

***TITLE 15 CHANGES NOT YET APPROVED***

At the February 15, 2011 Board of Parole Hearings Executive Board Meeting board Chief Legal Council Anna Awiszus confirmed the board would not act on the proposed change to Section 2240 of Title 15 dealing with psychological evaluations and the Forensic Assessment Division until the March 15 meeting. Ms Awiszus indicated the volume and detail of objections raised at the January 31 public hearing (requested by Life Support Alliance among others) made it impossible for the board's legal team to answer all questions and produce a final statement of reasons until the March meeting.

We are hopeful this indicates the board is taking seriously the many and varied objections raised by LSA and a variety of other stakeholders to this proposed but unnecessary and unwise change. The Board's response and the Final Statement of Reasons for the change must be posted and made publicly available prior to the March meeting. As of our publication date that posting had not occurred, but BPH and their legal minions are notorious for following the letter of the law only at the last minute.

As soon as the response and statement of reasons are posted LSA will summarize the contents and report to our supporters. While we would hope the board would see the error of their ways and decline to push forward with the change we also know that this sensible move isn't likely to happen, so we continue to review options for future action.

***SURVEY SUMMARY AND UPDATE***

To date we have received over 300 responses from lifers regarding their parole board experiences. Of that number, 6 individuals or roughly 2%, received parole dates, but all were still in prison, either as a result of a governor's rescission or were still in the waiting process for final word when they replied to our survey. Four of the six had been reversed by the governor (Schwarzenegger) and all had filed writs on the governor's action. Of the remaining two grants, one was the result of a court order to be found suitable and the last was waiting on the governor's decision (Schwarzenegger).

As expected most respondents were years, often decades past their MEPD. While not all respondents indicated their MEPD date, of those that did, 22.5% were one to 5 years past the date; 1% were 5 to 10 years past; 21% were 10-15 years past, 15% were 15-20 years past, 27.5% were 20-30 years past and 3.7% were 30 or more years past their MEPD date at the time of their last parole hearing.

Only 4.5% of surveys came from those prisoners reporting on their initial parole board hearing. Another 49% had experienced 1 to 5 previous hearings; 31% had received 5 to 10 previous hearings; 12% 10 to 15 previous hearings and 6% had been to the parole board 15 or more times prior to their most recent experience. The record was held by the inmate who had been to 36 parole hearings, always receiving one year denials prior to Marsey's Law which mandated his last denial at 3 years.



Not all respondents indicated the name or source of their legal representation at the hearings, but of those who did just over 11% indicated they had hired a private attorney and just fewer than 3% reported they acted as their own counsel at the hearing. Of those who indicated they were represented by a state-appointed attorney and providing names we accumulated a list of 45 state-appointed attorney names. Interestingly, about half a dozen received favorable comments from the prisoners as to their actions and attention to the hearings, while 4 received repeated negative comments for their lack of participation in the process or failure to bring to the board's attention areas the prisoners felt should have been addressed.

Since many of the responses came from prisoners incarcerated for decades, many were imprisoned under older sentencing structures, which allowed for the imposition of sentences lengths not now being imposed. Although sentences of 7 years to life are no longer used by the courts nearly 27% of those responding were serving time under that sentence. The majority of prisoners we heard from were serving 15 years to life sentence, 22% were under 25 years to life and another 8.5% were serving "other," sentences, which included imposition of an "X" to life with additional years added as "enhancements" for various aspects of the crime or conviction of secondary crimes.

Turning to the specifics of the denials, 77% of those responding indicated they had already filed writs of habeas corpus at various court levels and another 1% indicated they would like to but were unable due to lack of funds/ability/knowledge of procedure. Another 1% indicated they had simply given up filing court appeals.

The majority, 61%, received 3-year denials, the least time allowed under Marsey's Law. The second most prevalent denial time was 5 years, received by 17% of the cohort, with another 5% being denied for 7 years. Ten and 15-year denials were received by 2% each of those responding. The remainder of the prisoners received one and two-year denials at hearing held before the enactment of Marsey's Law.

The psychological reports played a significant part in the denials of parole dates. Nearly one third, 31%, reported their most recent evaluation by the Forensic Assessment Division resulted in their risk level being elevated, while only 9% reported a decrease in their risk assessment and 40% reported no change. Another 20% did not remember whether or not their assessment changed from previous assessments.

Interestingly, while the parole board denies the vast majority of parole dates and often cites the dangerousness of the inmate, the majority of those inmates' risk for violence/dangerousness was rated between very low and moderate by the psychologists.

Specifically, 46% received a low/very low rating; 23% a low rating; 23% moderate and only 8% high or moderate/high risk assessment.

Board members' primarily gave a handful of reasons, or variations thereof, for denials. The life crime alone was given in 27% of the time while the crime combined with lack of or insufficient insight was noted in 36% of the cases. Insight alone was the reason reported for 11% of the denials.

The life crime in conjunction with factors other than insight (or lack thereof) was given 63% of the time. The psychological report alone was noted in 19% of the hearings; 6% were denied for lack of sufficient parole plans and other reasons (i.e. Disciplinary write-ups, juvenile



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These figures will undoubtedly change as more survey responses are added to the total. We continue to ask lifers to fill out the survey and mail it to us (see page 6). We particularly would like to hear from those lifers whose hearing were chaired by the newest commissioners, Melanson, Ferguson and Adams, as well as those who returned to the board on court order. It is important that surveys be filled out in as much detail as possible, including the name of the psychologist and as much information as is remembered about previous psych evals prior to the advent of the FAD. Details of comments, questions and findings, especially if the psych reports contain factual errors, are especially important and useful.

LSA is co-operating with two other entities in a reviewing selected hearing transcripts to create an accurate, overall picture of the process and outcomes, warts and all, of parole hearings.

### ***THE BILLS ARE STACKING UP***

The deadline for submission of bills for the 2010-11 legislative session having now passed, Life Support Alliance has initially identified ten pieces of legislation we will be watching, supporting or opposing and discussing with the authors. Many of these bills were submitted only within the last few days, coming in under the wire of the submission deadline.

The following round-up is brief and not particularly comprehensive, as many of these bills are "intent" legislation, meaning they have not yet been fully fleshed out in language and actual impact but were introduced by legislators to indicate their "intent" to take a position on an issue. There will undoubtedly be more pieces of legislation that will merit our attention as the session progresses, and our support or opposition for some cannot yet be determined, until their "intent" is made more clear.

In no particular order the bills initially capturing our attention are:

ACA 14, Jim Silva, R-Orange County and ACA 15, Allan Mansoor, R-Orange County. Both these bills, introduced in late January and in reaction to former Gov. Schwarzenegger's pardon of Estaban Nunez, son of former Assembly Speaker Fabian Nunez, would restrict a governor's power to issue last-minute pardons or sentence commutations made within the last 30 days of that governor's term. Both measures would require a two-thirds vote of the legislature to pass.



AB 219, Anthony Portantino, D-Pasadena, would require the CDC to develop and implement plans guaranteeing a 20% reduction in recidivism rates by 2015 and a 40% reduction by 2020. No details are presently outlined in the proposed legislation.

AB 874, Tim Donnelley, R-Claremont, one of the "intent" bills which presently simply says the legislature "express(es) the intent to enact legislation relating to prisoners." LSA has scheduled a meeting with Assemblyman Donnelley's office to discuss what this "intent" entails.

AB 520, Tom Ammiano, D-San Francisco and SB 576, Ron Calderon, D- Montebello, appear to be somewhat competing and slightly differing bills dealing with sentences imposed by courts when a triad of sentencing options is available. More to come on these bills.

SB 9, Leland Yee, D-San Francisco, on juvenile LWOP. Sen. Yee is to be commended for his dedication to pursuing corrective action on the unsupportable issue of juvenile LWOP. This bill nearly made it through the legislature last year and LSA will actively support this legislation again this session.

SB 490, and SB 601, Loni Hancock, D-Bay Area, on administrative reorganization of the Inspector General's office and budgetary accountability for the CDC, respectively. LSA anticipates supporting both these bills.

SB 139, Elaine Alquist, D-Silicon Valley, a re-try of legislation very similar to that championed and passed by the late Sen. Jenny Oropeza last year but vetoed by the then-governator, requiring random searches of all persons, custody staff, free staff as well as visitors, entering prison grounds in an effort to combat contraband. LSA, as with Sen. Oropeza's effort, will support this bill, which tacitly recognizes contraband is not primarily trafficked by visitors.

SB 796, Sam Blakeslee, R- San Luis Obispo, which would make "non-substantive" changes to parole. LSA has scheduled a meeting with Sen. Blakeslee's office for clarification on this bill.

### **ADDITIONAL MAIL TREE BRANCHES NEEDED**

Life Support Alliance has never charged a subscription fee for our Lifer-Line newsletter and it is our intent to offer the newsletter free to any and all inmates and family members interested in our activities. Postage costs, however, consume a large portion of our funds. We have found the most economical way to distribute the newsletter is electronically, via email.

We request that inmates who can send us the email address of a friend or family member on the outside, who can then print the newsletter and mail it to them. Fortunately, a small handful of our supporters have volunteered to "adopt an inmate," printing and mailing newsletters to a short list of prisoners who don't have an outside email connection.

We are currently in need of additional branches to this mail tree. If you are able and willing to help out in this manner, let us know by email, [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com) and we will send you names, addresses and instructions. Thanks for any assistance you can offer.



## **STATEMENT OF PURPOSE AND MISSION**

Life Support Alliance is an advocacy group working for improvement and reform of the parole practices of the Board of Parole Hearings and the improvement of conditions of confinement of all California prisoners.

We are not attorneys and therefore cannot offer legal advice or assistance. We are happy to provide a list of attorneys who specialize in lifer hearings and litigation, but we recommend no one in particular. Similarly we can provide a short list of private psychologists who we believe are fair-minded and competent, but we recommend no one name on the list.

We can also refer inquiries to other groups targeting other issues. At present we are not able to offer jobs to paroling lifers or other re-entry services, though we are happy to provide information on such services as we are aware of.

We have and continue to co-operate with various individual stakeholders and groups for specific purposes, but Life Support Alliance (LSA) is not part of any other organization, nor is any other group under our umbrella. We are sometimes referred to as Lifers Alliance but we try to discourage this appellation as it is too similar to the totally separate Lifers To Be Free. Please also be aware we are not party to any effort to solicit contributions for use in mounting a ballot initiative or holding fund-raising rallies. We wish other groups well with these endeavors but they are not part of our mission.

LSA is focused on the parole board, their unacceptably low rate of parole date grants and specious reasons for denial. While we support or oppose legislation and actions affecting a variety of prison issues, parole for lifers is our focus. There are many other prison reform groups, some targeting a specific area of the prison mess, some working for general reform and while we support the efforts of all legitimate groups, but we align ourselves with no one on every issue. In taking this position we are not elitist or disparaging of others' efforts. We are simply focused and purpose-driven.

We strive to respond to all letters in a timely fashion, but we ask for patience, as our staff is small and the amount of correspondence great. Prisoners who send stamps or SASE to help defray costs are greatly appreciated, but we will respond to all inquiries. Please remember to include your name, CDC number and housing address in the body of your letter, as envelopes can become separated from letters. Please continue to send us your comments and questions, each one is read, considered and will be answered as quickly as possible.

Back issues of Lifer-Line are available either by electronic copy or by mail on request. Information on pending legislation and our recommendations for letters of support or opposition to your legislators will be posted on our website, with action updates sent out via email as needed.

Our greatest source of information continues to be prisoners themselves and we urge you to write us with your detailed information and comments. LSA, PO Box 3103, Rancho Cordova, Ca. 95741.



**REVIEWING ACTIONS OF COMMISSIONERS, DEPUTY COMMISSIONERS AND PSYCHOLOGISTS**

This is an anonymous questionnaire. It is not necessary to disclose the name or CDC number of the prisoner who appeared before the parole board. If you wish to reveal that information it will be kept confidential.

Detail provided such as reasons for denial, comments/statements of the board will point us toward problems exhibiting a pattern of improper decisions which can be highlighted at confirmation hearings and other actions. This same procedure can be used for psychologists preparing the pre-hearing evaluations.

Please provide as much detail as possible, use additional sheets of paper if desired. We will fight this battle on behalf of all lifers, but you must give us the tools to do so. **Mail to Life Support Alliance, PO Box 3103 Rancho Cordova, Ca. 95741.**

NAME(optional) \_\_\_\_\_ CDC#(optional) \_\_\_\_\_

DATE OF HEARING\* \_\_\_\_\_ MEDP \_\_\_\_\_ INSTITUTION\* \_\_\_\_\_

SENTENCE \_\_\_\_\_ LAST115/128 \_\_\_\_\_

COURT ORDER TO BOARD FOR DATE? \_\_\_\_\_

COMMISSIONER/DEPUTYCOMMISSIONER\* \_\_\_\_\_

OUTCOME\* \_\_\_\_\_ LENGTH ODENIAL\* \_\_\_\_\_ INITIAL/SUBSEQUENT \_\_\_\_\_

REASONS FOR DENIAL\* \_\_\_\_\_

EVER BEEN FOUND SUITABLE/WHEN\* \_\_\_\_\_ REASONS PREVIOUS DENIAL \_\_\_\_\_

STATE/PRIVATE ATTORNEY/ATTORNEY NAME \_\_\_\_\_

DATE OF PSYCH EVAL.\* \_\_\_\_\_ RISK LEVEL\* \_\_\_\_\_ PSYCH NAME\* \_\_\_\_\_

RISK ASSESSMENT CHANGED FROM PREVIOUS HEARING \_\_\_\_\_ PREVIOUS RATING \_\_\_\_\_

IMPROPER/INCORRECT COMMENTS BY BPH OFFICIALS

COMMENTS/QUESTIONS BY PSYCHOLOGIST YOU FEEL WERE NOT RELEVANT

HAVE YOU/WILL YOU FILE A WRIT ON THIS DECISION \_\_\_\_\_

\*required information  
use additional pages if desired