BOARD OF PAROLE HEARINGS
Executive Board Meeting
September 15, 2020

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Meeting called to order at 10:17 a.m.

Roll Call: Commissioners Anderson, Barton, Chappell, De la Torre, Grounds, Gutierrez, Long, Minor, San Juan, Schneider, Sharrieff, Sullivan, Taira, and Thornton present. Commissioner Dobbs attended after the vote on the consent calendar, but before the vote on the discussion item. Commissioners Cassady and Ruff absent.

In compliance with Executive Order N-28-20, and to minimize the spread and mitigate the effects of COVID-19, the meeting was conducted by telephone.

Commissioner ANDERSON stated that the majority of the currently-appointed commissioners are present.

Commissioner ANDERSON explained that the consent calendar includes a motion to vacate the Board's August 18, 2020 approval of the July 21, 2020 Executive Board Meeting minutes and to approve the amended minutes. The consent calendar also contains a motion to approve the draft minutes of the August 18, 2020 meeting minutes.

CONSENT CALENDAR

Approval of Motion for Hearing with Procedural Errors.

A. ADAMS, RICKY
P09684

Motion: Vacate the panel's July 28, 2020 decision and schedule a new hearing, in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

B. AGUIRRE, EDWARD
E38406

Motion: Vacate the panel's July 28, 2020 decision and schedule a new hearing, in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

Commissioner BARTON moved to approve the consent calendar. Commissioner CHAPPELL seconded the motion, which carried unanimously, with Commissioner SULLIVAN abstaining.

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REPORTS

Report from Executive Officer, Jennifer Shaffer
SHAFFER introduced Commissioner SULLIVAN and thanked Commissioner CASTRO for his service as a commissioner. SHAFFER stated that, under Senate Bill 118, the Secretary of the California Department of Corrections and Rehabilitation is now responsible for referring indeterminately sentenced inmates to the sentencing court for recall of sentence and resentencing under Penal Code section 1170 (e) (i.e., "compassionate release"). SHAFFER stated that Secretary DIAZ was retiring and she thanked him for his public service. She stated that KATHY ALLISON was appointed as Secretary effective October 1, 2020.

Report from Chief Counsel, Jessica Blonien
BLONIEN announced the superior court's decision *In Re: Poole.*

Report from Chief Deputy, Program Operations, Sandra Maciel
MACIEL stated that the Board's video conference hearings have been extended to September 22, 2020. She anticipated that the authority to use video conferencing will be further extended. Between April 1 and September 11, 2020, the Board conducted 3,504 hearings, resulting in 553 grants, 1,015 denials, 127 stipulations, 448 waivers, 1,224 postponements, with no continuances or tie votes. The grant rate for hearings held was 35%.

Report from Chief Deputy, Field Operations, Rhonda Skipper-Dotta
SKIPPER-DOTTA congratulated KERRY KUNZ on her appointment as Associate Chief Deputy Commissioner.

Report from Chief Psychologist, Forensic Assessment Division, Dr. Cliff Kusaj Ph. D
KUSAJ congratulated KIMBERLEY SMITH on her promotion to Senior Psychologist.

DISCUSSION ITEMS

Proposed amendments implementing parole denial lengths to be consistent with Penal Code section 3041.5, presented by Chief Counsel, Jessica Blonien
BLONIEN summarized the proposed regulations.

Commissioner DOBBS moved to adopt the proposed regulations. Commissioner LONG seconded the motion, which carried unanimously. Commissioner GROUNDS was not present for the vote.

EN BANC REFERRALS

Referral, pursuant to Penal Code section 3041, when there is a tie vote.

C. ORTIZ,SABASTIAN
P98311

No public comment permitted.

Referral by 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.

D. BATTEN, ANDRE
E28614

KATEY GILBERT, inmate's attorney, RAMI NSOUR, MICHAEL PRATHER and ANDRE WILEY supported the parole grant

E. RUSHING, PATRICK
D47588

JILL KLINGE, Alameda County District Attorney's Office recommended ordering a rehearing.

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.

F. AUGUSTUS, QUINTIN
D48491

JEAN PARKER supported the parole grant.

SUN CHUNG, Los Angeles County District Attorney's Officerecommended ordering a rescission hearing.

G. COGLIANESE, GREGORY
H02117

JOSEPH MAGAZENNI, inmate's attorney, ANTHONY WADE, JOHN KREBS, MARCI COGLIANESE, DAVID TAMACHE, ELLEN GORELICK, PETER COGLIANESE and MICHAEL DEVRIES supported the parole grant.

TINA YODER, COLLEEN FOTH, LISA TORRES, JAN GREENBANK and GARY LEWIS recommended ordering a rescission hearing

H. FORD JR., HENRY
C35585

CONNIE LASKY San Bernardino County District Attorney's Office recommended ordering a rescission hearing.

I. FRYE, VIRGIL
D19811

AVIS LINNINS supported the parole grant.

SUN CHUNG, Los Angeles County District Attorney's Office recommended ordering a rescission hearing.

J. GRIFFIN, JOHNNY
C77514

JILL KLINGE, Alameda County District Attorney's Officerecommended ordering a rescission hearing.

K. PRICE, MELVIN
F37541

CARLOS ALBOR, TRACY WOODS, WENDY ALBOR, MARY OLBERSON, LAURA SHEPPARD, attorney, and JIMMENIA YOUNG supported the parole grant.

SUN CHUNG, Los Angeles County District Attorney's Office recommended ordering a rescission hearing.

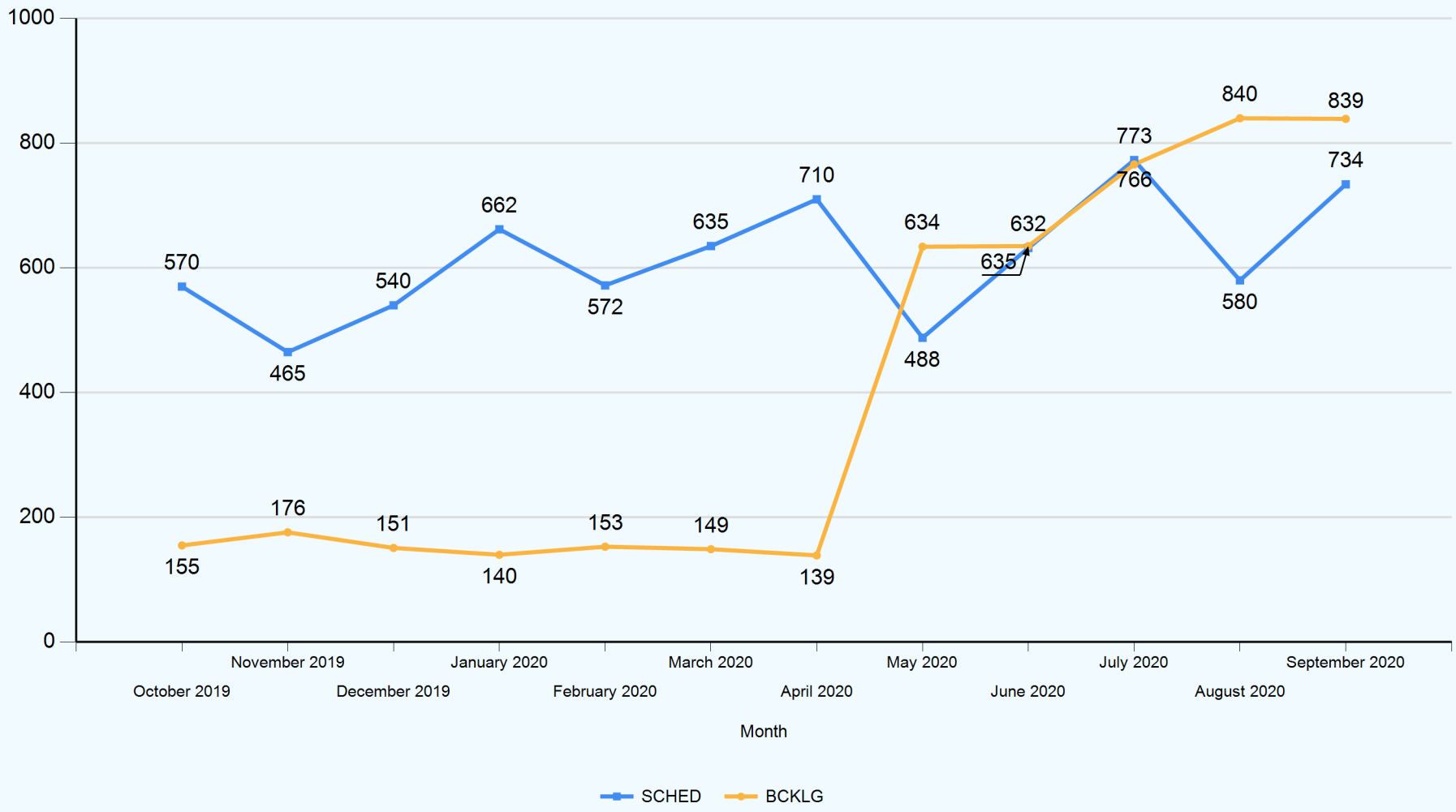
L. PROKOP, EDWARD
C38289

LINDA DUNN, San Luis Obispo County District Attorney's Office, and KATHERINE PIGNATELLI and recommended ordering a rescission hearing.

OPEN COMMENT

JILL KLINGE, Alameda County District Attorney's Office, on behalf of DONNA LEBOWITZ, Los Angeles County District Attorney's Office, stated that new prosecutors will be representing the Los Angeles County District Attorney's Office at the Board's hearings. SUN CHUNG will be attending executive board meetings, in LEBOWITZ'S place.

VANESSA NELSON-SLOANE, Life Support Alliance, expressed concern that some panels make findings of fact, based on charges of which the inmate was not convicted.

Meeting adjourned at 12:52 p.m.

Board of Parole Hearings
Scheduled and Backlog Hearings Report
Penal Code Section 3041(d)
October, 2020