

# LIFE SUPPORT

\*HOPE\*



# ALLIANCE

\*HELP\*

& California Lifer Newsletter

\*HOME\*

P.O. Box 277 \* Rancho Cordova, CA. \* 95741

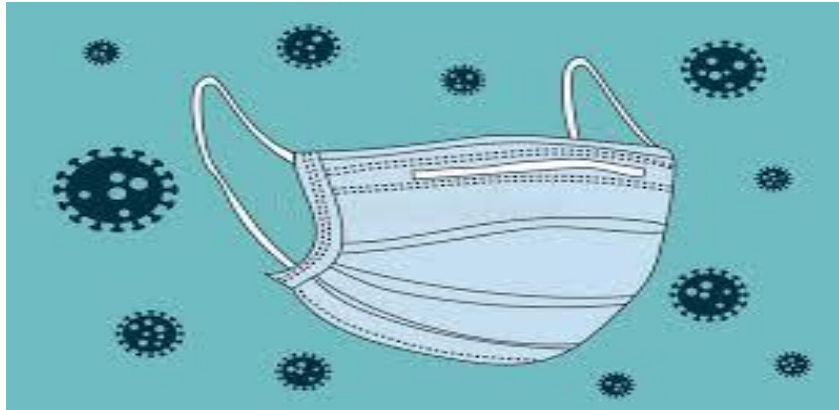
\* [staff@lifesupportalliance.org](mailto:staff@lifesupportalliance.org) \*

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## WHAT NOW?

*Note: these facts and figures are correct as we go to print on May 28, 2020. But because of swiftly changing circumstances, by the time you receive this newsletter, these facts and figures may have changed.*

Where to start. Perhaps with the agonizing loss of 9 men from CIM to the CoVid 19 virus. Or with the over 1,000 (as we go to print) prisoners in 9 locations who are currently suffering from the virus. Can we take solace in the nearly 300 who have recovered from CoVid? Or the fact that, as harrowing as the CoVid pandemic has been in congregate living situations, not every institution in the state system has, so far, seen positive cases and not every positive case has, again so far, morphed into triple digits?

Certainly, we can, but it's early days yet in this pandemic and as many institutions can testify, things can turn in an instant. So many questions yet as to how CDCR is dealing with the continuing spread of the novel virus, and for every question there are at least 3 rumors.

So, here's what we know as of today, the last week of May 2020. At least 9 prisons have at least one positive testing inmate, four of those locations showing over 100 positives. Well over 200 staff members in 30 prisons have so far been reported as testing positive for the virus. Most have recovered and, in many cases, returned to work. Because staff members are tested by their private health care providers, CDCR has, to date, provided no information on possible deaths among infected staff.

There seems to be no predicting how things will go, as Lancaster, where the first positive case in the inmate population was reported, has flared and waned, currently seems to be on the decline, now numbering slightly over 20. CIM, however, once the outbreak there started, has consistently seen numbers rise, now seems headed toward 500 current prisoners testing positive.

Latest to join the 3-digit club have been Avenal, CIW and CVS, all rocketing over 100 quickly. And as we go to print CDCR has just announced it is beginning mandatory testing of all staff, starting with the hotspots of CIM and Avenal.

For months those entering prisons were asked if they were feeling ill and had their temperatures taken, but the mandatory testing of all staff entering institutions, with promised 'progressive disciplinary' measurers for those staff who refuse to be tested, will improve the department's ability to identify asymptomatic carriers before they enter the prison. The department has also started 'surveillance testing' at institutions where there are increasing numbers, but the priority remains testing those individuals who exhibit symptoms.

In the last few days CDCR has announced nearly 700 medically compromised or at-risk men will be transferred from CIM, the prison at the height of the outbreak, to other institutions that have CoVid free inmate populations. While CDCR ceased transfers early in the Corona outbreak this change in policy is underwritten by both the federal medical receiver's office and the US District Court, which ordered the transfers to begin.

Attorneys for the Plata/Coleman decisions have now 3 times filed in court requesting CDCR be required to release inmates to provide for more social distancing and remove vulnerable inmates.

Beginning the last week of May intake in 2 reception centers, NKSP and Wasco, will begin a slow intake of new prisoners from the county systems, where many have languished since the pandemic began. First reports indicate each reception center will receive about 25 new inmates per week, all, reportedly tested and found negative prior to intake and will be transferred out of reception only to institutions that don't have outbreaks of the Corona virus in the inmate population.

This process will be reviewed in mid-June to gauge the effects of the intake population on the institutions and the virus situation. CDCR will then decide whether to continue at the current low pace, increase the volume of intake or reinstate the hold. And for those that are wondering, any consideration or decision on visiting will be made only after the department evaluates the impact of an influx of new prisoners.

As some of our lifer readers may know, LSA has, for past nearly 2 months, sent daily emails to those signed up to receive this newsletter and posted the same information on our LSA Facebook page. Why? Because these are scary times, for those on both sides of the wire, and information coming from all sides can be confusing and questionable. Our posts report only confirmed information regarding those testing positive for the virus, both among staff and the prison population, and information we receive after questioning CDCR, and other sources.

Those other sources are often reports from prisoners via their families and—staff. Yes, we have an amazing number of CDCR staff who are interested in our organization and what we do and frequently contribute substantially to our understanding of policy and confirmation or debunking of rumors.

Which is not to say that we simply accept any information on face value and blindly report. CDCR's information, often more forthcoming than we expected but still guarded, often needs clarifying and digging deeper into details. Which we endeavor to do. And information from inmates, either via families or letters, honestly, often needs vetting as well. Confusion and rumor are pretty rampant right now.

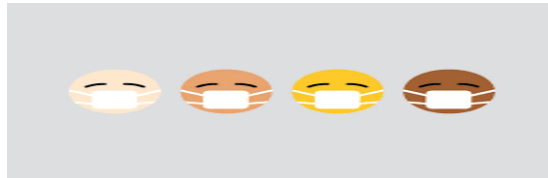
Although CDCR originally set out what appeared to be a cogent and practical protocol for dealing with Corona virus outbreaks, like anything with CDCR the theory may be sound, but the implementation is where breakdowns happen. And so, it is with the CoVid pandemic as well. Compliance with the directive issued earlier on wearing masks and social distancing (always theoretical in a prison setting) was spotty, depending largely on the individual prison administration and how seriously those individuals took the threat.

Let's be clear here, those working in the prisons are in danger of coming down with this virus; it is not just prisoners who are at risk. Certainly, in the beginning it was a one-way transmission path, into the prisons, and with the early shutdown of visiting, that left only staff as the transmission route. But now, with positive cases in 9 prisons and major outbreaks in 4 of those, clearly, that virus transmission can

go both directions. Which is why it would behoove any staff member, especially custody staff who are in constant contact with the inmate population, to take all available precautions.

And to those prisoners who have communicated to their families and to us that they won't report symptoms of any illness to medical in order not to be further quarantined, we can only say---what are you thinking? Don't put yourself—and everyone you come in contact with—in jeopardy.

Everyone, inmate, and family, would do well to understand that the CoVid outbreak, as traumatic and widespread as it is, will not be the issue that throws open the prison doors for mass release. At the beginning of the outbreak CDCR released several thousand 'short timers,' those individuals with a few months left to serve. That population was vetted prior to release and that process was a one-time event, now over and done. There are no current plans to screen for a second round of early release.



There were no lifers among those granted 'early release.' However, some lifers who have been granted parole at a parole hearing have been released slightly earlier than expected, as the review processes have been expedited where possible and in some cases those with a few additional months/weeks to serve before their release have seen that release date advanced. Which makes sense—those found suitable for parole won't be any more suitable a few weeks or months later, so why wait?

Going forward—it is critical that everyone, free staff, custody staff and prisoner, wear the cloth masks provided by CDCR via CALPIA. To be sure, this is not a panacea or a sure way to ward off the virus, but, even for those of us out here, it's about the best prevention method we have. Social distance as much as you can and clean, clean, clean.

Don't buy into the rumors that are flying and morphing at the speed of light. Keep us informed of what's going on in your location, what concerns you have. But—there is no easy out just because of the virus. And for those of you going to a parole hearing—the standard remains the same; are you currently a risk of danger?

## **COVID IMPACT ON PAROLE**

As most lifers are aware, all parole hearings are now being held by teleconference, the participants in various locations, the only one in the hearing room at the prison is the potential parolee. While it certainly isn't an ideal arrangement, it does seem to be working, at least to a large extent.

The BPH is releasing statistics for the 6-week period from April 1 to May 15, showing the board held 417 hearings, of which 140 resulted in a grant of parole. That equates to a grant rate of 34%, the same grant rate shown by the board at the end of 2019.

Grants numbers, it appears, have not been negatively impacted. Where the difference is apparent is in the number of hearing waived by the inmates prior to the hearing going forward. In 2019 about 9% of scheduled hearings. In the noted 6 weeks 13% of hearings were waived.

Clearly some inmates are unsure about appearing at a hearing without their attorney by their said, though the attorney is on the teleconference call and a private line for attorney/client consultations is available. Attorneys appear to be pretty comfortable with the process and early technical problems seem to be largely resolved.

And a heads up, it looks like the hearings will be teleconference well into June, as the Governor's Executive order declaring the distance hearings, 60 days at first, was extended in late May for an additional 30 days. Before you decide to waive your hearing, be sure to discuss your concerns with your attorney, whether appointed or private hire.

And if you're found suitable in that teleconference hearing, what then? Things progress along the same path as before, with all review times still relevant—120 days for the BPH to perform a legal review and then 30 days for the Governor to weigh in. Those reviews are proceeding as quickly as possible, and once those twin hurdles are met there is a chance, but only a chance that if you've still got some months to serve before your official release date, you may catch a break and be released before that date.



## **IT'S FREE, IT'S FROM CDCR AND IT'S ACTUALLY HELPFUL**

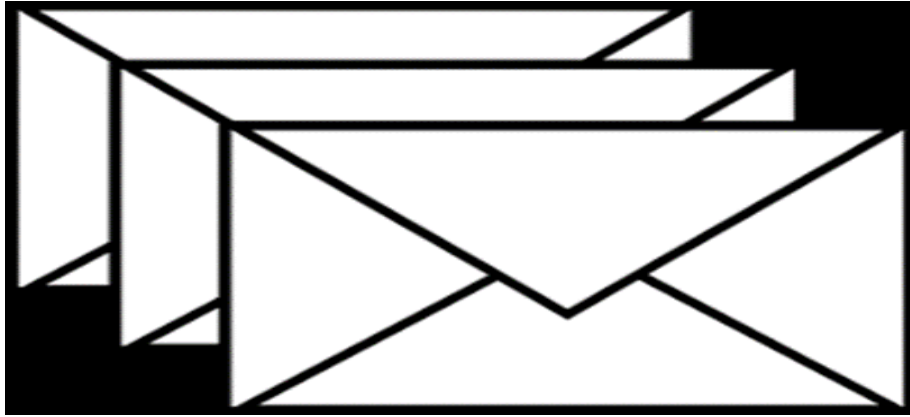
Recognizing the need for some programming that can be largely self-done during the current sequestered situation, CDCR's Mental Health Delivery System has made available to all prisoners in all prisons two multi-part in-cell study programs, one on Anger Management and the second on Depression—always relevant topics. These feature a substantial, evidence-based curriculum that provides a minimal contact with a mental health clinician and a certificate on completion. Those wishing to work the programs do not have to be a client in the mental health system, either CCCMS or EOP, but the program is offered by the mental health division.

To access the programs submit a Form 7362, asking for an appointment with a mental health clinician, let them know which module you'd like to work on. You'll be provided with the curriculum packet, including homework exercises, along with a 'cell front' visit by a clinician to collect your homework and answer any questions you might have. The topics and ideas that would normally be discussed in a group session are now done via answering questions and writing your thoughts.

Again, these programs are available to any inmate and you do not need to sign up for mental health services, therapy or treatment to participate in the in-cell learning. You are participating as a student, not a client or patient. Although these courses were sent to all institutions some time ago there seems to be a breakdown in communication, letting the prisoner population know of this opportunity (when was the last time CDCR offered anything for free, except possibly grief?), so we'd like to spread the word.

And if the mental health providers at your institution say they haven't heard of these programs, please let us know. There's nothing we enjoy more than providing a little reality check to CDCR's own. We'll be happy to make sure your institution not only knows about the two courses, but promotes them too.

Ask your counselor for Form 7362, submit it and begin taking advantage of one of the few things CDCR is, at their own instigation, making available to inmates that is free, helpful and timely. Wanting to continue your rehabilitative work and seeking those opportunities on your own, goes a long way to showing the board you're serious about your change and desire to become pro-social.



## THINGS TO DO

With no classes or programs right now, and little indication of when, if or how they will resume, time is weighing heavily on many hands and minds. There are some things you can do to not only fill those idle times, but possibly improve your chances for parole as well.

Let's talk about the free ones first. If you would like to keep your positive programming and parole preparedness going, we have a few free handouts we'd be happy to provide. Need help building a parole plan, a relapse prevention plan, finding appropriate books for book reports or where to write for transitional housing? We can help. Send us a stamp and let us know what we can help you with and we'll send it along. We can also help you understand your CRA, the personality disorders noted therein and explain to you possible courses of action after the decision at your parole hearing.

And because we don't know when outside groups will once again be able to bring programs back inside or what the logistical challenges of those meeting will look like, we've converted one of our in-prison workshops into a correspondence course, with a second one available next month. There will, however, be a charge for these, to cover the time and materials involved.

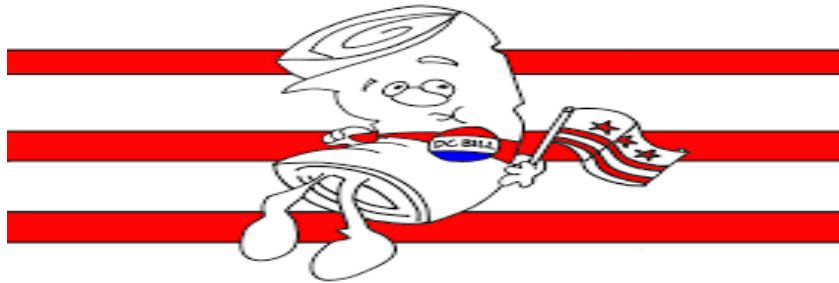
The Amends Project Correspondence Course will take you through the process, ins and outs, does and don'ts of writing an appropriate and acceptable amends and apology letter to your victim(s) and/or their family members. You'll learn why some things should be included in an apology letter and why others should be avoided. You'll get a chance to critique amends letters as an exercise and will ultimately write your own apology letter, which will be reviewed, with suggestions for improvements offered to help you meet the goals of a successful, impactful, appropriate and meaningful apology letter, with a certificate of Achievement awarded on your success.



The Amends Project has been offered as an in-person workshop for the last 4 years, with well over 400 certificates issued. A recent survey revealed nearly 28% of those who received a certificate have since paroled.

Next month the correspondence course on Connecting the Dots, helping you identify the causative factors of your crime and developing insight, will be available, taking students on a process of self-examination and awareness. Understanding the underlying beliefs and habits that led you make the decisions you did deepens your insight into your actions and impact of your unlawful acts. Connecting the Dots has been an in-person 2-part workshop for the last 3 years, with hundreds of lifers benefiting from the self-understanding they gained.

This doesn't mean that LSA won't be bringing these, and other workshops currently under development, into the institutions—we can't give up the in-person experience of interacting with lifers. But even before the CoVid lockdown we were struggling to meet all the requests for the programs we offer. The correspondence route allows us to offer these programs even when we can't easily, because of distance and time, reach a particular location. If you're interested in the currently offered correspondence courses and want to be on the notification list as others are available, send us an inquiry, we'll send you a synopsis of each program, a price list and send you alerts as new programs become available.



## LEGISLATIVE OUTLOOK

Following extensive shutdown due to Corona virus concerns the California legislature now back in session, but, like most things these days, with a different look and outlook. Few in-person hearings are held and those that do convene are sparsely attended, compared to the usual crush in small committee rooms.

Many standing committees, such as Rules, which confirms appointments by the Governor, are urging those who wish to participate to submit their testimony prior to hearing and participate on the hearing day via streaming video and other electronic means. Sessions often note the capital is open, but social distancing is rigorously practiced, and masks are required. Lawmakers conducting hearings and those providing testimony, are all masked and audience attendance is negligible.

Many bills introduced prior to the CoVid shutdown are slowing winding their way though the committee process and will be voted on in coming months, as will parole commissioners who are up for confirmation.

However, legislative sources are already cautioning those interested in new legislation that the legislative appetite for new programs, bills and expenditures is less than robust, in light of the economic damage of the Corona virus shutdown and projected large cuts into already existing programs.

In other words, it is likely to be a lean legislative season for new prison programs and change. We'll be watching a few selected bills affecting lifers and keep you up on their progress.