

Admin.

September 14, 2021

Memorandum 2021-14

Draft Minutes of July Meeting

The Committee on Revision of the Penal Code held a meeting on July 13–14, 2021. This memorandum provides draft Minutes for that meeting.

The draft will be deemed final after it is approved by a vote of the Committee. When voting, the Committee may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

Respectfully submitted,

Thomas M. Nosewicz
Legal Director

DRAFT MINUTES OF MEETING
COMMITTEE ON REVISION OF THE PENAL CODE
JULY 13–14, 2021

1 A meeting of the Committee on Revision of the Penal Code was held on July
2 13–14, 2021. Consistent with Executive Orders N-25-20 and N-29-20, the meeting
3 was held as an online video webinar.

4 **Commission:**

5 *Present:* Michael Romano, Chairperson
6 Assembly Member Alex Lee
7 Senator Nancy Skinner
8 Hon. Peter Espinoza, Ret.
9 Hon. Carlos Moreno, Ret.
10 Priscilla Ocen

11
12 *Absent:* Senator Nancy Skinner (July 13, 2021)

13 **Staff:**

14 *Present:* Brian Hebert, Executive Director
15 Barbara Gaal, Chief Deputy Director
16 Thomas Nosewicz, Legal Director
17 Rick Owen, Staff Counsel
18 Lara Hoffman, Stanford Fellow

19
20 *Absent:* Rick Owen (July 14, 2021)

21 **Invited Presenters:**

22 Doug Bond, Chief Executive Officer, Amity Foundation

23 Susan Burton, Founder and President, A New Way of Life

24 Matt Cate, President, Cate Consulting, Former Secretary of the Dept of Corrections and
25 Rehabilitation, Former Executive Director of the CA State Association of Counties

26 Justice Anthony Kline

1 Barbara R. Levine, Former Executive Director, Citizens Alliance on Prisons and Public
2 Spending (Michigan), Former Commissioner of Michigan Criminal Justice Policy
3 Commission

4 Kelly Mitchell, Chair of the Minnesota Sentencing Guidelines Commission, Executive
5 Director of the Robina Institute of Criminal Law and Criminal Justice

6 Professor John Pfaff, Fordham University School of Law

7 Insha Rahman, Vice President, Advocacy & Partnerships, Vera Institute of Justice

8 Jennifer Shaffer, Executive Officer, California Board of Parole Hearings

9 Marshall Thompson, Vice-Chair, Utah Board of Pardons and Parole, Former Director,
10 Utah Sentencing Commission

11 Professor Michael Tonry, University of Minnesota Law School

12 **Other Persons:**

13 Up to 50 members of the public observed the meeting as attendees. The
14 Committee did not prepare a list of those attendees.

CONTENTS

15	Approval of Actions Taken	2
16	New Business	3
17	Administrative Matters.....	4

18

--

19 APPROVAL OF ACTIONS TAKEN

20 Unless otherwise indicated, the Committee decisions noted in these Minutes
21 were approved by all members present at the meeting. If a member who was
22 present at the meeting voted against a particular decision, abstained from voting,
23 or was not present when the decision was made, that fact will be noted below.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

NEW BUSINESS

The Committee considered Memorandum 2021-11 and its First Supplement, which discuss sentencing practices in California and related matters. The Committee heard from panelists on the following topics:

- California and National Sentencing History (Justice Anthony Kline, Professor Michael Tonry, Professor John Pfaff).
- Prop 57 Parole (Jennifer Shaffer).
- Sentencing in Other States (Barbara Levine, Kelly Mitchell, Insha Rahman, Marshall Thompson).
- Custodial Sentences and Community Reentry (Doug Bond, Susan Burton, Matt Cate).

The Committee is grateful for their participation. The Committee also heard public comment on these topics.

The Committee discussed the ideas that they found most interesting from each panel of witnesses. After this discussion, the Committee directed staff to research the following topics:

- parole release, including demographic data for hearings and outcomes, factors that are considered in parole decisions (including completion of rehabilitative programs and the circumstances of the commitment offense), the impact of implicit bias on the decision-making process, and the various standards for parole release that appear in statute and regulation;
- appellate courts' ability to modify sentences;
- financial incentives that would reduce unnecessary incarceration and encourage alternatives to incarceration;
- reporting on the type and average length of sentences imposed throughout the state;
- expanding who is eligible for parole release under Proposition 57;
- further exploration of the causes for reduced incarceration and increased public safety in New York; and

