

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, February 22, 2012
CLOSED SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

9:30 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(A board may meet in Closed Session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

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NOTE START TIME: **10:00 a.m.**

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Board of Parole Hearings (BPH) Open Meeting Minutes:
January 18, 2012
- IV. Introductions and Presentations
- V. Report from Executive Officer
- VI. Chief Legal Counsel
 - Lifer Backlog
- VII. Regulatory action: Final approval of new section 2742.1, and amended sections
2606, 2635.1, 2646.1, 2733, 2740, 2742, 2743, and 2744 of California Code of
Regulations, title 15, relating to *Parole Revocation*
- VIII. *Transcript Analysis Program Proposal* by the Best Practices Advisory Committee
(Commissioners Garner and Moseley)(*Proposal attached, last page.*)
- IX. Advisory Committee Updates
- X. Agenda Items for Future Meetings
- XI. Open Comment – Comments are limited to 5 minutes. 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.
- XII. Comments regarding en banc cases – Members of the audience may speak to the Board for a
period not to exceed five (5) minutes.
- XIII. Commissioners adjourn for Closed Session

The decisions regarding Daniel Buchanan, E-15184; Peter Chiesa, V-28869; Edgar Kunkler,
C-82193; Kathleen O'Connell, W-53744; and Herbert Sample, B-10549, will be posted on the
door of the 5th Floor Executive Board Meeting Room and also on the BPH internet page at the
following address: www.cdcr.ca.gov/BOPH/enbanc.html

(See next page for Closed Session information.)

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BOARD OF PAROLE HEARINGS
Executive Board Meeting
(Immediately following the Open Meeting)
Wednesday, February 22, 2012
CLOSED SESSION

DISCUSSION ITEMS:

**A. Penal Code section 1170(e):
Determination of Eligibility for Recommendation to Sentencing Court
for Recall of Sentence**

Pursuant to Government Code section 11126(c)

1. **BUCHANAN, Daniel** **E-15184**
County of commitment:
Calaveras

2. **CHIESA, Peter** **V-28869**
County of commitment:
Riverside

3. **SAMPLE, Herbert** **B-10549**
County of commitment:
Fresno

B. En Banc Review

Pursuant to Government Code section 11126(c)(4)

1. **KUNKLER, Edgar** **C-82193** **Split Decision**
County of commitment:
Los Angeles

2. **O'CONNELL, Kathleen** **W-53744** **Governor-referred**
County of commitment:
Stanislaus

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TRANSCRIPT ANALYSIS PROGRAM

- Purpose:** To provide each commissioner with periodic legal feedback regarding their parole suitability decisions, medical parole decisions, and other hearing decisions.
- Schedule:** Effective April 1, 2011, the scheduling unit shall make individual appointments for two commissioners per month with members of the Board of Parole Hearings (BPH) legal unit. The appointments for each commissioner will occur twice during a 12-month period of time. The appointments will be assigned during already designated administrative days or on the afternoon before regularly scheduled board meetings for commissioners living too far to visit BPH HQ in one day.
- Preparation:** The scheduling unit will notify the legal unit of the commissioner appointments for transcript analysis. Prior to each appointment, the BPH legal unit shall assign attorneys to review samples of the commissioner's parole suitability grants and denials, medical parole decisions, and any other items requested by the commissioner.
- Appointment:** During the appointment, the BPH legal unit shall identify any trends that appeared during their preparation and make helpful suggestions based on statutes, regulations or case law to assist the commissioner. The BPH legal unit shall also update each commissioner on any relevant case law that has been published since their last appointment (this will be accomplished in large part by reviewing the case law legal updates that are provided to all commissioners on a regular basis).

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