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THE BEST (EVEN BILLS) DIE YOUNG

It's been a rough season for progressive legislation relating to prisons in California. Of the five bills LSA has been monitoring and supporting only three remain alive. Sadly, the two most important failed to pass their respective houses.

Down for the count, at least this year, is AB 1652, Assemblyman Tom Ammiano's landmark bill that would have allowed SHU, AdSeg and other security housing inmates to receive sentence credit reductions. Even more importantly, it would have limited SHU confinement to no more than 36 months if the reason for that confinement was based on gang status alone.

The bill died on the Assembly floor, with 23 aye votes and 38 no votes. Ammiano, a Democrat, found himself in the position of 'with-friends-like-this-who-needs-enemies,' when 16 members of his own party joined 22 Republicans in voting no. Even more shameful, all 18 of the non-voting Assembly members were Democrats.

As reprehensible as those nay-saying Demos were, at least they owned up to the courage of their convictions and put their opinion on record. The 18 who failed to vote exhibited great gutlessness. The White Feather award goes to Democrats Bloom, Brown, Buchanan, Ian Calderon, Chau, Chesbro, Cooley, Dickinson, Fong, Frazier, Garcia, Gomez, Hall, Holden, Pan, V. Manuel Pérez, Ridley-Thomas, and Weber. We have long memories.

Also dead this year is SB 1363 introduced by Senator Loni Hancock that would have required the BPH to set criteria for establishment of a base term of incarceration at the new consultation hearings

and provide "substantial evidence with respect to the entire record" for prisoners denied parole long after their base term of imprisonment. It would also have mandated the BPH to maintain statistics on the number of lifers remaining in custody past their base term and other measurers of parole board decisions.

When her fellow Senators, some of them like Hancock, Democrats, failed to provide the senator with sufficient support to pass her bill Hancock requested SB 1363 be placed in the inactive file. Maybe later.

Still in the mix is AB1633, Assemblyman Tom Ammiano's forward thinking bill to begin the work of sentencing reform by ordering the Board of State and Community Corrections to collect and analyze statistics on sentencing in order to recommend changes in sentencing law. This bill is currently in the Assembly Appropriations committee, where the members will consider if the benefits of the bill outweigh the costs to implement.

Also in the 'is-the-money-well-spent' consideration is AB 2129 from Assemblyman Reginald Jones-Sawyer that would require CDCR to establish a voluntary pre-release reentry program available at least 6 months prior to release. And the prospects for passage of AB 2308, Assemblyman Mark Stone's legislation to require every eligible inmate receive a California ID card before release, look good. This bill passed the Assembly chamber with but a single negative vote (Steve Fox, Democrat) and is now awaiting consideration in the Senate.

THERE WILL BE ***AFTER LIFE***

More and more lifers are discovering as they parole that there is, indeed, lifer after life. But that life is not without its challenges, some pretty well documented, some more subtle but just as jarring.

And just as challenged by the change in possibilities for lifers to parole is the Division of Adult Parole Operations (DAPO), which is undergoing a culture shift of its own. We have noted before the realistic and progressive attitude of the new administration at DAPO, headed by Director Dan Stone, as well as the difficulties in getting everyone in DAPO on board with the changes. But the intent is there.

At a recent meeting of the Long Term Offenders Program Planning body, on which LSA sits as the lone prisoner representative, we were heartened to hear a DAPO official state "DAPO is now in the business of reentry." As many paroled and soon-to-parole lifers know, realignment has changed not only where and how many prisoners are housed, but how they are supervised once released as well. Gone are the days when a technical violation or even a single 'dirty' drug test was an automatic ticket back to finish a life sentence.

Which is not to say there are no sanctions for parole violations; there are, starting with exhausting all community remedies to fix whatever is causing a parolee to skate outside the rules and, still, the possibility of return to custody. But there is also help available from, of all places, CDCR and DAPO if a lifer parolee needs it. And if that lifer parolee runs into one of the old-school agents who seem to have a vocabulary of one word: NO, there is also help and the possibility of a teach moment for all.

There are new procedures, policies and expectations, all of which lifer parolees need to be aware of. And so, there will be *After Life*. Beginning in July LSA will begin producing this new newsletter aimed at lifer parolees, to bring them up to speed on the things they need to know, who to reach out to and

how to negotiate the system. As with ***Lifer-Line***, ***After Line*** will be sent to paroled lifers free of charge via email.

We frequently get calls from newly-released lifers, and the first thing they want to share with us (after what kind of nifty cell phone they legally have) is their email address. So, heads up to all you lifers recently found suitable and waiting out your release date and all of you soon to go to board prospective parolees; our outreach to you doesn't end when you go home.

Remember to send us your email address and we'll add you to ***After Life***. It will be free, informative and a conduit for your questions and concerns. And hopefully, the mailing list for ***After Life*** will grow as fast as the number of readers of ***Lifer-Line*** continues to grow. When you get home, send your email address to: lifesupportalliance@gmail.com and ask to experience ***After Life***.

Paroled lifers enjoying Life Support Alliance's Open House at our new office

THAT WAS THE MONTH THAT WAS

It's been a pretty busy and eventful month of May in Life Support Alliance's office and world. In addition to the usual round of meetings and legislative bill watches we actually created some buzz of our own, hosting both a lifer family seminar and an Open House event at our office.

A varied and eclectic mix of individuals and personalities showed up at our May 9 Open House. Paroled lifers rubbed elbows with parole agents and supervisors; CDCR staffers chatted with LSA supporters; lifer attorneys visited with past clients and family of potential future clients. LSA's core volunteer staff of 5.5 people (wow, we're growing!) had a great time playing social butterflies between all factions.

About 60 people came to see our new digs, enjoy our hospitality (and food), peruse the visual exhibits we offered—photo collages of lifers and their loving families, success stories of paroled lifers making a difference back in the world they left many years ago and a timeline of Life Support Alliance's birth and growth, and to talk shop with like-minded and opposite minded individuals.

LSA principals Vanessa and Gail send out a huge thanks and kudos of appreciation to our BVFs (Best Volunteers Forever) Robin, Gigi and Mona for all their work and assistance, and to former lifer David Sloane for his help, encouragement and continued devotion to the lifer cause.

Later in the month LSA hosted a day-long seminar for lifer families, "Doing Life as a Family,' in Sacramento. Lifer loved ones came to learn about the parole process, what it takes to be found suitable and how they can help their loved lifer become suitable. LSA is committed to bringing these educational seminars to various areas of the state to make the information available to the broadest spectrum of lifer friends and family.

Our next event will be Los Angeles in late July, exact date and venue to be announced. Participants in the seminars come away with an expanded knowledge and understanding of parole, a packet of information for future reference and a sense of hope and unity with others in the same situation.

Also in May LSA attended 3 days of training sessions for parole commissioners, watching as commissioners were given direction on topics from effective communication with disabled inmates to updates from Office of Victims Services. Between attending parole hearings, reading transcripts and attending training sessions for commissioners we feel as though we're getting a pretty thorough grounding what it takes to be a commissioner. That may be next.

THE 20 PAGES, ONE MORE TIME

Amid all the uproar and turmoil about recent administrative directives by the Board of Parole Hearings, we'd like, if possible, to insert a little calm and sanity. Yes, BPH has recently put forth some new changes in policy that affect the way hearings are conducted. No, they weren't trying to make your life harder and chances of parole less.

Yes, it is possible to understand and work within the changes. No, we don't like all of them. But, hey. This is CDCR. What's to like?

Let's first look at the one new directive that seems to be causing the most confusion, and not, unfortunately, only among inmates. We've found inmate attorneys, DAs and even the occasional commissioner a bit confused on this one: the 20 page rule.

Once again, this is 20 pages of NEW information. Anything that comes in at the last minute, certificates, chronos, letters of acceptance to transitional housing—BUT it does not include support letters. So, if you have 20 pages (that's 20 single sided or 10 doubled sided pages) of new items that have just arrived and have NOT already been submitted for inclusion in your parole packet, you can submit them all. If you have 23 pages, bring them anyway, as the 20 page rule is discretionary, meaning the commissioners can accept more if they find good cause/reason to do so.

Yes, you can still do your tabbed and indexed parole packet containing everything you've done and accomplished since the cell door first slammed behind you, just get it to the commissioners ahead of the hearing via the usual means. The 20 page directive is only for NEW information. And if you have 20 pages of new information and any number of new support letters, they can all be submitted.

Not that we're trying to justify the BPH actions (not our job), but think about this: if you submit literally hundreds of pages on the day of the hearing (we've seen it done) AND you expect the commissioners

to give all this 'new' information adequate consideration AND you want you want your hearing concluded before the cock crows the next dawn—it ain't happenin. Something will get short shrift and it will undoubtedly be the mountain of submissions. So, to be sure all your information is properly weighed and considered, get it in early and bring only those late breaking news items to the hearing.

Given the difficulty of getting information into parole packets, the reluctance of many prison staffers to actually do their jobs, it has been suggested that wise lifers might consider bringing copies of the most important documents in their packet to the hearing, in case those crucial docs don't make it into the packet—you have them to present and you and your attorney can argue that these should be accepted over and above the 20 page limit. Commissioners are aware of the problem of staff recalcitrance—we know they are, because we put that little bug in their laps at the monthly BPH meeting. And, should you run up against a staff member (say, a counselor or such) that refuses to assist you in getting info into your packet, or you give it to someone (say, a counselor) and it never makes it into the packet—we want to know. Names, dates, institution, what happened (or not).

On to the next bone of contention: whether or not a prisoner is qualified for consideration under SB 260, Youth Opportunity Parole Hearings bill. Those prisoners who were already in the BPH line up for hearings between January 1 and October 1, 2014, were evaluated by the BPH legal staff and a determination made as to their eligibility for a SB 260 hearing.

If you were or are scheduled for a hearing in this time frame and have been notified that you are not 260 eligible or have not been notified as to your eligibility, you can file an appeal to have this status reviewed by the BPH via a special BPH form available from your counselor. And if your counselor says (a) they don't have the form or (b) they've never heard of SB 260 or (c) it's not their job—please send that information, names, position and prison, date of interaction, to us, along with your request for the appeal form, which we will be glad to send to you while at the same time addressing the concerns about those un-performing staffers.

If your hearing is slated for some time after October 1 or you are a determinate sentenced prisoner eligible for parole consideration under SB 260 and you have not yet been notified of your eligibility status, you can appeal that determination or request a determination via the 602 process. For those going to board from October onward their 260 status will be determined by CDCR Classification Unit. Please remember if you are a determinate sentenced prisoner, your hearing will likely be in the last segment of time before the deadline for 260 implementation, probably between January and July, 2015.

So please, if you find your institutional staff less than helpful or knowledgeable about some of the new, finer points of BPH hearings, before you decide your cause is lost reach out for information. And if your state appointed attorney is unaware of the new changes and policies, show them this information, and then report their failure to the BPH—and to LSA.

CDCR'S PEPPER SPRAY POLICY KEEPS BURNING

Another suit has been filed against CDCR officials, including Secretary Jeffrey Beard, stemming from injuries suffered by a mentally ill inmate doused repeatedly with pepper spray by guards. In July, 2012, 33-year old Jermaine Padilla, serving a 10 month sentence at Corcoran State Prison for parole violations, became the unwilling 'star' of a 30+ minute video in which he was repeatedly sprayed with pepper spray for the rules violation of refusing to remove his hands from the food port in his cell door.

The graphic video, including Padilla's screams of pain, fear and confusion, was played last October in Judge Lawrence Karlton's court and was arguably in large part responsible for Karlton's recent ruling declaring CDCR's use of pepper spray on mentally ill inmates unconstitutionally cruel punishment. Padilla's suit, filed in US District Court in Sacramento, seeks damages for "willful, malicious, intentional, oppressive and despicable conduct" by CDCR staffers and administrators.

The suit contends Padilla could not understand the guards' commands due to his mental condition and the repeated dousing with pepper spray, some 6 times in the space of just over 7 minutes, worsened his mental state and disrupted his family connections. It seeks unspecified damages.

Since Karlton's ruling CDCR has begun reviewing and modifying the pepper spray/mentally ill patient policies, which now include at least a 3 minute wait time between applications of the chemical for non-complying inmates.

SUITABLE INMATES' 'EARLY RELEASE' STILL ON HOLD

As part of the settlement agreement between the Brown administration and the 3 federal judges monitoring California prison population levels the state agreed to identify and accelerate the release of those lifers who have already been found suitable for parole, but whose release date was calculated at a future time. This would be the only 'early release' available to lifers.

As might be imagined, there is much interest in when and how these 'early releases' will be accomplished, so LSA reached out last week to Howard Moseley, Chief Legal Counsel for the BPH. Moseley, in a carefully and lawyerly worded statement, acknowledged that these releases are indeed part of the population reduction plan, but added,

"We have begun implementing this measure and updating the court on a monthly basis. As you know, this is only one small part of an extensively litigated case. While we are cognizant of the importance of these decisions on the individuals impacted, we are unable to provide additional details about these deliberations due to the ongoing litigation. We assure you that we are continuing to consider inmates eligible under this provision of the court order and will make information available as we notify the court of our progress."

So—stay tuned. You can be assured we won't forget to ask again. And again