



# **CONSENT CALENDAR**

## **BOARD OF PAROLE HEARINGS**

### **Executive Board Meeting**

**May 20 & 21, 2019**

**Meeting Called to Order at: 1:03 p.m.**

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

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

### **CONSENT CALENDAR**

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

### **REPORTS**

#### **Report from Executive Officer, Jennifer Shaffer**

SHAFFER stated that, on April 29 and 30, 2019, the Board held training on the new structured decision-making framework. The process has been used at some recent hearings and the preliminary feedback has been positive. The consensus appears to be that hearing outcomes have not been impacted, but that the hearings are more focused and are being conducted more efficiently. SHAFFER welcomed input from stakeholders as the process continues to develop.

A conference call with stakeholders took place on May 6, 2019, when the structured decision-making process was discussed.

#### **Report from Chief Counsel, Jennifer Neill**

NEILL gave an update on recent case law. In *re: Gadlin*, the Board has petitioned for review in the California Supreme Court. In *re: Palmer*, the respondents have filed their answering brief. The Court of Appeals, in *re: McGhee*, invalidated the department's use of public safety screening criteria in the nonviolent offender parole review process. The state is considering whether to appeal the decision to the California Supreme Court. In *re: Kennedy*, the Superior Court held that credits must be applied to inmates' nonviolent parole eligible date. The decision has been stayed, pending appeal.

**Report from Chief Deputy, Field Operations, Rhonda Skipper-Dotta**

SKIPPER-DOTTA, Associate Chief Deputy Commissioners MICHAEL GUNNING, SHANNON HOGG and KELLY FOWLER introduced seven recently-appointed deputy commissioners.

**PRESENTATIONS**

**The Anti-Recidivism Coalition's Hope and Redemption Team, presented by Sam Lewis, Director of Inside Program, Anti-Recidivism Coalition**

LEWIS gave a PowerPoint presentation.

**2018 Report of Significant Events, presented by Executive Officer, Jennifer Shaffer**

SHAFFER summarized the 2018 Report of Significant Events.

**OPEN COMMENTS**

JAMES SHOWALTER, CLAUDELL MARTIN, CUONG HOANG, ROBERTO LUCA, OZELL JOHNSON and JUAN CORDOZA, former lifer inmates, described their post-release experiences.

KEITH WATTLEY, UnCommon Law, commended LEWIS' work with inmates and former inmates. He noted that 78% of scheduled hearings do not result in a grant and expressed concern that many hearings result in postponements, stipulations and waivers. He encouraged the Board to address the issue of ineffective hearings. WATTLEY hoped that the structured decision-making framework will lead to more consistent decisions. He raised the question of whether the framework should be incorporated in regulations.

MARC NORTON, attorney, stated that a recent hearing panel, when denying parole to his client, had recommended that the inmate study Senate Bill 260 and reflect on the relevance of the hallmark features of youth to his case.

VANESSA NELSON-SLOANE, Life Support Alliance, welcomed the Board's outreach efforts regarding the structured decision-making framework. She stated that many inmates do not understand the new process and she hoped that the Board will expand the information available to inmates, attorneys and the Division of Adult Parole Operations.

**Meeting recessed at 2: 38 p.m.**

# **BOARD OF PAROLE HEARINGS**

## **Consent Calendar**

**May 21, 2019**

**Meeting Called to Order at: 10:02 a.m.**

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

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

### **EN BANC REFERRALS**

**Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence.**

**A. GOLDTHREAD, ROBERT  
V06673**

No speakers.

**B. TORRES, TONY I  
J56938**

DENISE PRADO, SELENA PRADO, victim's daughters, and LENA ORTEGA, victim's widow, opposed a recommendation for recall of sentence.

**Referral by Chief Counsel, pursuant to Penal Code section 3041(b) and California Code of Regulations, title 15, section 2042, to ensure complete, accurate, consistent and uniform decisions and the furtherance of public safety.**

**C. BELLINGER, ISAAC  
C19584**

PHYLLIS MARSHALL, inmate's attorney, recommended ordering a re-hearing.

**D. COX, LEVERT  
D94234**

STEVE DEPHILIPPIS, inmate's attorney, recommended ordering a re-hearing.

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, opposed ordering a re-hearing.

**Referral to consider a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq.**

**E. LOPEZ, PETER  
F23242**

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

**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.**

**F. ARIAS, JORGE  
P95664**

VANESSA NELSON-SLOANE referred to the letter of ELIZABETH COMEAU, inmate's attorney, which opposed ordering a rescission hearing.

CONNIE LASKY, San Bernardino County District Attorney's Office, recommended ordering a rescission hearing.

**G. GARCIA, JOSE  
V40926**

No speakers.

**H. MEDINA, ANGEL  
F04315**

RON WELLS, Fresno County District Attorney's Office, recommended ordering a rescission hearing.

**I. SHANNON, JEFFREY  
K52769**

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

**Referral, pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote.**

**J. JOHNSON, AMOS  
E70327**

No public comment permitted.

**K. MORRIS, LONNIE  
B95677**

No public comment permitted.

### **OPEN COMMENTS**

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, expressed concern that the structured decision-making framework gives insufficient weight to an inmate's implausible denial of the life crime and to his or her lack of remorse. She submitted that the framework should be incorporated in regulations.

VANESSA NELSON-SLOANE, Life Support Alliance, expressed concern that many inmates do not receive notice that their case has been referred en banc. She stated that many correctional counselors are ill-informed about the en banc referral procedure. NELSON-SLOANE suggested that the Board draft an information memorandum, to be circulated in the institutions.

KEITH WATTLEY, UnCommon Law, welcomed NELSON-SLOANE's suggestion. He submitted that the structured decision-making framework addresses the issue of remorse appropriately. Under California Code of Regulations, title 15, section 2402, an inmate's remorse is a suitability factor. The regulations do not state that absence of remorse is an unsuitability factor.

**Meeting adjourned at 10:56 a.m.**



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

