



# **AGENDA**

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

**TUESDAY, AUGUST 18, 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, 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. *Armstrong* Remedial Plan Compliance, Presented by Dr. Clifford Kusaj, Chief Psychologist, and Heather McCray, Assistant Chief Counsel



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### **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 August 17, 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: 10:00 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 July 21, 2020 Board of Parole Hearings Executive Board Meeting.

3. Approval of the Parole Suitability Hearings and Backlog Report for August 2020.
4. Approval of Motions for Hearings with Procedural Errors.

**A. JONES, COTTON**

**H87387**

Sentencing Court: San Bernardino

**Motion:** Vacate the panel's July 9, 2020 decision and schedule a new hearing in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

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 Chief Counsel
  - Staffing update
7. Report from Chief Deputy of Program Operations
  - COVID-19 update
  - Update on videoconference hearings
8. Report from Chief Deputy of Field Operations
  - Staffing update

**DISCUSSION ITEMS**

9. Proposed amendments implementing parole denial lengths to be consistent with Penal Code Section 3041.5, presented by Jessica Blonien, Chief Counsel (Title 15, Division 2, Article 4, sections 2268 and 2270)

**EN BANC REFERRALS**

15. 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 three (3) minutes.

**B. MURPHY, MICHAEL**

**D43034**

Sentencing Court: Los Angeles

**The Board to consider new information regarding alleged institutional misconduct on June 10, 2020.**

16. 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 three (3) minutes.

**C. BURZA, PETER**

**K00891**

Sentencing Court: Los Angeles

**D. MALONEY, ALFREDO**

**C20463**

Sentencing Court: Los Angeles

**E. MESSENGER, MICHAEL**

**C90648**

Sentencing Court: Sacramento

**F. RIDEOUT, LENNY**

**T65154**

Sentencing Court: San Diego

**G. ROWE, JOHN**

**V87135**

Sentencing Court: Riverside

**H. RUBIO, FRANCISCO**

**T89385**

Sentencing Court: Shasta

**I. WHITE, ROMEL**

**P80416**

Sentencing Court: Sacramento

17. 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. GONZALES, JOE**

**P17500**

Sentencing Court: Los Angeles

**OPEN COMMENTS**

18. Public Comment – Comments are limited to three 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 en banc cases will be posted within 24 hours on the BPH Website at the following address: <https://www.cdcr.ca.gov/bph/enbanc/>.

**MEETING RECESSED**



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**TUESDAY, AUGUST 18, 2020**

### **CLOSED SESSION**

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

**START TIME: Upon Recess of Public Session**

### **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**