

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, April 15, 2014**

**The meeting was called to order at 9:10 a.m.**

**CONSENT CALENDAR**

**Roll Call:** Commissioners Anderson, Fritz, Garner, Guerrero, Labahn, Montes, Peck, Richardson, Roberts, Singh, Turner and Zarrinnam present.

**Comments and Clarification regarding Board of Parole Hearings Meeting Minutes, March 17 and 18, 2014:** None

**Public Comment on Consent Calendar:** None

Commissioner TURNER moved to approve the consent calendar and was seconded by Commissioner ROBERTS. The motion carried unanimously.

**REPORTS AND PRESENTATIONS**

**Report from Executive Officer, Jennifer Shaffer**

SHAFFER referred to the proposed Administrative Directive Regarding Audio and Video Conferencing Guidelines available at the table in front of the podium. SHAFFER requested that any comments be sent to the Board before the next monthly meeting. Comments have previously been received and many changes have been incorporated into the current draft. Two changes have been made since the directive was last presented. The current draft states that victims or victims' next-of-kin waive their right to attend a hearing in person when they attend via audio or video conferencing. Previous drafts indicated they waived their right to attend in person when they requested to attend via video or audio conferencing. Concern was expressed that this would prevent victims and victims' next-of-kin from changing their mind and appearing in person. SHAFFER cautioned that gate clearances still need to be obtained from the individual institution prior to attending in person and that registered victims are still encouraged to submit written statements well in advance of the hearing. However, the new draft no longer has the requirement that their statements be submitted no later than 10 days before the hearing.

SHAFFER stated that the court order in *In re: Butler* was issued on March 17, 2014. A memorandum was provided on the method to be used in calculating base terms.

SHAFFER stated that Crime Victims Week took place last week. The California Department of Corrections and Rehabilitation organized a presentation and moment of silence. There was a march on the Capitol, at which the Governor spoke, as well as Legislators and crime victims.

### **Report from the Chief Counsel, presented by Senior Staff Attorney, Tiffany Shultz**

SHULTZ introduce Staff Attorney Kara Houston, who gave an update on legal resource materials. Commissioners and deputy commissioners will receive copies of the material this afternoon. Each Commissioner and Deputy Commissioner will be provided with a Legal Resource Binder. Included in the binders are administrative directives and executive officer memoranda, which are available on the Board's website. They also contain a confidential section containing a case compendium and legal advices.

SHAFFER commended Senior Staff Attorney, Veronica Mendoza for representing the Board in appellate litigation. This was necessary due to a legal conflict with the Attorney General's Office. The Board received a favorable ruling and SHAFFER thanked MENDOZA for her work on the case.

### **Report from Chef Deputy of Program Operations, Sandra Maciel**

MACIEL gave an update on the attorney appointment process for mentally disordered offenders. Attorneys seeking appointment to the panels for Atascadero and Patten State Hospitals must submit an application by May 15, 2014. The appointment process will mirror that adopted for the inmates' attorney panels. The appointment lottery will take place on June 2, 2014, and there will be active and inactive lists. Attorneys are still limited to membership to a total of three panels. The appointed attorneys will receive training.

### **Report from Chef Deputy of Field Operations, Rhonda Skipper-Dotta**

SKIPPER-DOTTA reported on an informal survey conducted last summer on institutional hearing processes and facilities. Associate Chief Deputy Commissioner DAN MOELLER developed the project plan. Ten deputy commissioners interviewed institutional staff, observed pre-hearing processes at institutions, and attended hearings. The deputy commissioners' reports were compiled and analyzed to identify areas for improvement. The Board's headquarters staff is working with Dr. CLIFF KUSAJ, whose psychologists also conducted surveys.

SHAFFER encouraged commissioners to report to SKIPPER-DOTTA any procedural problems encountered at hearings.

### **Presentation by Eugene Dey, Vice President of the CROP Foundation**

DEY outlined the establishment, guiding principles, and curriculum of CROP. A two-year pilot program has been started at the California Training Facility, enabling long-term inmates to train as substance abuse counselors. DEY introduced Program Assistant STARVEL JUNIOUS who described his experiences. DEY invited Commissioners to attend the program.

### **Presentation by Rami Nsour, Director of the Tayba Foundation**

NSOUR gave a PowerPoint presentation about the work of the Tayba Foundation and distributed a handout. The foundation provides education to inmates through the Islamic faith. The education is provided through a correspondence course. NSOUR stated that students currently

receive a certificate but that the foundation is seeking state approval for an Associate of Arts degree.

JOHN BILORUSKY, Dr. CRYSTALLEE CRAIN and SAJAD SHAKOOR described their involvement with the foundation.

NSOUR stated that most participants are Muslim but that the program does not discriminate against non-Muslims.

### **Public Comments**

CHRISTINE WARD, Crime Victims Action Alliance, welcomed the changes to the proposed Administrative Directive Regarding Audio and Video Conferencing. She expressed some concern about the text of the directive but anticipated that any difficulties would be resolved.

VANESSA NELSON-SLOANE, Life Support Alliance, requested information about the results of the survey described in SKIPPER-DOTTA's report. Life Support Alliance would welcome the opportunity to make suggestions about improving the hearing process. NELSON-SLOANE commended the CROP and Tayba Foundations. She encouraged the Board to make recommendations to inmates about program participation.

### **EN BANC REFERRALS**

#### **Referral by the Governor, pursuant to Penal Code section 3041.1**

**A. BURKE, CARL P-67699**

RICHARD SACHS, San Diego County District Attorney's Office, recommended referral to a rescission hearing.

**B. CHAU, TAM K-13328**

RICHARD SACHS, San Diego County District Attorney's Office, recommended referral to a rescission hearing and read a statement from the victim.

**C. GUIGNI, TYLER G-62996**

JAMES MARTIN, inmate's attorney, MICHAEL PARKES, AUSTIN GEORGE, SUZANNE SHAFER, inmate's friends, E. TOM GIUGNI, inmate's grandfather, TOM GIUGNI, inmate's father and GRETCHEN GIUGNI, inmate's mother supported the grant of parole.

**The meeting recessed at 11:18 a.m. and reconvened at 11.30 a.m.**

**D. NGUYEN, LAM**

**K-23584**

AILY NGUYEN and TRINH NGUYEN, inmate's sisters, supported the grant of parole.

RICHARD SACHS, San Diego County District Attorney's Office, recommended referral to a rescission hearing. CHRISTINE WARD, Crime Victims Action Alliance, read the victim's statement.

**E. RIDEOUT, LENNY**

**T-65154**

RICHARD SACHS, San Diego County District Attorney's Office, recommended referral to a rescission hearing. CHRISTINE WARD, Crime Victims Action Alliance, read the victim's statement.

**Referral, pursuant to Penal Code section 3041, in the case of a tied vote**

**F. BANTHAKHOUNH, SOURYIO**

**T-67041**

No speakers permitted.

**G. McMILLER, SAMUEL**

**C-55960**

No speakers permitted.

**Public Comments**

VANESSA NELSON-SLOANE of Life Support Alliance, expressed concern about the imposition of parole conditions by parole agents and stated that she has previously drawn the attention of the Chief Counsel to the problem. Conditions are sometimes imposed long after the inmate has been paroled and often have no nexus to the commitment offense. She expressed concern about recommendations for parole conditions' being made by legal staff. NELSON-SLOANE stated that imposing a minimum stay at a transitional facility is often counter-productive and imposes a severe financial burden on parolees and their families.

CHRISTINE WARD, Crime Victims Action Alliance, expressed concern that victims' groups are rarely invited to make presentations to the Board at monthly meetings

**The meeting was recessed at 12.00 noon to 10.00 a.m. Wednesday, April 16, 2014.**

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting Minutes**  
**Wednesday, April 16, 2014**

**The meeting was called to order at 9:12 a.m.**

**Roll Call:** Commissioners Anderson, Garner, Guerrero, Labahn, Montes, Peck, Richardson, Roberts, Singh, Turner and Zarrinam present. Commissioner Fritz was not present.

**Americans with Disabilities Act Overview (continuation of October 16, 2013 training),  
Katie Riley, Senior Staff Attorney, Heather McCray, Staff Attorney and Vince Cullen,  
CDCR Correctional Administrator**

RILEY, MCCRAY and CULLEN provided a list of administrative codes used in processing ADA issues and a handout of their PowerPoint presentation. The presentation was a summary of ADA training given to state-appointed attorneys in October 2013 and January 2014.

CULLEN described the challenges faced by inmates with various type of disability. He provided an overview of the accommodations provided by the California Department of Corrections and Rehabilitation (CDCR) to inmates with a disability. CULLEN also provided an overview of CDCR's Inmate Disability Assistance Program. CULLEN stated that particular care is required with disciplinary issues involving inmates with a disability.

MCCRAY provided an overview of disabilities associated with medical impairment and mental health. She described the classifications used and the levels of care that are provided. MCCRAY stated that an inmate's disability might compromise his or her ability to participate in self-help programming. MCCRAY also discussed disciplinary issues involving mentally-impaired inmates.

RILEY gave an overview of the role and responsibilities of attorneys who represent disabled inmates in Board hearings. She emphasized that providing an attorney is the Board's accommodation for the purposes of the Americans with Disabilities Act. RILEY stated that some disabled inmates are not legally permitted to waive attorney representation.

SHAFFER asked panels to refer to the Legal Division all instances where an attorney appeared to be unclear about his or her responsibilities towards inmates with a disability. SHAFFER asked the Legal Division to prepare a brief summary of an attorney's responsibilities when representing inmates at Board hearings.

**Sacramento Control Office (SACCO) Presentation by Michael Atkinson, Correctional Counselor II**

ATKINSON described the structure and operation of SACCO. The office is responsible for a variety of inmates, approximately 90 of which are life-term inmates. SACCO tracks and monitors CDCR inmates who have been transferred out of California or to federal facilities to

serve their sentences. SACCO is also responsible for tracking and monitoring inmates who are serving sentences in other states and who have a consecutive California term. ATKINSON stated that SACCO arranges the transfer of these inmates to California if they want to appear in person at their parole suitability hearing. ATKINSON stated that all relevant documents from the out-of-state institution should be in the inmate's central file at the time of the inmate's Board hearing. SACCO receives an annual or bi-annual report from out-of-state institution, summarizing the inmate's programming and education. SHAFFER advised panels to inform SACCO staff as soon as possible if they need additional information. It might be possible to arrange for missing documents to be transmitted to SACCO. Additional procedural issues associated with conducting parole suitability hearings for inmates serving their sentences out-of-state were discussed

### **PUBLIC comments on the SACCO presentation**

VANESSA NELSON-SLOANE, Life Support Alliance, requested a copy of the SACCO handout. She asked how many inmates choose to return to California for their hearings. She expressed concern that SACCO inmates do not receive a current risk assessment. She asked whether the attorneys for out-of state inmates conduct their consultations by telephone and whether they are able to comply with the timelines expected in the cases of Californian inmates.

**The meeting was recessed at 10:53 a.m.**

**Meeting Reconvened at 1:34 p.m.**

**All commissioners present except Commissioner Fritz.**

SHAFFER stated that the Board's transition due to Criminal Justice Realignment has been completed. She described the Board's post-realignment organizational structure and stated that it now has approximately 200 positions. The Board has established regional offices. SHAFFER thanked the Board's management team for their work and invited members of the team to describe the functions of their respective units.

SANDRA MACIEL, Chief Deputy of Program Operations, provided a PowerPoint handout giving an overview of the functions of Program Operations. Program Operations is responsible for scheduling lifer hearings, mentally-disordered offender hearings, deputy commissioner assignments and Forensic Assessment Division assignments. Program Operations processes lifer hearing transcripts and hearing accommodations. MACIEL described the work of the Pre-hearing Analysis Unit and the Correspondence Unit. She stated that these functions are managed by CHRISTOPHER VANCE.

MACIEL explained that the Administration Team is managed by ELIZABETH OHLENDORF and it is responsible for personnel, facilities, training, contracts, and budgeting.

MACIEL stated that the Executive Analysis Unit includes the LSTS project manager and the ERMS/SOMS project manager. The unit is responsible for Public Records Act requests, warrant

review tracking, class action discovery requests and enquiries from the Legislatures and the Governor's Office. The Unit is also responsible for the Board's website, including suitability hearing schedules and hearing results.

RHONDA SKIPPER-DOTTA, Chief of Field Operations, explained that Field Operations is responsible for hearing operations and the Forensic Assessment Division (FAD). SKIPPER-DOTTA introduced each member of her management team and asked them to provide an overview of their respective areas of responsibility.

Dr. CLIFF KUSAJ, Chief Psychologist described the work of FAD's psychologists, who are required to cover an extensive geographical area and operate under strict deadlines. Each of the 32 psychologists has been licensed for at least 5 years and has received extensive training. The psychologists are overseen by 4 senior psychologists.

DAN MOELLER, Associate Chief Deputy Commissioner, Headquarters described the responsibilities of Headquarters staff. Deputy Commissioners are routinely assigned to headquarters and process extradition requests, discharges of parole, administrative reviews of parole denials, and inmate petitions to advance hearings. They are also responsible for adjudicating pre-hearing requests for waivers and postponements, and holds for mentally disordered offenders and sexually violent predators. MOELLER also oversees the Americans with Disabilities Act Unit.

RICHARD JOLLINS is responsible for the southern area of California and oversees four Deputy Commissioners. SHANNON HOGG is responsible for the central region and oversees seven deputy commissioners. MICHAEL GUNNING is responsible for the northern region and oversees ten deputy commissioners.

SHAFFER thanked the deputy commissioners for their dedication and professionalism. Deputy Commissioner duties changed significantly as a result of Criminal Justice Realignment and many Deputy Commissioners are no longer with the Board.

SHAFFER introduced DAMIAN CANO, Senior Investigator, who gave an overview of the Offender Screening and Investigations Division. ELIZABETH ALLEN, the Chief of the Division was unable to attend. CANO introduced the Division's management team: TIM BAKER, PAT THOMAS, and YOLAND DE LA TORRE. CANO explained that the Division conducts investigations and provides security for the Board's meetings. Some of the investigations they conduct include, death penalty investigations, Governor pardons, Investigations conducted at the Board's request, confidential informant investigations, intimate partner battering investigations, pre-parole investigations and international prisoner transfer treaty program investigations. THOMAS stated that the work of the Division has increased and investigations are also conducted into mentally-disordered offender and sexually violent predator issues.

Senior Staff Attorney, TIFFANY SHULTZ, gave an overview of the Legal Division's structure, personnel, and responsibilities. It is headed by Chief Counsel, Howard Moseley, who was not able to attend, and reviews proposed decisions granting or denying parole. It prepares executive

case summaries, used by the Governor when exercising his power to review parole decisions. The Division provides on-call legal support to commissioners and is involved in training commissioners and deputy commissioners. It also provides information and orientation for inmate attorneys. The Division also manages the Transcript Analysis Program for commissioners and is developing a similar program for deputy commissioners. In addition, the Division drafts regulations and is currently drafting regulations for penal Code section 3000.1 hearings.

SHAFFER noted the many changes the Board has experienced in the last three years.

**The meeting recessed at 2.40 p.m.**

**The meeting resumed at 2.55 p.m.**

**Presentation on the Disability and Effective Communication System (DECS) by Ted Rich, Deputy Commissioner and User Project Manager**

RICH introduced KEELY PERCY and TERESA BARKER. PERCY gave a Power Point presentation on the functions and operation of DECS. A handout was provided. PERCY illustrated the operation of the system by using fictional case studies.

**Ethics Training, presented by Senior Staff Attorney, Tiffany Shultz**

SHULTZ gave a presentation on the ethics training available on the website of the Attorney-General's Office. She also provided a handout.

**Code of Silence, presented by Dan Moeller, Associate Chief Deputy Commissioner**

MOELLER gave a PowerPoint presentation and provided a handout.

**Public Comments**

VANESSA NELSON-SLOANE, Life Support Alliance, asked whether medical parole includes dementia. She also asked whether public officials may donate to a non-profit organization with which they have a connection.

**The meeting recessed at 5:00 p.m., to reconvene on Thursday, April 17 at 10.00 a.m.**



**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Thursday, April 17, 2014**

**The meeting was called to order at 9:05 a.m.**

**Roll Call:** Commissioners Anderson, Garner, Guerrero, Labahn, Montes, Peck, Richardson, Roberts, Singh, Turner and Zarrinam present. Commissioner Fritz not present.

**LSTS Enhancements Update, presented by Jennifer Shaffer, Executive Officer and Christine Buffleben, Parole Agent II**

BUFFLEBEN and SHAFFER gave an overview of the numerous changes and enhancements to LSTS over the last year. They also provided an overview of significant changes expected in May of this year. SHAFFER announced that many of the Board's public statistical reports will not be available in May and June, when the new version of LSTS is first put into production. The public can expect a delay of up to six weeks before the reports are made available again.

**Penal Code section 3000.1 Refresher Training, presented by Senior Staff Attorney, Katie Riley, and Staff Attorney, Kara Houston,**

RILEY and HOUSTON provided training on Penal Code section 3000.1 proceedings. The training listed the types of parolees who meet the criteria for Penal Code section 3000.1 proceedings. The training described changes in the law governing parole revocation as a result of Criminal Justice Realignment. It also described the Board's timeframes for scheduling Penal Code section 3000.1 initial hearings, and the standards and procedures governing the hearings. The training then described the Board's timeframes for scheduling Penal Code section 3000.1 annual consideration hearings, and the standards and procedures governing the hearings. The training explained that the Board is in the process of promulgating new regulations for Penal Code section 3000.1 proceedings.

**Victim Services Update, presented by Katie James, Assistant Chief of the Office of Victim and Survivor Rights and Services (OVSRS)**

JAMES introduced staff members from OVSRS, described the work involved in supporting victims and their families. JAMES also provided statistics on CDCR's success in collecting restitution fines and orders as well as their efforts in locating victims and distributing restitution collected on their behalf. The Office also assists victims with obtaining gate clearance and travel stipends to attend parole suitability hearings. It also monitors the Governor's decisions regarding parole grants and keeps victims informed of those decisions. JAMES introduced Ms. Laws, Ms. Hamlin, and Ms. Salarno, victims and victim next-of-kin who described their experiences participating in the Board's parole suitability hearing process.

## **Public Comments**

VANESSA NELSON-SLOANE, Life Support Alliance, recommended that the Board receive presentations from the families of incarcerated inmates and from restorative justice programs.

JILL KLINGE, Alameda County District Attorney's Office, stated that the views of victims are not being given sufficient weight and she questioned whether the Penal Code section 3000.1 process is operating effectively. She expressed concern that District Attorneys' Offices are not kept informed of parole violations.

**The meeting was recessed at 11:14 a.m., to reconvene in closed session at 1:30 p.m.**

Board of Parole Hearings  
Scheduled and Backlog Hearings Report  
Penal Code section 3041(d)  
May, 2014

