



# **AGENDA**

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

**TUESDAY, FEBRUARY 18, 2020**

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 January 21 and 22, 2020 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for February 2020.
4. Approval of Motions for Hearings with Procedural Error – 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
  - Expectations for 2020
  - Stakeholders Meeting
  - Outreach
7. Report from Chief Counsel
  - Notices for En Banc Referrals
  - Final Rulemaking Packet for Nonviolent Parole Process for Determinately-Sentenced Inmates filed with the Office of Administrative Law
  - Youth Offender Regulations in effect
8. Report from Chief Deputy of Program Operations
  - BPH Website Updates
  - Inmate Panel Attorney Program Updates
9. Report from Chief Deputy of Field Operations
  - New Deputy Commissioner Introductions

## **PRESENTATIONS**

10. Significant Events for 2020, Jennifer Shaffer, Executive Officer

## **OPEN COMMENTS**

11. BPH Commissioners – Agenda Items for Future Meetings
12. 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 WEDNESDAY, FEBRUARY 19, 2020**

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

**TUESDAY, FEBRUARY 18, 2020**

**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.)*

**Issue**

1. Comprehensive Legal Update, Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel
2. Structured Decision Making Status and Feedback, Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel
3. Technological Troubleshooting and Hearing Preparation, Devin Holmes and Tammy Irwin, California Department of Corrections and Rehabilitation – Enterprise Information Services

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

**WEDNESDAY, FEBRUARY 19, 2020**

**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. Articulating a Decision in Cases Resulting in a Tie Vote, Jessica Blonien, Chief Counsel



# **AGENDA**

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

**WEDNESDAY, FEBRUARY 19, 2020**

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 February 18, 2020)**

14. Roll Call

### **EN BANC REFERRALS**

15. 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.

#### **A. BOTHA, GARY**

**D88086**

Sentencing Court: Ventura

16. 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. Members of the public may address the Board for a period not to exceed five (5) minutes.

**B. ALVIDREZ, MICHAEL**

**J52464**

Sentencing Court: Riverside

**The Board will consider new information regarding institutional misconduct on November 15, 22, and 25, 2019.**

**C. VARGAS, MARCO**

**C25500**

Sentencing Court: Los Angeles

**The Board will consider new information regarding institutional misconduct on January 4, 2020.**

17. 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.

**D. WILSON, DEREK**

**D55748**

Sentencing Court: San Bernardino

**The Board will consider new information regarding institutional misconduct on October 22, 25, and 30, 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.

**E. JACKSON, FREDERICK**

**D15358**

Sentencing Court: Los Angeles

**F. MOORHEAD, GARY**

**D00925**

Sentencing Court: Butte

**G. THORNE, DAVID**  
**E43096**  
Sentencing Court: Santa Clara

**H. VARGAS, MARIA**  
**W84786**  
Sentencing Court: Riverside

**I. VIALPANDO, ANTHONY**  
**D71157**  
Sentencing Court: Orange

~~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).~~

~~**J. BLISS, RICHARD**  
**K46957**  
Sentencing Court: Monterey~~

### **OPEN COMMENTS**

20. 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.”)*

### **ADJOURNMENT**