



CONSENT CALENDAR

BOARD OF PAROLE HEARINGS

Executive Board Meeting

February 19 & 20, 2019

Meeting Called to Order at: 1:01 p.m.

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

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

CONSENT CALENDAR

Commissioner CASSADY moved to approve the consent calendar. Commissioner DOBBS seconded the motion, which carried unanimously, with Commissioner GROUNDS abstaining.

REPORTS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that she and Chief Deputy, Offender Investigations and Screening Division, BRIAN KELLEY, met with statewide leadership from the Division of Adult Parole Operations, as part of the Board's continuing outreach efforts.

SHAFFER stated that the Board successfully deployed new information technology functionality to allow CDCR, Case Records Division staff, to screen indeterminate-sentenced, nonviolent offenders under Proposition 57 and the *Edwards* decision. As of January 31, 2019, 470 inmates have been referred to the Board under the program. Parole eligible dates calculated under Proposition 57 for these inmates are not yet displayed on CDCR's web-based "inmate locator" search engine. The Board is working to develop the necessary functionality to display those dates.

SHAFFER gave an update on the structured decision-making framework currently being developed for the Board's parole hearing process.

SHAFFER stated that the Board, as part of implementing Assembly Bill 2845, will post on its website a summary of the pardon and commutation process. Tracking systems are in place for any Certifications of Rehabilitation received from the courts under Assembly Bill 2845.

Report from Chief Counsel, Jennifer Neill

NEILL stated that the California Supreme Court has granted the State's petition in *In re Palmer*. The State's opening brief is due on March 18, 2019. The Court ordered the Court of Appeal's decision de-published.

NEILL stated that the Court in *In re Gadlin* court held that determinately sentenced nonviolent inmates, not currently serving a sentence for a sex offense, may be eligible for parole review under Proposition 57. The state is considering whether to appeal the decision.

Report from Chief Deputies of Program Operations, Sandra Maciel

MACIEL gave an overview of the status of hearings resulting from commutations granted by Governor Brown in 2018. In March, 2018, 14 commutations were granted and hearings have been held for all but one, which was postponed by the inmate and rescheduled for April. In August 2018, the Governor granted 31 commutations; 25 hearing have been conducted and an additional two are scheduled. In November 2018, 53 inmates were granted commutations, hearings for all but eight have been scheduled. In December 2018, the Governor granted 131 commutations for which three hearings have been conducted, 100 have been scheduled, and 28 remain to be scheduled.

SHAFFER stated that the scheduling process of scheduling hearings for determinately-sentenced inmates who were granted commutations has been difficult and has required changes to the Board's electronic scheduling system. The cases are being tracked and SHAFFER stated that all inmates will be scheduled for a hearing.

Report from Chief Administrator, Offender Investigations and Screening Division, Brian Kelley

KELLEY stated that the Board continues to implement Assembly Bill 2845. New sample forms for Certificates of Rehabilitation have been posted on the Board's website. Certificates of Rehabilitation sent to the Board from courts are currently scanned and uploaded into the Board's correspondence tracking system. To date, the Board has received 69 certificates and has provided notice that the certificates have been received to all 65 applicants. The Board is working with the Governor's Office to establish criteria for reviewing Certificates of Rehabilitation, as required by Assembly Bill 2845.

OPEN COMMENTS

JANICE BELUCCI, attorney with the Alliance for Constitutional Sex Offense Laws, described the organization's work and offered to give a presentation to the Board.

VANESSA NELSON-SLOANE, Life Support Alliance, stated that the organization has presented its *Connecting the Dots* program at several institutions. Many inmates have described difficulties in receiving programming at the institutions. There have also been difficulties with the CCCMS program. NELSON-SLOANE suggested that inmates who have participated in canine training programs should be allowed to bring their dogs to hearings.

Meeting recessed at 1:28 p.m.

BOARD OF PAROLE HEARINGS

Consent Calendar

February 20, 2019

Meeting Called to Order at: 10:02 p.m.

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

Commissioner MINOR 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. HULSE, TERRY
J40271**

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, opposed a recommendation for recall of sentence.

**B. MCCRUMB, WILLIAM
AW3397**

No speaker.

**C. WHITE, JOSEPH
AK3192**

No speaker.

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

**D. COBB, JERRY
J57654**

PHYLLIS SHESS, San Diego County District Attorney's Office, recommended ordering a rehearing.

**E. LEE, JAMES
D81193**

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

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

**F. BOUNGERT, MACY
V37068**

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.

**G. ALLEN, TERRELL
J73999**

KONY KIM, inmate's attorney, and MONICA WILLIAMS, victim, opposed
ordering a rescission hearing.

PHYLLIS SHESS, San Diego County District Attorney's Office, recommended
ordering a rescission hearing.

**H. DEMENDOZA, GENE
AS7606**

No speakers.

**I. GOINS, LEE
D96901**

ALLISON LOPEZ, inmate's friend, opposed ordering a rescission hearing.

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

**J. HASTINGS, NICK
C70679**

AARON WEST, Santa Clara County District Attorney's Office, recommended
ordering a rescission hearing.

K. HOLICHECK, JERRY
K40555

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

L. LONG, JEFFREY
K13513

KAREN LONG RHEIN, inmate's wife, MILES BLANPIED, inmate's stepson, MICHAEL RHEIN inmate's brother-in-law, RAPHAEL HOCH, AMY JAMGOCHIAN,

ALLISON LOPEZ, DON OSHEROFF, OLGA TKACHENKO, inmate's friends, and KEITH WATTLEY, inmate's attorney, opposed ordering a rescission hearing.

M. LOPEZ, MIGUEL
H89076

PHYLLIS SHESS, San Diego County District Attorney's Office, recommended ordering a rescission hearing.

N. LOPEZ, PETER
F23242

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

O. POPE, WILLIE
H08146

CRYSTAL BAILEY, inmate's wife and SHQUITA POPE, inmate's sister, opposed ordering a rescission hearing.

P. RODRIGUEZ, SABASTIAN
K49788

DONNA LEBOWITZ, Los Angeles County District Attorney's Office, recommended ordering a rescission hearing and read and opposition letter from ANTONIO RIVERA. AARON WEST read an opposition letter from JIM SMITH

**Q. SHADDEN, RENO
T04154**

No speakers.

**R. SMITH, JESSIE
K14266**

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

**S. SOLORIO, ARTURO
P31343**

MICHAEL CITRIN, Post-conviction Justice Project, opposed ordering a rescission hearing.

**T. WHITE, NAILAH
WE7881**

MAYISHA HOOK-AKBAR, inmate's mother, opposed ordering a rescission hearing.

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

**U. WHITE, RODERICK
C29271**

KIMBERLY WHITE, inmate's wife, MICHAEL TARVER, inmate's brother and DIAN LETERTE, inmate's attorney, opposed ordering a rescission hearing.

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

OPEN COMMENTS

VANESSA NELSON-SLOANE, Life Support Alliance, expressed concern at the late notification given to some inmates of an en banc referral.

Meeting adjourned at 12:16 p.m.



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

