

# LIFE SUPPORT ALLIANCE



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*Public Safety and Fiscal Responsibility*

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**LIFER-LINE**

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THE NEWSLETTER OF LIFE SUPPORT ALLIANCE © LSA, 2012



## **LSA CHANGES AND MOVES FORWARD**

Life Support Alliance has just passed its second anniversary as an advocacy group for life term inmates. We began this effort at education and change in January of 2010 with a handful of supporters and a determination to be a voice for lifers and their families.

Two years later our list of accomplishments has grown, we are making significant strides in bringing the truth about lifers to the public and legislators and LSA has become a name and presence in the capitol. Our newsletter is now hard mailed to nearly 500 inmates with another 300-plus receiving it through our email serve list to their families members. For every newsletter sent to an inmate, an estimated five other prisoners read that newsletter, spreading the information and awareness.

Shortly after formation LSA registered as at a 501 (c) 4 non-profit, politically active organization. This status with the IRS allowed us to take political positions including support or opposition to legislation and noted our non-profit status insofar as accepting contributions and donations. It also meant those contributions were not tax-deductible for donors. And while LSA has never actively solicited donations from our supporters, we have gratefully accepted modest monetary donations from supporters, some regularly, some sporadically.

Now after two years of being a start-up (though some in CDC and BPH might say upstart) LSA is ready to take the next step. In the next few months LSA will be adding a new division, an education fund yet to be named, a 501 (c) 3 that will

seek philanthropic grants and tax-deductible donations to enable us to continue and expand our work in educating all stakeholders in the lifer situation and working for increased lifer parole.

The original Life Support Alliance will remain as a 501 (c) 4, taking political positions, lobbying for and against legislation and taking a stand at commissioner confirmation hearings. Our new education fund will issue reports, hold seminars and continue to bring to legislators and the public factual information on lifers and the parole process and new legislation or court rulings to prisoners; in other words, our education fund will provide the research, information and facts to fuel our advocacy effort. The pairing of the educational component with the original LSA activities will enable us to address lifer and parole issues full time, provide more services to our supporters and allow those supporters who can contribute to our cause to receive a tax deduction for doing so.

Our (c) 3 and (c) 4 sides will be parallel bodies, working in tandem toward our shared goal of reforming the state of parole for lifers. Our hope and our goal is to receive grants and tax-deductible donations through our education side to fund our work and continue the progress we have seen in the past two years.

The next edition of *Lifer-Line* will provide more information on our newly expanding presence, the name of our new tax deductible side and what additional services and goals we will be able to offer. Additional seminars, publications and courses of action are anticipated to better serve lifers and their families.

Our mission, our dedication and our fire to fight has not changed. All that is changing is that we are growing and expanding, ready to do more for lifers and their parole. For more information or questions on donations or goals please email us at: [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com).

## **LIFERS BEWARE: SCAM WARNING**

In recent weeks lifers in several institutions have forwarded to LSA a possible scam targeting lifers and their families, claiming “we can now get you guys home easier” and purporting to be a group of seven litigants or legal consultants.

The best that can be said of “The Legal Assistance Project” is...well, actually there isn't anything good to be said of them. The two-page, poorly reproduced letters seen by LSA are repetitive, wrong on facts, poorly spelled and misleading. And we don't have space to discuss the bad points.

By using a few facts out of context, citing a few well-known cases in wrong settings and preying on the urgent hopes of all lifers and their families to achieve parole the “project” claims to be able to cut lifers' sentences short by “using habeas corpus to bypass” the parole process. And (here's the really good part) lifers don't have to pay attorney fees, only “costs of litigating cases through the courts.” Last time we checked, attorney fees were the major part of costs of moving a case through the courts.

These letters urge prisoners to send their families' contact information to this dubious group so they can begin fighting for you. There are enough factual errors, overstatements and just plain wrong statements to confuse Confucius.

Hopefully our readers will see where we're going with this—don't fall for it. LSA did a bit of checking; not on the contents of the letter, that was easy to debunk. We did some checking on “The Legal Assistance Project.” There is no record of “The Legal Assistance Project” as a business anywhere we checked and, while the poorly-done letterhead lists an address in Pasadena, Ca., that address is actually a postal mail drop, filled with nothing by post office boxes rented out to any and every one. Certainly not an office of any sort, let alone of a legal concern.

And the phone number listed? Yeah, that goes directly to a voice mail with a pre-recorded message to leave your number for a call back, no name of the phone owner, and, so far, no call back either.

Need we say more?

## VISITING PROBLEMS UNDER STUDY

Life Support Alliance has reached out to prison visitors asking for information and input on visiting problems and issues experienced statewide. We are collecting an amazing, sometimes amusing, but more often scandalously stupid, variety of “regulations” and “local ops” that purport to restrict visiting in ways only truly small minds could conceptualize.

From all points of the state and from virtually all institutions come reports of new rules instituted each weekend, each more restrictive than the last, each making visiting a more stressful and difficult, thereby dealing continuing blows to the CDCR’s stated goal of promoting family unity. A few years ago, and after much discussion, some of which actually included input from stakeholders on the visitors side, the department proudly rolled out a clothing/color chart to each prison with the announcement that the only colors which visitors were not allowed to wear were displayed on the chart.

And it (sort of) worked for a (short) while, until each institution began to ‘interpret’ the chart; did disallowed blue, meant to address colors similar to those worn by prisoners, suddenly mean no blue plaid, blue print, aqua or teal? Did the prohibition against denim mean even toddlers, barely able to walk, couldn’t wear in their size 0 jeans? Did no transparent clothing mean anything any white shirt worn by a woman would be considered see-through and thus not allowed?

So now the much bally-hoed color chart is now largely extraneous and we’re back to rule-of-the-week.

One institution justified a recent and ridiculous “rule” via a “local ops,” which they (a) refused to let anyone see, (b) could not produce when required to do so under freedom of information request and (c) wanted to charge those inquiring for 45 minutes of staff research time to discover they didn’t have a ops policy they said supported their new “rule.” If families and prisoners didn’t have to struggle with this disruptive nonsense each week, it would be laughable.

One thing everyone needs to remember: no local ops or local DOM supplement, or rule written or unwritten, can be more restrictive than rules covering the same subject in Title 15 and the DOM. Become familiar with visiting sections in those documents and don’t be afraid to ask for copies of whatever local rules are being used to make your visits difficult.

Inquiries at CDC recently revealed the department is “currently in the process of visiting tours” and will be preparing some sort of report for various associate directors involved with the institutions. Is it coincidental that this “tour” is happening in very close proximity, time wise, to interest in visiting issues quietly expressed by the legislature? Coincidental to the legislative interest (to which LSA is responding) or not, what struck us about the department’s tour and proposed report(s) was that all this was apparently being done without any visitors or Inmate Family Councils being contacted. So just who is Sacramento talking to—visiting staff?? Yes indeed, there’s where you’ll get some honest, unbiased answers.

Needless to say, LSA, in conjunction with visitors and IFCs, will be providing our input on both the “tours” and other visiting issues. Anyone wanting to contribute to this growing tome of stupidity should send the particulars of the incident or “rule,” along with the prison and any names of staff involved to LSA, PO Box 3013, Rancho Cordova, Ca. 95741 or email us at [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com).

And a word about family visits for lifers. We’ve been contacted several times in recent months by family and prisoners asking about the restoration of “conjugal visits” for lifers. And while we are all in favor of this program being restored, the campaign to do so must be approached carefully and with great restraint. What may eventually be restored are FAMILY visits for lifers and their immediate family members; not conjugal visits. To characterize visits in this way is a sure path toward vehement opposition by victims groups and other “tough on crime” types, who want only punishment forever and ever. The concept of family visits was and should be to strengthen the family ties of lifers and their families; it was never meant to simply provide an opportunity for marital relations.

The benefit to children of being able to spend extended and relaxed time with their incarcerated parent is well documented, as is the benefit to the prisoner of maintaining family ties and support. The biggest hurdle to be overcome in restoring this program for lifers, aside from what is sure to be vocal opposition by victims’ groups, is the cost to the CDC. In these days of budget cuts, staff reductions and frugal ideas the restoration of family visits for lifers must be presented as a program that will either pay its own way or even provide funds to the department. We’re working on it.

At present, lifers who have been granted a parole date are no longer considered lifers and are therefore eligible to apply for family visit privileges, even if their date was rescinded by a governor and they are currently in the courts challenging those reversals. The possibilities of family visits being granted all lifers are being explored by several groups and individuals, but without fanfare or publicity. So please be patient, if these visits can be restored it will not be this year, possibly not even next year, but goal is not forgotten or ignored.

## **THAT LETTER OF APOLOGY....**

As reported previously in *Lifer-Line* (December, 2011) parole commissioners frequently ask prisoners whether or not they have written a letter of apology/remorse to their victims or victims' families. While not a requirement of parole, it is one of the "suitability factors" the commissioners often use under the court sanctioned "broad discretion" on what factors indicate an inmate suitable.

But, in something of a Catch-22 situation, writing and sending such a letter can often work against the inmate. While the board wants to see inmates write letters of apology, under no circumstances does the board advocate or want these letters sent directly from the prisoner to the victim or family.

Most know the CDCR maintains an Office of Victim and Survivor Rights and Services, which processes restitution claims, provides victims and survivors with assistance in recovery and notifies them of the parole hearings for lifers sentenced in their cases. And, while not officially part of the mission, the Office of Victims services has taken on the process of accepting and processing lifers' letters of apology. But somehow, this information isn't getting out to lifers approaching parole hearings.

No matter how long ago the crime, whether or not the victim is still living or the whereabouts of any surviving family is known, lifers can still write letters of apology as part of their rehabilitation efforts. Letters should be sent to the Office of Victims and Survivors Rights and Services, PO Box 942883, Sacramento, CA. 94283.

The office will review the letter and, if appropriate, the address of the intended recipient is known and the survivors have indicated a willingness to receive the letter, they will forward the apology to the relevant individuals. The prisoner will receive an acknowledgement letter from the victim's services office to include in his parole packet, verifying he has made that attempt, regardless of whether or not the letter is eventually forwarded to a victim or family.

The decision on whether or not to write a letter of apology is a personal one, best made by the individual prisoner in consultation with his/her attorney and other supporters. LSA is not advocating or recommending for or against any inmate penning such a letter; we note only the parole board's attention to this aspect of suitability and offer the above information as clarification of the process.

## **INTERNAL MATTERS**

Our apologies for a late and somewhat brief January newsletter. Perhaps the biggest news happening in January and reported in the end of month December, 2011 *Lifer-Line* was the retraction of SB 391 by Sen. Ted Gaines. SB 391 would have allowed the parole board to continually deny parole based solely on the life crime. LSA was one of the leaders in opposing that bill, the author pulled just days before it was to be considered by the Senate Public Safety Committee, acknowledging he did not have the support to pass the bill.

While we continue to monitor events in the legislature we have also been targeting goings on in CDC headquarters and the BPH, as evidenced by information contained in this issue. We are also gearing up for confirmation hearings of numerous parole commissioners expected to begin in April.

And in the interests of full disclosure, we have been spending more time and attention than usual on infrastructure issues and changes within LSA, evidence of our preparations to expand our mission and efforts. So please bear with us as we make these improvements and lay the ground work to be more effective in working for lifers.

Toward that end, please be mindful that LSA is not a legal firm, we cannot provide legal advice or representation; nor are we a re-entry facility and thus cannot offer those associated services. Our goal is advocacy and education; advocacy for increased parole of suitable life inmates and education of the public and legislators on lifers and education of lifers on the current parole process.

## WHAT WE THINK

*The following editorial was submitted by LSA and originally printed in The Capitol Weekly paper. Subsequently the same piece was posted on-line by the CDCR Star publicaiton, aimed at CDCR employees. It was also re-posted, often with comment, on blog sites maintained by and for guards at various institutions. Reprinted from Capitol Weekly.*

### VENGEANCE AS PUBLIC POLICY

How I wish news organizations would revert to the professional ways of thoroughly vetting a story before rushing to publish tabloid-style cant. Case in point: a recent account in the Sacramento Bee on Gov. Brown's affirming the release of "more killers" than his predecessors. Wow, great headline. Sounds dramatic, important and even a little scary.

It's also incomplete.

The true part: Brown has indeed declined to review most life-term inmates' parole grants given by the Board of Parole Hearings. That doesn't mean he's done a wholesale release of "killers." And you may be interested to know that many life term prisoners are in prison for non-lethal offenses.

Brown's office reviews each parole grant, looking for something missed by the parole commissioners in their grueling, often hours-long review of a lifer's crime, circumstances and suitability at a parole hearing.

Keep in mind, most of the parole commissioners come from a law enforcement-connected background, are largely conservative and none could be described a flaming liberal on law and order. If this review finds the parole board did their due diligence and their job, laws were followed and the parole grant duly given, the Governor allows the grant to proceed. If there is something that catches the Governor's eye, he can rescind the grant of parole. He's done this before and it's something his immediate predecessor did about 80 percent of the time.

And what then?

Usually, the prisoner files a court action on the governor's reversal and this action takes its path through the courts, racking up expenses in court costs, legal fees and continued incarceration time for one, two or even three years. And the outcome?

Under the Schwarzenegger regime, about 80 percent of his reversals were eventually overturned by the courts, reinstating the parole of the prisoner, but only after considerable costs in both monetary and human terms. And to what end? Pretty much nothing. No great increase in public safety, no fanfare, just a lot of money wasted.

Want more truth?

Not all parolees are the same. Until the recent realignment changes, nearly everyone who went into state prison, whether for a life term crime or for a determinate sentence, was placed on parole when released.

The vast majority of these parolees was never lifers, never had to go before a board to prove they were no longer a threat to public safety and never had to bother with rehabilitation. They were simply released on parole at the end of their sentence. These are the individuals the media so often headlines in the "Parolee commits XYZ" stories. The fact that these re-offending individuals were never life term prisoners is never mentioned.

California's present recidivism rate for all prisoners released on parole hovers around 70 percent, pretty bad for a state agency that claims "rehabilitation" as a goal.

And what about the recidivism rate for those life-term prisoners who manage to rehabilitate themselves, turn their lives around and prove to both the parole board and the governor that they are changed and no longer a danger? It's less than 1 percent!

That's right, less than 1 percent.

According to CDCR itself, of the life-term inmates convicted only of first- or second-degree murder and paroled over the last 21 years, only a handful have returned to prisoned and none for a life offense.

The most serious crime, committed by only 3 persons, was robbery. That's a recidivism rate of just over half of a single percentage point, or .058.

The average citizen is in more danger from the stranger standing behind them in the grocery store line than from a paroled lifer.

And if you want to talk money, here's something to think about. Most lifers are aging, with more and more passing the 50-60 year age mark every year. At this point the cost to incarcerate them skyrockets, from about \$51,000 per year for an average inmate, to around \$150,000 per year per inmate.

So what could the state do with an extra \$100,000 per year times, say, 10,000 people? The number of lifers in the California prison system is around 24,000; assuming only half of them are paroled, that's a huge monetary savings at demonstrably no cost to public safety.

What Gov. Brown is doing is following the law. He is allowing the parole board, charged with making the decision on whether to release a life term inmate or not, to do their job. He is doing his job in reviewing their decision, but at the same time, having the confidence that the parole commissioners are doing theirs. And the statistics and facts prove him right. Since Brown stopped reversing most lifer parole dates and allowed these men and women a second chance at contributing to society the crime rate has not shot upward, blood is not running in the streets and the cost of the prison system is coming down.

The Governor knows what the rest of society must learn: We can no longer afford vengeance as public policy. For victims there will never be enough punishment. But government must look at the overall picture and do what is best for society as a whole. And often that means a carefully considered decision to give someone a second chance.

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*Ed's Note: Vanessa Nelson heads the Life Support Alliance, which advocates for the fair and unbiased consideration of parole dates for inmates sentenced to life.*

## GRANT RATES TO DATE

The following figures were culled from parole hearing results for the months of May through November, 2011. The composite grant rate represents actions of all commissioners serving during any portion of that time frame.

The overall parole grant rate for the above months and average for all commissioners was about 17%. Of no apparent significance but of passing interest, the rate was highest in October (22%) and the lowest in August (12%).

Of the current commissioners listed below, five are new to the job, appointed in the summer of 2011 by Governor Brown. Two are hold-overs from Schwarzenegger appointments, and three were originally appointed by Schwarzenegger and reappointed by Brown. All the Brown appointments will sit for confirmation hearings within the next few months. LSA will be at the hearings and for the first time we anticipate we will support the confirmation of selected commissioners.

Brown appointees and their grant rates are:

Dan Figueroa, 16%	Gilbert Robles, 15%	Howard Moseley, 27%
Cynthia Fritz, 15%	Terri Turner, 21%	

Recycled Brown appointees are:

Jack Garner, 11%	Michael Prizmich, 14%	John Peck, 15%
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Holdovers from Schwarzenegger:

Arthur Anderson, 18%	Jeffrey Ferguson, 20%
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Peter Labahn was recently appointed by Brown but as of this reporting period had not presided at hearings. The board is still one commissioner short of a full complement.