



Public Safety and Fiscal Responsibility

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NOVEMBER 2016

LIFER-LINE

VOL. 7 ISSUE 11

THE NEWSLETTER OF LIFE SUPPORT ALLIANCE © LSA, 2016



NEW YEAR, NEW VISITS, STILL OLD REGS

In late November Life Support Alliance contacted sources in the Department of Corrections for the definitive word on when, oh when, will family visits for lifer and LWOP inmates really begin? These are reliable sources, who appear to be getting questions on this issue just about as often as we are.

Our conversation was pretty wide-ranging, and while not attributable, those we spoke with are both in positions to know what's going on and have, in our experience, been up-front and dependable. As everyone knows, nothing with CDCR is easy, and any sort of change is a major undertaking. While the changes to visiting have been in the works for some time now, it's still a work in progress.

But after our conversations with officials at CDCR we can report this: it looks like visits will actually begin about the end of January, initially under the current guidelines for who can participate as now found in Title 15. And before everyone has a heart attack--please understand--these are the interim guidelines, not the final regulations.

CDCR will be issuing a memo to officially allow prison staff to begin the process for lifers and LWOPs, as a bridge until the long-awaited regs are officially approved and in place. The process for getting those regs approved is rather long and arduous and not without conflict, so in order to get things rolling it will probably be done at first via memo, with the changed regs, which will allow more individuals to participate, coming as soon as they can be discussed, commented on, approved and put in place.

The discussion at CDCR now is about how to be inclusive, so that many of those who now, under existing regs, are barred from family visits, will be allowed to do so once the new regs are in place--this is for those who perhaps had a drug charge long ago, but since have been clean, those whose victim was a minor and they, too were a juvenile, as some examples. Again, the intent is to be as inclusive as possible and since getting the regs in place is proving to be more difficult than anticipated, the memo extending existing criteria to lifers and LWOPs is a stop-gap measure.

We should see the actual regs, hopefully by the end of December, but there is a public comment/amendment process that takes a while after they are unveiled, as well a few other considerations that could delay implementation of the new regs, including possible actions by certain groups of 'stakeholders.' A memo,

CDCR's time-honored way of creating a 'work around,' will allow the visits to begin with as little continued delay as possible.

Once the memo is issued it will be binding on all prisons, no one institution will be allowed to opt out of participation. Basic criteria include the visiting family must be immediate family/step-family, and legal spouses. While there is no required length of time a prisoner must be married before being allowed a family visit, they must, indeed, be legally married.

And it is important to remember that there will be a waiting list for the available family visiting units. Depending on the individual prison, the number of units available and the number of visits requested, that waiting list time will vary. Although the state budget contained funds to authorize the change in regulations, it did not provide any additional funds to rehabilitate, reclaim, restore or create more visiting units. Those concerns will need to be addressed in the up-coming budget years.

...AND A SIDE BAR TO THE REGS ISSUE....

On a related issue, the equally long-awaited change to classifications scores and point indexes, the word, from the same sources-who-would-know, is in line with the change in regs for family visits...waiting on the tedious, continuous and often contentious regulation change process. However, because of the complexity of the new regs and the far-reaching impact they will have, this situation can't be so readily addressed by a memo, so it must be regs.

However, our sources at CDCR affirm that the close custody situation is getting ' a hard look,' with an eye to changing that restrictive policy, perhaps via combining Close A and Close B into one Close Custody designation and/or shortening the time required under that designation. Wardens will also be encouraged to give over-rides to well-programming inmates that will allow those men and women to transfer to a lower security level than their points would normally indicate. Again, these over-rides and exceptions will be behavior based, and those who are showing good programming and progress will be the ones to benefit.

Plans are also underway to change the ways and time lines for inmates to achieve point reduction--currently even exemplary behavior can only reduce point levels by 8 points per year, making it almost mathematically impossible for some, who racked up numerous points in their early years inside, to decrease their points and get to a lower level prison. That will change, too, according to our sources, allowing more points to be deducted each year, based on programming and accomplishment. This would allow those prisoners who have made the decision to improve their situation and chances at parole a realistic opportunity to do so.

Time line for these regs is sometime in the spring, at best estimation, but many wardens, aware of the changes coming, are already signing off on over-rides for lower level prisons. As to whether the point threshold for Level III, II and I will change, that remains to be seen, but not much seems to be off the table at this point. This point process will also include LWOP inmates--and there is some talk of some lifers being to be housed in secure Level I facilities. But this is only early speculation.

Some prisons are already on board, providing the over-rides to send well programming prisoners, who may have large point numbers, but who are exhibiting positive behaviors and attitudes, to lower security level prisons where more comprehensive programs are available. Others should start to follow this trend after the New Year--again, all based on the behavior of the individual.

Many changes coming and so far, they look pretty positive, for our point of view. The most encouraging thing is the attitude in Sacramento---a new tone, looking at what works for inmates, what is rehabilitative and what makes a positive difference. Let's make sure it keeps heading in that direction.



PROP. 57, OTHER ELECTION RESULTS; QUESTIONS CONTINUE

It ain't over till it's over, and for some initiatives, it ain't over yet.

Although plainly stated as a potential change to the state Constitution and laws as something that would affect only non-violent inmates, Prop. 57, which passed in the November election with a 64% approval margin, continues to be the source of some confusion and questions. And not just from inmates and families.

In conversations with CDCR sources we inquired about what impact, if any, this new change will have on lifers. And the answer was a firm... 'we're not sure, yet.' It will, it appears, impact some, by not all lifers and for most the impact will be somewhat secondary.

Those most likely to be impacted will be second and third-strikers, especially those second strikers serving time for a non-violent strike/crime. Third strikers may also receive some secondary benefits from the increased credits provision of the new changes, which could possibly impact the timing of first parole hearings for those individuals.

As to other benefits for 'regular' lifers, that remains to be seen, though some changes in credit earning ability and impact is likely. It is, yet again, a case of what the regulations promulgated to enforce the new law will provide for. And that we don't, as yet, know.

Also up in the air are possible changes due to the passage of Prop. 64, now legalizing marijuana. Some prisoners, feeling they are serving sentences for actions that would now be legal, are asking the department when they can expect release. The answer to that is definitely don't roll it up just yet. However, research and contemplation those possibilities is certainly afoot at CDCR but no one is ready yet to postulate on the eventual results.

Sources are more certain about looming changes due to the passage of Pro. 66, which not only speeds up the process for executing condemned inmates, but authorizes CDCR to house condemned inmates in institutions other than San Quentin and CCWF. When asked if this change was in the works, the answer was an unqualified no...don't expect any condemned inmate movements due to the passage of Prop. 66, for a number of reasons.

First, because the passage of 66 has not yet been officially certified by the Secretary of State; at last count, the initiative was passing by a razor thin margin of 50.9% to 49.1%. And even if the passage is eventually certified, within days of the election lawsuits were filed, including one with the California Supreme Court asking the court to throw out the wording of the initiative. Pundits expect a lengthy, and nasty, court battle, and officials at CDCR are not going to jump in any direction, until there is clear direction. So far now, the status of those on death row remains as it has been for the past several years.



TIME TO STEP UP

If you're one of the nearly 500 prisoners who are receiving this free newsletter through the good offices of one of our volunteer mailers, please take a look at the envelope---is your complete housing information listed? Not just your CDC # and prison, but your dorm/cell number and bed assignment?

If not, it's because you've moved, and we haven't had a change of address for you. When newsletters are returned because an inmate is no longer at the prison it was sent to, we try to find you via inmate locator—which tells us what prison you're at, but not exactly where in that institution CDCR has stashed you. And, as you all know, that can make a difference not only in when you get your mail, but even if you get it.

And some of you, we've tracked down through more than one move...still no housing info from you. Because those of you on our mailing list are benefiting from the efforts and contributions, via paper, ink, time and stamps, of our volunteers, we think it's only right that we make the best use of those resources, sending newsletters to those who truly want them.

Right now, we have a waiting list; more inmates want to receive *Lifer-Line* than our cadre of dedicated volunteers can currently handle. And those folks on the waiting list have provided us with all their housing designations.

So, here's the plan. If your housing information is missing from your *Lifer-Line* copy, you have until March, 2017 (another 3 issues) to send us the complete information, or you'll be taken off the indigent/volunteer list. Sounds drastic? Sorta. But with a list this size, and a waiting list of eager recipients, we can't afford to mollycoddle some of you anymore.

If you've sent an address change and it isn't reflected in your newsletter, our apologies, but please send it again. And if you're getting *Lifer-Line* from our volunteers and you have a friend or family member who is willing to receive it via email, print and send it to you, please have them contact us and let us know they'll take over this part of supporting you, making way on the active list for someone else who doesn't have that support on the outside. They have only to email us at lifesupportalliance@gmail.com and ask to be put on the mail list, tell us who they will be mailing to.

Step up (with the info) or step off.

WE NEED~

- Your CRAs, especially if you're a YOPH inmate
- Stamps; even 2 or 3 help
- Your input on commissioners and inmate attorneys, psychs and counselors
- An invitation; if you want The Amends Project to come to your location, have an ILTAG sponsor contact us; we'll be there!

YOUR PIECE OF THE ACTION

The Johnson v Shaffer case, challenging the Forensic Assessment Division's Comprehensive Risk Assessment practices, was settled some months ago, but of course lingering negotiations and bantering go on. As part of the settlement the BPH agreed that Dr. Cliff Kusaj, known to us as the Head Fad-er, would present a public presentation on the characteristics of lifers as recidivism risks and a summary of the results of CRAs administered in 2015, among other things.

As we have frequently reported before, Dr. Kusaj has said, in meeting public and private, a moderate risk assessment for a lifer is akin to a low risk assessment for any other prisoner cohort. Part of the settlement agreement was that he would put that assessment/opinion/estimation on public record.

And so he did, at the November business meeting of the BPH. For 3 hours he put that on record. And LSA was there. Through all of it. Taking notes, collecting copies. You're welcome.

Also part of the settlement was that this information would be available to the members of the class in the settlement—and that would be, in this case, both lifers and those long-serving prisoners who will now, under laws passed in the last few years, go to the parole board. Just how this information is supposed to get to you, we're not yet sure, as the good doctor presented a 26-slide power point presentation, not likely to be made available in its entirety to inmates. Even if you had a way to watch it.

The settlement agreement provided for Dr. Kusaj's notes to be made available, and much of the presentation to the board and public (mostly attorneys, staffers and LSA) was frankly repetitive, showing first opinions/statements and headings, followed by Kusaj's notes.

At present we're scanning the 26 pages and will try to provide not just a summary, but as much of the original wording and script as possible. We'll send it to those who wish to receive it—but because we anticipate many will want to benefit from the wisdom of Dr. FAD, and because even the compact version will be several pages in length, we're requesting at least 3 stamps accompany the request, and please, no SASE, as we'll have to use an oversize envelope to accommodate all the pages.

And the overall conclusion of the afternoon's festivities? Lifers (and other older, long-serving prisoners) are safer than any other prisoner cohort, recidivate less than any other group, and the FAD is doing a heck of a job. Well, we agree with the first two statements, anyway.

There was more, and we're still slogging our way through all the statistics, numbers, citations and ...other stuff. When we surface, we'll report. In the meantime, to receive copy of the presentation, write us (PO BOX 277, Rancho Cordova, Ca. 95741, include stamps and ask for the Kusaj report. And good luck.

AND NOW THERE ARE 14~COMMISSIONERS, THAT IS

In the works since the state budget was passed in mid-summer, Governor Brown finally made it official just before Thanksgiving (coincidence?) and appointed two new commissioners to the Board of Parole Hearings, expanding that body's number, for the first time, from 12 members to 14. The two new (well, semi-new) members are expected to help deal with what could be quite an influx on prisoners into the parole cycle as the result of new legislation and the natural progress of many third strikers toward their first hearing date.

We say 'semi-new' because both appointees are not new faces to inmates in parole hearings, both having been Deputy Commissioners for several years, and one an inmate attorney before joining the BPH DC cadre. Herewith are the newest members of the BPH:

Patricia Cassady, 64, of Concord, has been a deputy commissioner since 2013. She was an associate chief deputy commissioner at the Board of Parole Hearings from 2005 to 2013, where she served as a deputy

commissioner from 1995 to 2004. Previously she was in private practice from 1988 to 1995. Cassady earned a Juris Doctor degree from the John F. Kennedy University College of Law. Cassady is a Democrat.

Troy Taira, 56, of Alameda, has been a deputy commissioner since 2015. Taira was special assistant inspector general in the California Office of the Inspector General from 2013 to 2015 and administrative law judge in the Office of Administrative Hearings, the California Department of Social Services from 2011 to 2012, and staff counsel and prosecutor for the U.S. Coast Guard from 1992 to 2009. He was also a senior staff attorney at the U.S. Department of Homeland Security from 1992 to 2009 and a defense attorney in the Fresno County Public Defender's Office from 1991 to 1992. His Juris Doctor degree was earned at from the University of California, Davis School of Law. Taira is a Democrat.



‘Twas the Night Before (a prison) Christmas

(An abbreviated, customized version of the old favorite, with apologies to W. Clement Moore)

T’was the night before Christmas and on all the yards
Not a creature was stirring, not even the guards
No stockings were hung, no yule logs were lit
Christmas in prison is pretty much s-it

The inmates were huddled asleep in their beds
While visions of freedom danced in their heads
In Sacramento Jerry had donned his night cap
And just settled down for a quick power nap

When out in the yard there arose such a clatter
All sprang from their beds to see what’s the matter
Inmates all crowded the windows to see
What the cause of all the alarm could be

The moon on the tips of the coiled razor wire
Twinkled and gleamed like sparks from a fire
When what to their wondering eyes should appear
But Santa and sleigh, minus reindeer

The lil’ ol’ driver, all smiling and bright
Brought a dozen elves to help him that night
More tight than sardines his helpers were stacked
Their faces familiar to some in the pack

“Now Anderson, Garner, Roberts, LaBahn,
Fritz, Grounds and Turner, Montes, come on
Zarrinam, Chapell, Minor and Peck
Come on, dash this way you’ve got halls to deck

He was dressed all in red from his head to his toes
(Surprised he got in, with gang-colored clothes)
Boxes from vendors he had strapped to his back
Walkenhorst, Union, and all the rat-pack

His eyes were a-twinkle, his dimples, how merry
Inmates were laughing, guards looking wary
The stump of a pipe he held tight in his teeth
Smoke of some kind hung around like a wreath

He spoke not a word but went straight to work
Shook every hand and then turned with a jerk
And throwing his helpers into the sleigh
Flew over the wire toward breaking day

He stood in his sleigh and gave a sharp whistle
And away they all flew like an unguided missile
But we heard him chant as he flew on his way
“Merry Christmas to all, and Freedom one day!”