



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

TUESDAY, JULY 21, 2020

CLOSED SESSION

(All times and the order of business are approximate and subject to change)

START TIME: 8:30 a.m.

Discussion

Overview of Facts and Circumstances with Significant Exposure to Litigation Pursuant to Government Code section 11126(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. Legal Update Regarding *Brown v. Plata* (2011) 563 U.S. 493, *Coleman v. Brown* (2013) 952 F. Supp. 2d 901, and COVID-19, Presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel**



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TUESDAY, JULY 21, 2020

NOTICE OF TELEPHONIC MEETING

In compliance with Executive Order N-29-20 and to minimize the spread and mitigate the effects of COVID-19, the Board of Parole Hearings has arranged for Board commissioners, interested parties, and members of the public to participate in the July 21, 2020 Executive Board Meeting by telephone. Public comment, including comments on en banc cases, may be made telephonically at 1-877-601-3547, participant code 6281453.

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-4490 or (916) 319-9674, at least five (5) working days prior to the scheduled meeting.

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: 9:00 a.m.

Call in number: 1-877-601-3547

Participant Code: 6281453

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the draft minutes from the June 15-16, 2020 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for July 2020.
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.

Cases will be called in the order listed on this agenda. Public comment will only be accepted for a case once it is called by the Presiding Commissioner.

EN BANC REFERRALS

6. 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. SMITH, JEFFREY
CASE NUMBERS CRN7467 AND CRN13649
Sentencing Court: San Diego

7. 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.

B. CARROLL, MATTHEW
H83081
Sentencing Court: El Dorado

C. MCGEE, MAURICE
K95332
Sentencing Court: Santa Clara

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.

D. BURCH, CLARENCE
C49694
Sentencing Court: Los Angeles

E. COOPER, MICHAEL
D35909
Sentencing Court: San Bernardino

F. CRUZ, LOIDA
X07286
Sentencing Court: Alameda

G. HARWOOD, WILLIAM
F88218
Sentencing Court: Orange

H. HUDSON, CHARLES
C11763
Sentencing Court: San Diego

I. LUNA, DANIEL
V38772
Sentencing Court: Los Angeles

J. MILLER, JUSTIN
V39447
Sentencing Court: Lake

K. SERRANO, FRANK
H21510
Sentencing Court: San Bernardino

L. STARKES, KAREEM
J56138
Sentencing Court: Sacramento

8. 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.

M. JONES, CHARLES

C32991

Sentencing Court: Los Angeles

9. 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).

N. HAMILTON, GREGORY

D19499

Sentencing Court: San Francisco

REPORTS

10. Report from Executive Officer
- Staffing Update
 - Expedited Decision Review
 - Covid-19 Update
 - Budget for 2020-2021
11. Report from Chief Deputy of Field Operations
- Staffing Update
12. Report from Chief Psychologist
- Update on Comprehensive Risk Assessments

OPEN COMMENTS

13. BPH Commissioners – Agenda Items for Future Meetings
14. 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.

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.”)

The decisions for the en banc cases will be posted within 24 hours on the BPH Website at the following address: <https://www.cdcr.ca.gov/bph/enbanc/>.

ADJOURNMENT