNIE STRINGER, aunt of inmate requested a new hearing.

JILL KLINGE, Alameda County District Attorney's Office opposed a new hearing.

KEITH WATTLEY, Uncommon Law requested a new hearing.

**F. TRAN, KIET
K73553**

No speakers.

**G. WILLIAMS, DARELL
T84485**

No speakers.

Referrals from the Governor under Penal Code section 3041.1.

**H. SPRAGUE, AARON
H42130**

ALISON HARDY, ALEXIS HOFFMAN, and RITA LOMIO, Prison Law Office, all requested a new hearing.

STEVEN SPRAGUE, step-father, and DIAN SPRAGUE, mother, supported the request for a new hearing.

**I. LINDSEY, KELLY
T45799**

TATE DAVIS, Sacramento County District Attorneys' Office opposed a new hearing.

OPEN COMMENTS

VANESSA NELSON SLOANE, Life Support Alliance, stated that LSA has received feedback from surveys regarding representation by state-appointed attorneys. Feedback includes topics such as: time spent with inmates, comprehension about CRA's, suggestions to stipulate at the recommendation of the panel members, and conditions of parole surrounding the legalization of marijuana. The Board is invited to attend LSA's family seminars for dates in March and April.

Meeting adjourned at 10:52 a.m.



Board of Parole Hearings Scheduled and Backlog Hearings Report Penal Code Section 3041(d) February, 2019

