



Public Safety and Fiscal Responsibility

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LIFER-LINE

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BETTER REPRESENTATION ON THE HORIZON

Well, we hope so. After contemplating the results of our latest attorney survey and reporting those to the BPH (previously reported in past issues of Lifer-Line), we'd say it's high time some changes were made. And, to give credit where due, the current administration at BPH is set on making that happen.

At the recent BPH Executive Meeting BPH Executive Director Jennifer Shaffer outlined a new program for state appointed attorney selection, responsibilities and accountability practices, as well as an adjustment in the fees paid to those attorneys. Although changes had been contemplated for some time, it appears it was the IN Re: Poole chase that was the catalyst in finalizing the plans.

The goals of the new program are:

- Strengthening the attorney client relationship and interview process
- Modifying timeframes
- And increasing compensation (pay) to the attorneys

Although the qualifications to be on the state-appointed list are still pretty minimal; maintain a current and active license to practice law in California and maintain malpractice insurance, clear a TB test each year and be able to pass security screening to enter prisons, there are some new caveats, including having recent experience in representing prisoners at parole hearings or having observed at least 3 hearings.

There are also several changes to the specifics of the current system. In the past attorneys could be on up to 3 panels (panels are created around clusters of prisons), were required to interview their client 45 days prior to hearing and attend training by the BPH. For this, they were paid a whopping \$400 per client.

Under the new program attorneys will serve on only 1 panel (meaning they will only represent clients at one prison cluster), will be required to meet at least twice before the hearing with clients, as well as attend both an in-person training and on-line training by the BPH.

Once an attorney is 'hired' by the BPH he/she will be required to meet with their client within 30 days, with a second meeting roughly 14 days prior to the hearing. And the fee? Now up to \$750 per client.

And there is a real selection process in the works also, not just apply and be lucky at the lottery selection used in past years. This time around potential counselors will actually be interviewed face-to-face by BPH staffers (just who hasn't been specified, but we hope it's safe to assume it will be members of the legal staff at BPH). And the training?

Well, LSA has been to several training sessions in the past and all have leaned heavily on the legal aspects of state work and parole issues. Needed, of course, but hardly complete training for parole hearings.

Now, the BPH will be working with the Parole and Justice Education Project at University of Southern California's Post Conviction Justice Project (PJEP). PJEP will provide legal training, review and reporting and create what has been termed "reasonable expectations of representation." The NGO will also provide updates on legal and administrative issues, as they occur, and provide victim outreach, hopefully to provide better understanding for that cohort as well.

The program, the attorneys and performance will be monitored by PJEP through periodic observations of hearings, reviews of transcripts and...wait for it....surveys. Wonder how they came up with that idea?

Interviews for the new state list will begin in November, with the program kicking in hearings in January. And we'll be watching, too.

LIFE SUPPORT ALLIANCE YEAR-TO-DATE

It often seems as though LSA teams are 'in prison' every weekend, and indeed we often are. And oftentimes, weekdays too.

Since January we've visited 10 different prisons, many of them more than once, to present programs and workshops to inmates. In all, we've spent about 16 weekends since January at one prison or another, interacting with several hundred men, as we usually visit more than one yard at each prison,

It's made for some very long, but very rewarding days, as we bring prisoners information they'll need to understand what it means to be suitable for parole, and how to attain that goal. And that understanding and help extends to their families as well.

Currently we offer a trio of programs to accomplish these goals, including the 2-part program Connecting the Dots identify the causes of past actions criminal actions and helping those who are ready write real, meaningful and impactful letters of apology and amends for their actions to their victims and victims' families, via The Amends Project.

The Amends Project has been in operation for just over 3 years and in that time resulting in over 400 certificates of completion awarded for successful letters. And a recent study revealed that 28% of those inmates who were successful in completing The Amends Project have now paroled. We know we have contributed to their success.

In late 2018, at the request of California Medical Facility prison in Vacaville, we created and began a 12-week program called RISE (Rehabilitate, Implement, Succeed and Excel). We are now in the third cycle of RISE, meeting every Friday at CMF with a class of 30 men, going through a 57-page workbook offering a curriculum on changing beliefs and attitudes, making amends and working through the challenges of reentry into society.

Since January we've been to the following institutions, often multiple times: Folsom State Prison (Folsom); Correctional Health Care Facility (Stockton); Kern Valley State Prison (Delano); Salinas

Valley State Prison (Soledad); Valley State Prison (Chowchilla); California State Prison, Los Angeles County (Lancaster); High Desert State Prison (Susanville); Mule Creek State Prison (Ione); California Medical Facility (Vacaville) San Quentin (San Quentin) and Avenal. Before the year is over, we've been invited to and are hope to visit Chuckawalla State Prison (Blythe) and California Institute for Women (Chino), plus return visits to Folsom, CMF, San Quentin, High Desert, Avenal and CHCF.

Other weekends have been in day-long seminars for the family and friends of lifers, in our Lifer Family Seminars, with the promise of "Hope*Help*Home," as we help families understand the prison and parole process, as well as how and what real help they can provide their prisoner. In 2019 we've done 6 such seminars, in Sacramento, Yorba Linda (Orange County), San Francisco, San Diego and Long Beach (LA County) and most recently, Fresno. Plans are underway to secure venues and schedule next year's dates and locations already.

We've been fortunate enough to be able to meet personally with many government and corrections officials, from members of Governor Newsom's legal team, to Secretary of Corrections Ralph Diaz; Parole Board Executive Director Jennifer Shaffer to (former) Parole Operations Director Jerry Powers and other DAPO and CDCR officials. These meetings have been fruitful exchanges of information and ideas and provide the officials with a 'boots on the ground' perspective they would not otherwise have.

We've also had discussions with staff from several legislative offices, with ideas for next session bills explored and we're exploring partnerships with other advocacy groups. And every month we're at the 2-day Parole Board Executive Business meeting, where we often sit in on training sessions for parole commissioners.

We're also constant participants in the quarterly Stakeholders Meetings at the Parole Board, where all sides of the corrections process meet with officials to hear new policy and procedural changes, implementation of new laws and offer input. Other days are spent in prisons again, observing actual parole hearings, including the workings of the new Structured Decision Making Format (SDMF) and how it impacts hearings.

We maintain a lively profile on social media, both through our Life Support Alliance Facebook page and through Lifers' Success Association on Facebook, where paroled lifers keep in contact, share job opportunities and provide support for each other. Membership in Lifer's Success Association has grown to over 600 in the last year. And recent improvements in our website have made it more user-friendly for lifer friends and family, allowing them to access resources and participate in our activities.

Our free newsletter, Lifer-Line, continues to expand, now sent to nearly 2,000 email addresses, where the recipients print the newsletter and mail it to inmates in most of the 35 prisons in California. Many on our email list are legislative offices and officials with the department of corrections. Our 40-person volunteer mail tree system also provides the free newsletter to over 400 prisoners who don't have family or friends on the outside to provide that service to them. California Lifer Newsletter, our larger, more legally oriented newsletter, also continues to grow, with some prison law libraries subscribing to provide this resource to inmates. Correspondence never seems to slow, with about 250 letters from inmates received and answered each month, and countless emails and phone calls from friends and family members of prisoners.

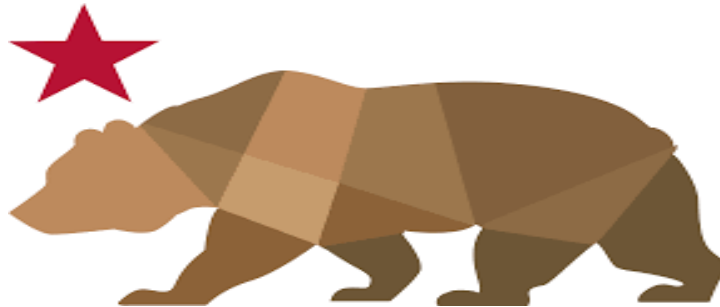
Recently we did a 'test-drive' of our latest program, Understanding Your CRA, which will be available in January 2020. This newest program concentrates on understanding the Comprehensive Risk Assessment, from the FAD to the finished product. And...there are various other ideas rolling around in the brain trust here, all aimed at helping lifers and others headed to parole hearings to understand and succeed at the process.

If you'd like to participate in any of the workshops and programs offered by LSA, have your self-help sponsor or CRM contact us to ask about programs and scheduling. Here's how you can reach us:

Life Support Alliance
PO Box 277
Rancho Cordova, Ca. 95741

*(916) 402-3750 staff@lifesupportalliance.org

**please note, we provide phone number and email address for prisoners to provide to their friends and family; we do not maintain a GTL balance on our office phone, having learned that prisoners tend to wipe out that balance in pretty short order.*



TRENDS IN THE GOVERNOR'S OFFICE

With every new Governor it takes a while to get a 'read' on how things will go in all areas, but particularly concerning prisoners and parole grants. During former Governor Brown's many years we were able to discern several trends or 'triggers' inherent in his grant reviews and actions.

When current Governor Gavin Newsom assumed the office and responsibilities for parole reviews, the slate was wiped clean and we started again. Of course, we'll use the yearly report from the Governor's office to the Legislature early next year that will recap all his parole grant reversals, but in the meantime, inquiring minds, like ours, want to know the trends. Hence our request to all those lifers who have had their grant either reversed or sent to en banc by this governor to share with us those the letters announcing those actions, so we can data-mine those individual documents.

Now, some 10 months into his term, we're starting to get enough of those letters to identify some early trends. And they aren't really surprising. We're still concerned with the raw numbers of those referrals and reversals, but the wave has subsided somewhat from the first couple of months of the year.

Here's what we've identified so far. Newsom still seems a bit uneasy with lifer parole grants and is still reversing several, most frequently for the usual and rather nebulous notation of 'lack of insight'. But we've also noticed that those prisoners who participated in gang activity early in their term, either continuing activity they were involved in on the streets or on entering into prison gang participation, are more likely to be reversed than those who eschewed any such activity right away.

Also showing up more often in reversals and especially in en banc referrals to the BPH commissioners are those cases involving a sex offense, either in the instant case or in the past. Again, not a surprise and one of Brown's triggers, but now also identifiable as one of Newsom's factors.

In the realm of pardons (for those who have been released from prison), Newsom's priority is clear: he's concentrating on helping those former prisoners with a felony on their records that puts them at risk for deportation. In the past several months the board has heard pleas from several long-time residents of both the country and the state who are faced with deportation back to a country that in many cases they left as infants.

That doesn't mean that all those facing deportation will automatically be pardoned, but if those individuals can convince the Governor and the BPH that they've truly rehabilitated and have become productive citizens, they may be able to find relief and be able to continue their lives here. The same process does not hold for those still incarcerated and facing deportation—in those cases the Governor does not intervene.

If you're in the position of being reversed or sent to en banc, please remember to send us those letters—your contribution to our data and understanding is greatly appreciated.



1170 (d) UPDATE

Many prisoners are unsure if review under the 1170 (d) process, which allows exceptionally performing prisoners to be referred back to their sentencing court for possible resentencing is a possible avenue for sentencing relief. According to a report recently by the classification services unit, while its possible, chances aren't 'robust.'

According to information presented at the most recent BPH Executive Board meeting, although the process has been on the books for some time, until recently only a handful of referrals were made and even fewer successful in having their sentences amended. But recent legislative and attitude changes have brought new life to the program, which is now investigating referrals by CDCR personnel under the program.

To qualify and inmate, an 'exceptional' inmate, must be referred to the process by institutional staff—specifically to a CC1, to complete a case study. And the initial referral must come from a CDCR email address; your self-help sponsor can't refer you from his/her home computer. If the individual is indeed found to be exceptional, the case is referred to the institution's warden to approve or deny, and, if approved, send to CDCR HQ for additional action. Requirements?

"If an inmate's behavior, while incarcerated, demonstrates sustained compliance with departmental regulations, rules and policies as well as a documents evidence of prolonged participation in self-help, vocational and educational programs relative to their commitment offense." Once approved by the Secretary of Corrections the individual's case is referred to the sentencing court in the county of commitment.

It's also possible for this process to be applied to gun enhancement sentences. While in the past courts were required to impose firearm enhancement, new legislation now empowers the court to exercise discretion to strike or dismiss this enhancement.

So, the process is underway. But. It's slow. Excruciatingly slow. And then there are the courts. Some are receptive to the process, some simply dismissive. And there is no requirement that any court act on an 1179 (d) referral, much less reduce a sentence.

Classification staff at CDCR Headquarters recently reported that, since the first of the year, some 126 case referrals have been completed, with 102 referred to the courts by the Sec. of Corrections. Of

those, courts have acted on only 45, and only 21 have been resentenced. And the gun enhancements have even less stellar results.

Although 165 cases have been referred up the chain at CDCR, and 135 have been approved by the Secretary, courts have acted on 62, with enhancements removed in 14 cases. Again, courts are not required to even respond to the referrals, much less act or grant them.

CDCR also reports there are roughly 2 years of cases already referred and waiting processing. So, while prisoners shouldn't disregard the 1170 (d) process, neither should they pin all their hopes on this snail's pace avenue.



SEMANTICS VS. REALITY

While we're all in favor of political correctness, making sure everyone is addressed in a manner acceptable to them and appropriate, there comes a time when artificially empretzeled titles become a little too facetious and self-impressed. We try to be realists, mindful of feelings and impressions, but always aware that facing the reality is usually the best path.

We've been mildly chided of late by some for referring to prisoners as, well, prisoners. Or inmates. It's been suggested we refer to our prime constituents as 'incarcerated individuals' or even, 'our incarcerated loved ones.' And we considered these suggestions.

But, frankly, what do you call people at a school? Students. Usually not 'academically enrolled individuals', or 'our loved ones in school.' And what's the term for those in hospital? Patients, not 'medically isolated individuals' or 'our ill loved ones.' So, what, then, is the term for those housed in prisons? Logically it would seem to be prisoners.

Could we say, 'incarcerated individuals' or 'our incarcerated loved ones?' Yeah, we could. But 'incarcerated individuals' sounds a bit obfuscating and facetious, and as for 'incarcerated loved ones,' not everyone involved in prison reform (incarceration reform?) does so in the interest of a loved one or family member—some of us are just concerned with the system as a whole.

But, not wanting to just trust our own instincts, we asked a variety of those in prison, during our frequent incursions into those institutions. What would you call yourselves, how would you prefer to be addressed? And while most really didn't care (call me a prisoner, political prisoner, offender, con, whatever, just give me a chance to come home), the majority were comfortable with prisoner. It is, after all, the fact.

And from a purely selfish standpoint, when speaking about prison issues (as we do often) or writing on the subject (as we do constantly), using factual terms such as prisoner and inmate are far more understandable and effective, to say nothing of simpler, than the 'incarcerated' terms.

So, thank you, everyone, for your feedback and certainly we'll continue to visit and explore every issue brought forward. If this is a major issue for you, we do understand and appreciate your point, but please let us introduce you to some issues we feel are a bit more pressing.

For now, we'll continue to refer to those housed in California's 35 adult prisons as prisoners. Or sometimes inmates. But what we'd really like to call them is free.