



AGENDA

BOARD OF PAROLE HEARINGS

Executive Board Meeting

MONDAY, JULY 15, 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 search. 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 June 17 and 18, 2019 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for July 2019.
4. Approval of Motions 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
 - A. Outreach
 - B. Website Accessibility
 - C. Introduction of New Chief Counsel
7. Report from Chief Counsel
 - D. Introduction of New Staff Attorneys
8. Report from Chief Deputy of Field Operations
 - E. Introduction of New Associate Chief Deputy Commissioner
9. Report from Chief Deputy, Offender Investigations and Screening Division
 - F. Introduction of New Parole Agents

PRESENTATIONS

10. Non-Violent Parole Processes Under *In re McGhee* (2019) 34 Cal.App.5th 902, Presented by Jennifer Shaffer, Executive Officer.

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, JULY 16, 2019

BOARD OF PAROLE HEARINGS
Executive Board Meeting

MONDAY, JULY 15, 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, subdivision (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.)

Issues

1. Current Safety and Security Issues in the Institutions, Presented by Secretary Ralph Diaz, CDCR, Undersecretary Kathleen Allison, CDCR, and Tiffany Shultz, Assistant Chief Counsel, BPH.
2. Hearing Structure and Articulating a Decision Under the Structured Decision Making Framework, Presented by Jennifer Shaffer, Executive Officer, Jessica Blonien, Chief Counsel, and Tiffany Shultz, Assistant Chief Counsel.

BOARD OF PAROLE HEARINGS
Executive Board Meeting

TUESDAY, JULY 16, 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, subdivision (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. Youth Offender Consideration Under *In re Palmer* (2018) 27 Cal.App.5th 120, review granted January 16, 2019, S252145, Presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Assistant Chief Counsel.



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

TUESDAY, JULY 16, 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 search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

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 July 15, 2019)

13. Roll Call

EN BANC REFERRALS

14. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. SAM, THEAR

K92440

Sentencing Courts: San Luis Obispo and Los Angeles

B. REYNOLDS, CURTIS

N71987

Sentencing Courts: Yolo and Sacramento

15. Referral by the Governor pursuant to Penal Code section 4802 to review a commutation application. Members of the public may address the Board for a period not to exceed five (5) minutes.

C. PIERCE, CEDRIC

J24758

Sentencing Court: Santa Clara

D. FLORES, ESDVIN

K36891

Sentencing Court: Los Angeles

16. Referral pursuant to Penal Code section 1170, subdivision (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.

E. DUTY, ROBERT

K74606

Sentencing Court: Siskiyou

17. Referral by the Chief Counsel pursuant to Penal Code section 3041, subdivision (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.

F. DEALBA, DANIEL

AP6710

Sentencing Court: Los Angeles

The Board to consider new information regarding Mr. Dealba's alleged institutional misconduct on June 25, 2019.

G. EDMUND, ANDRE

H72419

Sentencing Court: Los Angeles

The Board to determine whether the denial length of seven years should be modified to ensure the Board's decisions are consistent and uniform under California Code of Regulations, title 15, section 2042, and to consider whether the proposed decision is consistent with Penal Code sections 3051 and 4801, subdivision (c).

H. RICHARDS, MICHELLE

W63146

Sentencing Court: San Diego

The Board to consider new confidential information dated June 14, 2019.

~~**I. VIDAL, RANDY**~~

~~**C64227**~~

~~Sentencing Court: Santa Clara~~

~~**The Board to consider new information regarding Mr. Vidal's alleged institutional misconduct on June 26, 2019.**~~

18. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044, subdivision (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.

J. FARARJI, SHADI

P50386

Sentencing Court: Orange

K. GRAVELY, REGINALD

BB8330

Sentencing Court: Riverside

L. HENDRIX, NATHAN

BA2652

Sentencing Court: Butte

M. RICHARDS, MICHELLE

W63146

Sentencing Court: San Diego

N. SALCEDO, ALBERTO

K56293

Sentencing Court: Los Angeles

O. SAVAGE, JUSTIN

V28475

Sentencing Court: San Diego

P. THERMIDOR, STANLEY
P19344
Sentencing Court: Orange

Q. WATSON, STEPHEN
G24160
Sentencing Court: Fresno

19. Referral pursuant to Penal Code section 3041 when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041, subdivision (e).

R. PEREZ, ROSALIO
P39666
Sentencing Court: Los Angeles

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, subdivision (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