



*Public Safety and Fiscal Responsibility*

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# ANNUAL *Report*

## **BPH REPORTS SIGNIFICANT EVENTS OF 2017**

Once again, as for the last several years, the Board of Parole Hearings has released a multi-page report providing statistics and additional information on the work, both volume and type, done by BPH team members, from commissioners to staffers. It's an impressive report, in terms of sheer numbers, from hearings scheduled to pieces of correspondence answered.

Probably the most anticipated information deals with parole hearings—how many hearings and, most importantly, how many grants. According to the report, the BPH scheduled 5,334 parole hearings in 2017, a number up about 5% from the number of hearings scheduled in 2016. As for grants, numerical grant rate depends on how the math is done, but what isn't in dispute is the raw number of grants issued. Last year, that number was 915.

As to the math, using the official BPH method, the entire number of hearings scheduled is tallied against the number of grants given to reach an official grant rate of about 17%. And while that sounds rather low, the alternate method of calculation (and no, these are not 'alternative facts') is to use not the number of hearings scheduled, but the number of hearings actually held, in relation to the number of grants given. This makes a difference because of those 5,000 plus hearings scheduled, some 2,202, almost 42 percent, were not held to completion, instead falling to waivers, postponements, stipulations or continuances.

It seems to many, including those of here, no math wizards among us, that it makes little sense to include hearings that had no chance of ending in a grant, because they were never held, when calculating the rate at which lifers are granted parole. Using the numbers of hearings held to completion paired with the actual number of grants, yields a grant rate of about 29%.

Digging deeper into the report shows nearly a third of those scheduled hearings were initial hearing, and 48% were YOPH considerations. The YOPH hearings were primarily, 94%, for youth lifers, with a small number, of 151 hearings, held for long-term determinate sentence length (DSL) inmates. And on the other end, 20% of scheduled hearings were for those who qualified for elderly parole, and by contrast, most of those individuals were DSL inmates.

And ahead of future parole hearings, BPH commissioners and deputy commissioners held nearly 4,000 consultation ‘hearings,’ which, as we have noted before, are not hearings in the usual sense of the word, but more along the lines of consultation interviews. In 2017 the BPH legal team reviewed, under the Administrative Review process, the status of some 1,120 inmates who received a 3-year denial in the previous 12 months; of those, 82% were approved for an advanced hearing.

And even more interesting was the grant rate of that group of individuals; 34% of inmates granted an advanced hearing via Administrative Review after a 3-year denial won a grant at their next hearing. That’s the highest grant rate for any prisoner cohort in parole hearings. So, clearly, if you receive an advanced hearing under the Administrative Review process, your chances of success are ‘enhanced.’ The other avenue for advanced hearings after a denial, Petitions to Advance (PTAs), also saw a higher grant rate, with some 28% of those who were successful in advancing their next hearing via this route were granted at that advanced hearing. A total of 733 PTAs were submitted to the BPH in 2017, nearly the same number as the previous year.

Other figures of note in the report was the rather insignificant number of habeas corpus writs filed by inmates last year to which courts required the BPH to respond, and the even smaller number of court-ordered hearings as a result of those writs. The board was required by federal or state courts to respond to only 160 writs and held only 10 court ordered hearings. This is a vast change from years ago, when prisoners were filing writs at a blizzard pace and BPH was swamped with responses. On the FAD front, clinicians completed 3,266 risk assessments, down slightly from the year before.



Exact numbers receiving low, moderate or high-risk assessments were not given, but we’d like to receive that information, and we’ll be asking FAD director Dr. Kusaj. And while we at LSA often feel overwhelmed with our 250 or so letters each month from inmates (we don’t even try to count the number of phone calls and emails from family members) BPH reported staffs responded to over 39,500 pieces of correspondence. Our hats off to them—but they do have a larger staff.

In other areas, the numbers are less settling. In 2017 the BPH held 83 Parole Reconsideration hearings—those hearings held for lifers, once granted parole, and now back in CDCR custody. And while 83 may not seem a large number, that number is up considerably from the 66 such hearings held in 2016. Nearly half, 40, were first time reconsideration hearings, the remaining 43 were subsequent.

By way of explanation, and in the hope of deterring lifers who are granted parole from performing any acts that could put them in a reconsideration hearing situation, it is worth noting that once a lifer is returned to custody after a grant of parole, his life term can be reinstated, should the parole panel feel his new transgression be serious enough to cast him (or her) as an unreasonable risk of danger to public safety.

The noted 40 initial reconsideration hearings were just that—lifers who found themselves back in custody and facing the parole board once again, this time to determine if their life term would be reinstated. The remaining 43 individuals at reconsideration hearings last year had already suffered that fate, and, as per law, were being reconsidered for parole on an annual basis, meaning all 43 had already been found unsuitable for re-release at least once.

As informative as the Significant Events of 2017 report is, we still have a few more questions, such as, of those 83 reconsideration hearings, how many re-cycled lifers were given a second, second chance? The report also noted the BPH considered nearly 17,000 parolees for discharge from parole; we'd like to know how many of that number were paroled lifers, and how many of those discharged from parole, ending their entanglement with CDCR?

The board also held 25 medical parole hearings and considered 10 requests for compassionate release. And while grant rates for these categories were not announced, we've asked. By our inexpert and unscientific count, only about half of compassionate release requests are granted, with some inmates expiring before their situation can be considered and acted on. We've inquired about that as well.

The take-aways? The number of parole hearings scheduled and/or held by the BPH appears to remain fairly steady in recent years, as does the grant rate, no matter how it is calculated. And while we continue to believe that grant rate could safely be expanded, we are ever mindful of the not-too-distant years, when the numbers were much more depressing.

In 1978, one inmate was granted parole. The board also had a 100% grant rate that year, as they held only one hearing. A decade later, in 1988, 28 lifers were granted parole, but 10 years later, in 1998, only 27 were granted. In 2008 we begin to see the beginning of change, when 293 were given the green light by the board. Of course, those were also the days when roughly 80% of parole grants were nixed by various governors-in-residence, so while nearly 300 were granted parole, most didn't leave prison grounds.

It helps to keep statistics in perspective. Is this the best of all possible worlds? Hardly. But have things improved for lifers in their quest to be free? Undisputedly.

## THE HIGH COSTS OF HIGH INCARCERATION RATES

In the spring of 2010, when LSA was the new kid on the block, just finding our way through the maze of CDCR and BPH, we were fortunate, and brash, enough to convince the Assembly Public Safety Committee to hold a public hearing on the lifer situation. In preparation for that hearing we delved into the average cost to house an inmate in California. At that time, May of 2010, it was about \$51,000 per year, per inmate.

Fast forward 8 years, to May of 2018. LSA is still around, still speaking out (though now more loudly, more often and better recognized) and still looking at the cost of housing inmates. And, it appears, just as we have continued to grow, so has the cost of housing California inmates. That price is now estimated at \$75,000 per year. Per inmate. For the average inmate, not those older and ill prisoners, who may cost the state as much as three times the average expense to house.

And while the increase in cost is perhaps predictable, as nearly everything has increased in price in the intervening years, the inmate population in California prisons has decreased by about 25%, from a near high of 167,000 in 2011 to today's just over 129,000. But the cost to house those fewer prisoners has risen by about 30%. Why the increase? Certainly, the housing for the inmate population remains in the same luxurious state as before. The cuisine is still at the negative-star level and the fashion sense of duds provided hasn't improved.

We're not alone in wondering why, with a decreasing prison population, the budget for CDCR in this year's state budget is an eye-popping \$12 billion (yes, with a B). What's up? Well, salaries, for one thing. Even with fewer inmates to watch over (the ratio of prisoner to guard is now about 2 to 1, down from 2.24 to 1 before the population drop), prison staff salaries have continued to rise, along with the costs of benefits and pensions. The average CCPOA guard's salary is now about \$70,000 per year.

The other major expense that continues is simply to keep all 35 state prisons open, up and running and staffed. Despite reduction in prisoner population levels, the state's penal system remains over design capacity, at 131.5% of that level, with more than a dozen individual institutions housing more prisoners than the official, overall, average population cap of 132.7%. And thus, the state can't close any facilities, for to do so would create greater overcrowding in more prisons.

Other contributing costs are the increasing age of state inmates. In 2005 the average age of a California inmate was 36; in 2016 that average had risen to nearly 40 years of age. And aging inmates can cost as much as 3 times the average cost to incarcerate. In fact, health care costs for inmates is now at about \$20,000 per year, about twice what health care costs for outside citizens.

As more than one pundit has noted, it now costs about as much to house a California prison inmate as it does to provide a California student with a Stanford University education.

## GIVE US A BREAK

Help us help you. Here's some tips on how you can make our lives, our mission easier. And remember, our mission is to help you.

1. Don't ask for a free copy of CLN. Each printing costs our small organization \$2,500. If you write for a free copy, chances are you won't receive an answer—costs us a stamp to say no.
2. If you request info on an issue, we're happy to send what we have—and appreciate it if you can send us a stamp for the return envelope.
3. Let us know when you move. CDCR moves its inventory (you) around like cans on a grocery store shelf, and our newsletters are often returned when you aren't where we think you are—what a waste for both of us! Let us know when you go.
4. If you have a friend or family member who can receive our free newsletter, this one, Lifer-Line, by email and who will then print and mail it to you, please don't ask to be included on our indigent list. If you don't have that support on the outside, we'll 'adopt' you, but help yourself, if you can.
5. Please don't label mail to us "Legal Mail." We aren't attorneys, aren't entitled to send and receive mail under that protection and don't want to create problems for ourselves.
6. Make it easy on us—write legibly, keep it short (we'd love to chat, but don't have time) and use a piece of paper larger than kite-size, please.



## A BIG DOUBLE THANK YOU!

Thanks two times over to generous and supportive men at two far-flung prisons, Folsom State Prison (FSP) and Chuckawalla Valley State Prison (CVSP) for their recent contributions to Life Support Alliance! We are always appreciative of donations to help support our work, but those donations that come from inmates are especially meaningful to us.

We've been fortunate enough to present workshops at FSP several times in the past and have more scheduled for coming months. CVSP, however, considerably further, even as the crow flies, from our base is somewhere we haven't yet visited. But a remedy to that is in the works.

And while none of us at LSA receives a salary, it still takes funds to run the operation, including travel expenses and monies to provide the information packets handed out to all participants at workshops. The men at FSP and CVSP just made sure we can provide those packets, book that travel and make those events happen.

Folsom, we'll see you again in a couple of months. CVSP, we're working on scheduling dates right now to bring everything we can offer to lifers there, and looking forward to meeting our clients, supporters and benefactors.

Thanks again and again. You make our work possible. Lifers are the best!

## A WORD ABOUT OUR SURVEYS

The lead article in this month's Lifer-Line deals with reports and statistics presented by the BPH regarding what went on last year. These reports are always interesting, informative and helpful, as we assess how things are going and what are areas of concern.

We try to provide CDCR/BPH our own feedback, always based not on emotion or feeling, but on facts. And so we often ask for help from you, the end user of CDCR 'services.' Surveys are the way we gather factual information, specific facts and instances of interest and importance. If you've had a parole hearing in the last year or two and had the services of a state appointed attorney, please consider filling out the following survey and sending it to us.

We do make use of this information, without using your name, to let BPH know how the appointed attorneys are doing, who needs 'special attention,' and what areas of training for these attorneys could be improved.

Be real, be detailed and be fair. No attorney is going to get you a date, but if someone was really a help, put forth their best effort, or even failed to meet basic expectations, we want to know. Thanks for your help!

### ATTORNEY SURVEY

*Life Support Alliance is seeking information on the performance and reliability of state appointed attorneys in the lifer parole hearing process. Please fill out the form below in as much detail as possible, use extra sheets if needed. Please include your name, CDC number and date of hearing, as this will allow us to request and review actual transcripts; your name will be kept confidential if you desire. Details and facts are vital; simple yes or no answers are not particularly helpful. Mail to PO Box 277, Rancho Cordova, CA. 95741. We appreciate your help in addressing these issues.*

NAME\* \_\_\_\_\_ CDC #\* \_\_\_\_\_ HEARING DATE\* \_\_\_\_\_

COMMISSIONER\_\_\_\_\_ GRANTED/DENIED(YRS)\_\_\_\_\_

INITIAL/SUBSEQUENT (how many)\_\_\_\_\_ EVER FOUND SUITABLE/WHEN\_\_\_\_\_

ATTORNEY\* \_\_\_\_\_ PRISON \_\_\_\_\_

MEET BEFORE HRG? # of times \_\_\_\_\_ HOW FAR IN ADVANCE OF HRG? \_\_\_\_\_

TIME SPENT CONSULTING \_\_\_\_\_ OBJECT TO PSYCH EVAL? \_\_\_\_\_

LANGUAGE PROBLEMS? \_\_\_\_\_ - \_\_\_\_\_ - WAS ATTORNEY PREPARED? \_\_\_\_\_

DID S/HE BRING ANY DOCS NEEDED? \_\_\_\_\_ SUGGEST STIP/WAIVE? \_\_\_\_\_

Please provide details regarding attorney's performance, or lack of, including interaction with parole panel and/or any DAs and VNOs present. Was attorney attentive during pre-hearing meeting and hearing, did s/he provide support/advice to you? Was s/he knowledgeable re: your case and/or parole process? Had s/he read your C-file before meeting with you?  
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