



# **AGENDA**

## **BOARD OF PAROLE HEARINGS** **Executive Board Meeting**

**MONDAY, OCTOBER 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 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  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

### **MEETING CALLED TO ORDER**

1. Roll Call

### **CONSENT CALENDAR**

2. Approval of the Draft Minutes from the September 16 and 17, 2019 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for October 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
  - Introduction of New Commissioner
  - Panel Attorneys Update
  - Stakeholders Meeting
  - Legislative Update
7. Report from Chief Deputy of Field Operations
  - Introduction of New Administrative Law Judges
8. Report from Chief Deputy of Offender Investigations and Screening Division
  - Update on the Implementation of Assembly Bill 2845
  - Technology Update Regarding Pardons and Commutations

## **PRESENTATIONS**

9. Overview of the Office of Victim and Survivor Rights and Services, presented by Katie James, Staff Services Manager II, California Department of Corrections and Rehabilitation
10. Overview of En Banc Referrals, presented by Jessica Blonien, Chief Counsel
11. Waivers, Stipulations, and Postponements, presented by Jessica Blonien, Chief Counsel, and Sara Puricelli, Staff Attorney

## **OPEN COMMENTS**

12. BPH Commissioners – Agenda Items for Future Meetings
13. Public Comment – Comments are limited to five minutes. Comments will not be allowed for items already subject to public comment and decided by the Board. 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, OCTOBER 15, 2019**



## **AGENDA**

### **BOARD OF PAROLE HEARINGS Executive Board Meeting**

**MONDAY, OCTOBER 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  
Suite 550  
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**

14. *Ashker v. Governor of the State of California* (N.D. Cal., Apr. 18, 2013, No. C 09-5796 CW), Presented by Jessica Blonien, Chief Counsel, and James Harden, Special Agent, California Department of Corrections and Rehabilitation



## **AGENDA**

### **BOARD OF PAROLE HEARINGS Executive Board Meeting**

**TUESDAY, OCTOBER 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  
Suite 550  
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**

15. *In re Poole* (Super Ct. Alameda, No. 96274; transferred by First Appellate District No. A154517), presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel

16. *In re Kavanaugh* (D076500, app. Pending), presented by Jessica Blonien, Chief Counsel



## **AGENDA**

### **BOARD OF PAROLE HEARINGS Executive Board Meeting**

**TUESDAY, OCTOBER 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 October 14, 2019)**

17. Roll Call

#### **EN BANC REFERRALS**

18. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes

**A. LUGO, ANTHONY**

**K08120**

Sentencing Court: Kern

**The Board to consider new information regarding Mr. Lugo's alleged institutional misconduct on October 1, 2019.**

19. 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.

**B. NASH, LANCE**

**P93348**

Sentencing Court: Riverside

**C. CARRILLO, JOSE**

**T82837**

Sentencing Court: Los Angeles

**D. COTA, MARIO**

**P70901**

Sentencing Court: San Diego

**E. GLASS, DONALD**

**K83800**

Sentencing Court: Santa Clara

**F. HARLEY, LINDA**

**W98031**

Sentencing Court: Los Angeles

**G. RINCON, JOSE**

**K02465**

Sentencing Court: San Bernardino

**H. THOMPSON, DEBORAH**

**W60151**

Sentencing Court: Santa Cruz

**I. THREATS, MARCUS**

**F16272**

Sentencing Court: San Diego

**J. WILLIAMS, MICHAEL**

**D26967**

Sentencing Court: Los Angeles

20. Referral by a hearing panel member pursuant to Penal Code section 3041(a)(5) and California Code of Regulations, title 15, section 2044(a) 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.

**K. FIELD, MARSHALL**

**C13607**

Sentencing Court: Santa Clara

**OPEN COMMENTS**

21. Public Comment – Comments are limited to five minutes. Comments will not be allowed for items already subject to public comment and decided by the Board. 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.”)*

**MEETING RECESSED TO WEDNESDAY, OCTOBER 16, 2019**



## **AGENDA**

### **BOARD OF PAROLE HEARINGS** **Executive Board Meeting**

**WEDNESDAY, OCTOBER 16, 2019**

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### **OPEN 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  
Suite 550  
Sacramento, California 95814

### **MEETING RECONVENED (Continued from October 15, 2019)**

22. Roll Call

### **PRESENTATIONS**

23. You Can't Read the Label from Inside the Jar: Disruptive Truth Bombs about Criminology, Implementation Science, and Real-World Organizational Change, presented by Alexandra Walker, ABD, Director of Community Relations and Strategy, Alliance for Criminal Justice Innovation
24. Recall and Resentencing Recommendation Program, presented by Mike Masters, Correctional Captain, California Department of Corrections and Rehabilitation
25. Vicarious Trauma, presented by Brenda Crowding, Deputy Director of the Office of Internal Affairs and the Office of Civil Rights, California Department of Corrections and Rehabilitation

26. Parole Rescission, presented by Heather McCray, Assistant Chief Counsel, and Chris Hoeft, Staff Attorney
27. Expanded Medical Parole, presented by George Bakerjian, Staff Attorney
28. Changes to the Panel Attorney Appointment Program, presented by Sandra Maciel, Chief Deputy of Program Operations

**OPEN COMMENTS**

29. BPH Commissioners – Agenda Items for Future Meetings
30. Public Comment – Comments are limited to five minutes. Comments will not be allowed for items already subject to public comment and decided by the Board. 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 THURSDAY, OCTOBER 17, 2019**



## **AGENDA**

### **BOARD OF PAROLE HEARINGS** **Executive Board Meeting**

**THURSDAY, OCTOBER 17, 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: 9:00 a.m.**

1515 K Street  
Executive Board Meeting Room  
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### **MEETING RECONVENED (Continued from October 16, 2019)**

31. Roll Call

### **PRESENTATIONS**

32. Transitional Housing: Past, Present, and Future, presented by Ryan Souza, Deputy Director, Division of Rehabilitative Programs, California Department of Corrections and Rehabilitation, Ryan Youtsey, Division of Adult Parole Operations, California Department of Corrections and Rehabilitation, and Tiffany Shultz, Assistant Chief Counsel, Board of Parole Hearings

33. Analysis of Comprehensive Risk Assessments Administered in 2018, presented by Dr. Cliff Kusaj, Chief Psychologist, Board of Parole Hearings

34. Institutional Misconduct: Theoretical and Empirical Perspectives, presented by Dr. Lisa Tobin, Psychologist, Board of Parole Hearings

35. Overview of the Substance Use Disorder Treatment Program, presented by Diana Toche, Undersecretary, California Department of Corrections and Rehabilitation

**OPEN COMMENTS**

36. BPH Commissioners – Agenda Items for Future Meetings

37. Public Comment – Comments are limited to five minutes. Comments will not be allowed for items already subject to public comment and decided by the Board. 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 FRIDAY, OCTOBER 18, 2019**



## **AGENDA**

### **BOARD OF PAROLE HEARINGS Executive Board Meeting**

**THURSDAY, OCTOBER 17, 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  
Suite 550  
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.)*

#### **Issue**

38. *Omar Sharrieff Gay v. Amy Parson, et al.* (N.D. Cal., 2019, No. 3:16-cv-05998-CRB), and *In re Schuster* (C087276, app. pending), Presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel



## **AGENDA**

### **BOARD OF PAROLE HEARINGS Executive Board Meeting**

**FRIDAY, OCTOBER 18, 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  
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Sacramento, California 95814

#### **MEETING RECONVENED (Continued from October 16, 2019)**

##### **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**

39. Update on Pending Litigation, presented by Phillip Lindsay, Senior Assistant Attorney General, Attorney General's Office
40. *In re Palmer* (review granted July 31, 2019 S256149), presented by Jessica Blonien, Chief Counsel
41. *In re Gadlin*, (review granted May 15, 2019, S254599), presented by Jessica Blonien, Chief Counsel

**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.)*

**Issue**

42. Structured Decision Making Framework, presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel

**ADJOURNMENT**