

LIFE SUPPORT

HOPE



ALLIANCE

HELP

& California Lifer Newsletter

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LIFER-LINE

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COVID AND RELATED ISSUES UPDATE

Everything we can say about the CoVid 19 outbreak and epidemic in the prison system changes at least daily, often several times a day. As this newsletter is being written several institutions are still experiencing out breaks, some for the second or third time, and at least 3 locations on the tipping point of a full house-on-fire.

We'll say it once again; every medical and corrections authority we've contacted, and there have been several, have agreed there was simply no way an air-borne virus could be kept completely out of the prison system. And every expert knew when that virus was able to establish a foothold, the results would be calamitous. Just how calamitous remains the question.

We'll try to give our readers a snapshot in time of the situation at this moment. And by tomorrow, it will have changed. Despite CDCR basically trying to hermetically seal the prisons, beginning in mid-March, when visiting was suspended, programs put on hold and everyone basically told to hunker down and wait, the first case of CoVid 19 was reported at LAC on March 20.

Things roller-coastered along, numbers up and down for weeks, one location after another taking their place in the hot seat as cases ramped up and died down. The first wave's worst day was on June 30, 2,615 individuals in the California prison system suffering from the virus that one day alone, more than half that number, 1,513, at SQ alone.

That was then. This is now. As of the days after Thanksgiving, the total reached at least 3,586 in one day and SATF may on track to beat SQ for the highest number of cases in one day. The difference between the first wave in the summer and this second/third/on-going wave in the fall is, in part, the number of institutions reporting positive cases. On June 30, the previous worst day, there were 19 institutions reporting positive cases. As of November 30, there are 33 of 35 prisons reporting currently positive cases and in the intervening weeks not a single prison in the system has remained completely CoVid clear.

In the course of the months-long battle CDCR reports having administered over 111,000 CoVid tests, often testing any given inmate several times over. SQ, where the virus rocketed out of control, eventually saw nearly 75% of those housed there at the time develop the illness, with varying results. CIM, the first of the massive outbreaks, has, to date, posted a positive rate of 65% of the population, FSP only slightly lower, about 61%.

CVSP, which just can't seem to shake the CoVid bug, has suffered through a positive infection rate of about 91%, and ASP, now finally with dwindling numbers, sits at about 86%. By those standards, SATF, standing at about 45% now, may have a way to go. Herd immunity is considered 70-75%.

The meanest measure of the impact of CoVid is, of course, the deaths resulting from the outbreaks. In that awful tally, SQ leads, with 28, followed closely by CIM, at 27. Both ASP and CVSP have seen 8 inmates die, CMC and FSP, 2 each. And there is a whole string of prisons that, to date, have seen a single fatality, with fervent hopes here will be no more. Those are CHCF, CIW, COR, CTF, HDSP, ISP, MCSP, PVSP, SATF and SVSP.

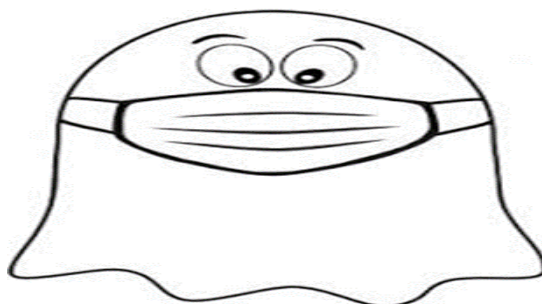
Will cases continue? Without a doubt. Will the quarantine continue? Just as assuredly. When will it end? Sorry, the crystal ball is down for repairs.

In the end, as the saying goes, mistakes were made, often incredibly stupid mistakes, many paid immense costs and there will be reverberations for years. The California Inspector General's office is producing a series of 3 reports on various aspects of CDCR's response to the virus outbreak, the first, on the efficacy of the initial screening measurers, and the second, on the availability of PPE in the prisons, have been released and we've summarized those findings.

There is too much material to include in Lifer-Line, but we've reported on this in California Lifer Newsletter and hope to have a full report on all 3 OIG reports available shortly after the final report, on treatment of those with the virus, is released.

The current resurgence of the virus, now ravaging SATF, HDSP, PVSP and CTF, with little sign of slowing quickly, in many ways mirrors the resurgence the country is experiencing and likely caused by the same things; CoVid fatigue, lessening of attention to safe guards, bravado about susceptibility and just plain denial. All, of course exacerbated by congregate living, which prisoners, and to some degree, prisons, can only do so much to mitigate that situation.

In the end, you, and we out here, are left with the same weapons against this virus: wear your mask, take responsibility for keeping your surroundings and situation as clean and distanced as possible and seek help when you're sick.



2020 has been a Boo Sheet year

CLEMENCY REPORT

On the eve of Veterans' Day Gov. Newsom released a list of commutations, pardons and medical reprieves of sentence to a total of 39 current and former CDCR residents. Pardons, granted to those who have served their sentence and are no longer in custody, went to 22 people, commutations of sentence length of 13 and 4 received a new clemency finding, medical reprieve of sentence.

Most of those receiving commutations were lifers, with only 1 DSL inmate and the aforementioned LWOP breaking that pattern. Most (10 of the 13) appeared to qualify for YOPH consideration, based on their age of admission to CDCR, though that factor was not mentioned in every commutation. Three were women, and only 1 commutation went to an inmate over the age of 65.

A half dozen of those whose sentences were shortened had been convicted of murder, first or second. The pre-commutation sentences ranged from 15 years determinate to LWOP. In a somewhat unusual result, most will find themselves at a parole hearing in the pretty near future, as Newsom directed immediate parole consideration. Additionally, 6 were commuted to time served, meaning they will be immediately released and one will serve about 3 more years before being released.

As to reasons for selecting them for commutation, Newsom noted in several cases recommendations from prison staff, exemplary disciplinary behavior, and in a few cases, concerns for their welfare, should they contract the CoVid virus.

Below are those whose sentences were commuted, their new sentence and former sentence and years served in (sentence/time served).

Sandra Castaneda, immediate parole hearing (40-L/20); Enrique Cristobal immediate release (27-L/20); Casey David, immediate release (29 years/13); David Diaz, immediate parole hearing (37-L/22); James Jacobs, immediate parole hearing (15-L/16); Patrick Leach, 8 years (15 years/5); Tyler Lord, immediate release (32-L/16); Fernando Murillo, immediate release (41-L/27); Francis Pedroza, immediate release (34-L/21); Ellen Richardson, 25-L (LWOP/25); Gary Roberson, immediate release (50-L/22); Chan Saeteurn, immediate parole hearing (25-L/17) and Anna Villa, immediate parole hearing (26-L/17).

The new medical reprieve of sentence went to 4 older inmates, all of whom were 3 strikers all with serious health concerns and ranging in age from 68 to 87 years. Those individuals were Lynn Beyett, Ronald Salles, Larry Johnson and Darlo Starr.

According to Newsom's message, these individuals have an 'elevated risk of morbidity should he (they were all men) become infected with CoVid 19.' And therefore, they will be transferred to "an alternative custody placement in the community, approved by the Department of Adult Parole Operations." Thus, under these terms, those receiving the medical reprieve, will continue to serve their sentence in the community.

The message notes the reprieve "is temporary and may be nullified at any time for any reason," in which case they would be returned to the tender care of CDCR. It seems those granted this clemency will be housed in skilled nursing facilities, due to their medical conditions.

To receive a pardon, an individual must have served his/her time and be certified as rehabilitated, as well as undergo an investigation by DAPO and the BPH. Newsom, with this list, continues his past pattern of using his pardon powers, which wipe out convictions, to protect individuals who have long lived in the United States but have not become naturalized citizens (often because they spent years in custody) from being deported.

These deportation orders often are issued for individuals how came to the US as children and have no family, no support and no real knowledge of the countries where the federal government seeks to deport them. Such was the case for 10 of the 22 who were pardoned. Of the 22, only 4 were women.



TRUTH AND LIES

For a couple of months now we've been alerting our readers to fellow (or past) inmate-led scams. And we've been accused of colluding with CDCR, being anti-inmate, and wanting to keep everyone in. Right. Below is the text of a memo issued by Jennifer Shaffer, Director of the BPH, directly addressing these issues and specifics. For those of you who still wish to believe in fantasy and sit at the feet of these scammers, enjoy your time inside.

**On Behalf of
Jennifer Shaffer, Executive Officer
Board of Parole Hearings**

The Board is aware of multiple papers recently sent to inmates containing false information regarding parole decisions, possible legal challenges, and statements allegedly made by Board employees. We realize how important these issues are to those in the hearing process, as well as prosecutors and victims. In the interest of providing accurate and transparent information, the Board provides the following information:

- The Board accepts as true criminal verdicts from state courts. These verdicts are reflected on an abstract of judgment, a plea transcript, or sentencing transcript from the sentencing court. Documents for each person in prison are reviewed by CDCR Case Records staff. There is not a belief that these documents are fraudulent.
- If errors are found on state court documents, CDCR Case Records staff will notify the court and request an updated document in individual cases.
- The Board diligently works to apply state law and determine whether inmates appearing at a parole hearing would pose a current, unreasonable risk of danger to society. These decisions are reviewed by the Board's legal department to ensure decisions comply with the law. If a decision is found to not comply with the law it is sent to the full Board for consideration at a monthly public meeting.
- While the Board investigates applications for commutations of sentence upon request of the Governor, no Board employee has recommended a mass commutation for people who have been denied parole.

- The mechanism for judicially challenging a parole decision is by filing a writ of habeas corpus. The timing of state habeas proceedings are governed by the California Rules of Court. A court reviewing a habeas writ will deny a petition without a response, request an informal response, or order that a formal response or “return” be filed. Once the timelines specified in rule of court 4.551 are totaled, without any extensions, it would be at least six months before a court would grant a habeas petition.
- When a court orders a new parole hearing for someone, that hearing is generally scheduled six months after the court order. The Board seeks to carry out court orders as quickly as possible, but it generally takes about six months because of notice requirements, the possibility that a comprehensive risk assessment is needed, and to avoid removing a person who is already on the hearing schedule in order to free up a hearing spot.
- A person who claims they can obtain a court order and a new parole hearing for someone in six months or less is not telling the truth.

The Board is not able to provide legal advice to inmates, stakeholders, victims, or victims’ next of kin. You should talk to an attorney for legal advice. Please know that when the Board, or a Board employee takes official action concerning a significant change in process or policy, we will publicly notify inmates, attorneys, prosecutors, and advocacy groups.



THE MENTAL HEALTH PROJECT ROLLS ON

Update for those who are participating in LSA’s Mental Health Project—the response has been great! We’ve sent nearly 600 packets with in-cell study courses on Anger Management, one on Depression and a workbook on dealing with CoVid stress, and so far, have returned about 100 certificates. Yes, we’ve sent a few back, when it was very obvious that those responses were off-hand, not serious and in some cases, largely missing. This is real—you have to do the work.

If you’ve requested a packet and haven’t received it yet, please be patient. These are mailed to you via Media Mail, saving about \$5 per packet in postage over first class mail, but that process takes a bit longer.

Please note, you don’t have to send the who packet back, just write the homework question number and your response and mail it off. Certificates are available for Anger Management and Depression—the CoVid stress workbook is just for your benefit.

If you have questions on how long it will take to get your certificate? Think numbers---600 packets mailed, with 2 study courses each, means 1,200 possible certificates. And 4 staffers working on those responses. If you’d like to participate, send us a query on the Mental Health Project, to LSA, PO Box 277, Rancho Cordova, CA. 95741.

VIDEO VISITING

This is an evolving situation, but in late November CDCR announced the start of video visiting, now available only at 5 prisons, with plans for all institutions to be online by the end of the year. Appointments will be made by email (not VPASS), for 30-minute visits, one per inmate per month, at least initially.

The following institutions will be in the first wave: CCWF, MCSP, VSP, CIM AND SQ. New institutions are expected to be added each week, with 7 visiting slots per day, per station at the institution. Right now, each prison is expected to begin with 10 stations, more to be added as the weeks pass.

The plan (at least at this early stage) is for call to last 30 minutes beginning on the half hour, ending on the hour, leaving a half hour for staff to clean the area before the next visit participant. Visits will be limited to one visit per prisoner, per month, at least for now.

Only approved visitor can participate and must be prepared to show your ID on camera at the beginning of the visits. All visiting rules, except those related to colors of clothing apply. CDCR went to great lengths to emphasize video visiting is meant to supplement regular visiting while the CoVid shutdown is in place and there are no intentions of replacing regular, in person visiting with video calls.

The visits will not be recorded, but will be monitored by staff, to be sure visiting protocols are followed. Those in disciplinary housing, AdSeg or the SHU WILL be eligible for video visiting, so long as they are approved for visiting under regular situations. There is NO cost for the video visits and visitors can use a table, I-phone or computer. CDCR promises video visiting will NOT replace in person visits.

THE LIFER POPULATION

As of June 2020, roughly 31% of those in CDCR custody were serving long-term sentences, indeterminate sentences (ISL). Those with LWOP sentences numbered 5,079 (4% of the population); while third strikers numbered 6,810 (5%) and 'regular' lifers, numbering 27,068 or 22% of the inmate population.

Of the over 5,000 hearings scheduled by the BPH through September of 2020, nearly 55% were not held, due to waivers, cancellations, postponements, and stipulations. Grant rates, however, are at historic highs, as 798 grants had been handed down from January through the end of September, the last month for which complete numbers were available.

Roughly 1,000 inmates denied parole (usually for longer than 3 years) filed PTAs in 2019, and the board approved advancement for 67% of those petitions, resulting in grants in 37% of those hearings. Again, raw numbers, 670 PTAs were approved, resulting in about 138 grants.

So far in 2019 has continued a 4-year trend, of more lifers have been released on parole than are coming into the system with new life sentences. In 2019 the number of grants was 1,184, the second year that grants numbered more than 1,000 (1,136 in 2018).

Overall, who got parole grants in 2019? Women more likely than men (47% to 34%), ISL inmates more often than DSL (35% to 25% average), hearing advanced by AR (51%) or by PTA (37%). But, as truth in advertising tells us we must note, your results may vary.