

**OCTOBER 2010**

**LIFER-LINE  
THE NEWSLETTER OF LIFE SUPPORT ALLIANCE**

**VOL. 1 ISSUE 7**

**SEN. JENNY OROPEZA**

Life Support Alliance and all those working for social justice lost a friend and champion recently with the death on Oct. 20 of state Sen. Jenny Oropeza (D-Long Beach).

Senator Oropeza began her political career locally in Long Beach, going on to hold several successive elective offices before coming to the state Senate in 2006. She remains on the ballot for re-election this November and is expected to win the vote despite her death. A special election to fill her seat will then be called.

Sen. Oropeza believed in public service and social justice. Her office was one of the first to express interest in LSA's drive to bring accountability to the Board of Parole Hearings. Sen. Oropeza made it her mission to be a voice for the voiceless and showed her mettle when in 2009 she held a BPH commissioner nominee accountable for anti-gay remarks made years earlier, leading successful efforts to deny nominee David Drummond confirmation to the board.

Our condolences to her family and staff. She will be missed.

**SURVEY CONFUSION**

We continue to receive new survey responses weekly and are making great use of all information provided. However, in recent weeks another prison reform group has begun circulating a survey questionnaire remarkably similar to the LSA survey and we are finding some confusion on the purpose of the two surveys, the groups circulating them and where the responses should be sent.

Life Support Alliance holds all surveys in confidence, codes and distills the data to create documents in support of our drive to reform the make up, actions and accountability of the Board of Parole Hearings. Our ultimate goal is more parole dates granted to lifers.

Our findings have been and will be used to provide legislators information and proof of the need for these reforms. Prisoner advocates, LSA among them, can talk and lobby endlessly for changes but, unless we have factual proof of errors and egregious actions, our comments remain just opinion and hearsay. Prisoner responses to our surveys provide the actual evidence we need.

The alternate survey, being distributed by Lifers to Be Free, asks similar questions with a few differences, the primary one being Lifers to Be Free asks for family contact information to engage prisoner families in the struggle. Lifers to be Free is aligned with Families Against California's Three Strikes, a group that has sponsored ballot initiative attempts to repeal the three strikes law. LSA is not a part of that organization.

Please note, if you wish to respond to both surveys, you will need to mail the different survey forms to the respective groups' addresses; we do not interchange information. Lifers to Be Free is headquartered in Los Angeles. Life Support Alliance is based in Sacramento, where we are able to weekly meet with law makers, and provide them verifiable data on the need to reform and oversee the BPH. Our mailing address is PO Box 3103, Rancho Cordova, Ca. 95741.

To date we have received responses from more than a dozen California prisons with the most surveys being returned from Solano and Avenal and good representation from DVI, CMC and CVSP. We have also had surveys returned from women's prisons CIW and CCFW and from Corcoran, CMF Soledad, KVSP, PVSP and San Quentin.



If you know or are a lifer who has had a parole hearing within the last 3 years and is presently housed on in an institution not listed here please encourage them to respond to the survey.

### **COMMISSONER PEPPLER**

Conventional wisdom in the capitol is that a confirmation hearing form BPH Commissioner Robert Pepler of Fairfax will be held sometime in late November or early December. We need your input if you have had a parole hearing before Commissioner Pepler in the last year.

Pepler is a former San Bernardino County under sheriff and was appointed to the BPH on Dec. 6, 2009. As allowed by law, he has been serving with full authority at hearings held since his appointment. Under current statutes commissioners may serve for up to 365 days prior to be being confirmed by the Senate.

That 365 day limit is fast approaching for Pepler and a confirmation hearing in the Senate Rules Committee is expected to be scheduled shortly. LSA will be weighing in on our view of Pepler's decisions, and for this we need your first hand experiences of Pepler's conduct and decisions at parole hearings.

If Pepler was the Commissioner at your parole hearing, or that of your loved one, please fill out the LSA survey and send it to us ASAP or write us about our experiences with Pepler, including any untoward comments or conclusions voiced by him; if your experience with this commissioner was positive, we'd like to hear that as well.

### **CORRESPONDENCE**

As noted, responses to LSA's spearheading survey of lifers' first hand experiences with Board of Parole Hearings commissioners continue to reach us, more and more each week. We also receive letters weekly on a wide range of other topics, asking questions about parole, re-entry and legal matters.

We want all respondents to the survey to know each submission is carefully read and mined for detailed information to add to our growing data base of the questionable actions, conclusions and remarks from the BPH commissioners and this information and data will be used in our mission to bring accountability to the BPH.

Please understand that although you may not receive an individual reply, your information is both appreciated and important. Each survey adds new or supportive information to our growing data base and enables us to bring to legislators and others as near a first hand experience of a parole hearing as they are ever likely to encounter. The frustration, sincerity and genuineness of lifers' years of efforts to meet the ever-changing requirements of the BPH are evident in each response, as are the unreasonableness, bias and sheer absurdity of many actions and statements from both commissioners and psychologists.

It is our goal to answer all other letters of inquiry but we must ask for patience on the part of those sending us mail. We must also reiterate, LSA is not a legal service, we have neither the expertise nor right to offer legal advice. Nor are we actively involved in re-entry programs or self help groups.

Our goal is to effect change and accountability in the BPH and parole decisions; that remains our focus and the purpose of all our efforts. Please continue to distribute the survey to any lifers who have not yet responded and if your circumstances of parole change, either through grant of parole or court action, please let us know of the change and how it was effected.

**OCTOBER BPH MEETING: NO DA s**

The October meeting of the Board of Parole Hearings Executive meeting was largely unremarkable in content or action.

With the resignation a few months ago of Commissioner Mary Ann Tardiff and the exit of Commissioner Peter LaBahn following the Senate's demur to hold a confirmation hearing for him, the commissioner number now stands at 10, two short of a full compliment. Despite this shortage, commissioners were informed by BPH legal staff that the number of backlog hearings stood at a mere 45 cases.

As is the norm at these meetings, victims' rights advocates beseeched the board to continue on their path of overwhelming denials. And has become the norm since the inception of Life Support Alliance, we were again present and speaking out on behalf of lifers and their families. This month we were compelled to remind the BPH of their need to comply with open records requirements in allowing the public, including LSA, access to public documents pertaining to the board's actions and training.

What stood out for us at this month's gathering was the total lack of District Attorney's representatives appearing to oppose parole for prisoners under en banc consideration. At each previous meeting nearly every en banc case was addressed by the DA from the committing county, always opposing parole and always re-trying the original case. To have a total absence of DA s appearing in October was striking. And agreeable.

In parole actions the full board recommended in favor of one compassionate release and one governor's pardon, upheld parole grants to 6 individuals under en banc consideration but rescinded the dates previously granted two others in en banc hearings.

**SELECT COMMITTEE ON WOMEN AND CHILDREN**

LSA attended the recent hearing of the Select Committee on Women and Children in the Criminal Justice System, which featured a report on the master plan for gender responsive rehabilitation in the California prison system.

The mission of the committee is to provide tax savings by keeping women out of prison and reuniting them with their families. This hearing focused on continuing this effort in the face of the extensive financial cuts to programs in CDCR and the dire financial situation facing both corrections and the state. Sen Carol Liu's bill SB 1266, passed last session and signed by the governor, which aids in moving non-violent female prisoners from prison into rehabilitative programs in facilities near their children, was a focus of discussion.

Sen. Liu and Assemblywoman Bonnie Lowenthal were in attendance, along with a number of CDCR representatives, academic experts and other stakeholders in the field. Representing CDCR were Terri McDonald, Chief Deputy Secretary of Adult Operations; Elizabeth Siggins, Chief Deputy Sec. Adult Programs and Debra Herndon, Associate Director of Female Offender Services and Programs.

Also participating were Little Hoover Commission Executive Director Stuart Drown, Dr. Barbara Bloom, Professor of Criminology at Sonoma State University and Dr. Barbara Owen, Professor in the Department of Criminology at Cal State Fresno. Offering observations based on their years of experience were Dawn Davison, former Warden of California Institute for Women, who cataloged past years' program development and decried the loss, due to massive budget cuts, of many of those innovative programs, and Wendy Still, formerly Director of Female Offender Programs in CDCR and now Chief Probation Officer for the city of San Francisco.

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In her remarks Assemblywoman Lowenthal outlined one of the primary problems she sees as being the public and many law makers in Sacramento do not fully understand the problems in corrections. She indicated many seemed to simply want offenders removed from society with no thought as to what to do after that removal. She

suggested the media could help in increasing the education and understanding of both the public and lawmakers.

LSA concurs with this assessment. We believe the public does not have enough factual information about the consequences, costs and alternatives to endless incarceration and education and enlightenment, not only of the public but lawmakers as well, is critically needed. Education of our legislative representatives is a cornerstone of our mission.

Following testimony on various aspects of female corrections programs the committee made approximately 20 minutes available for public comment. Unfortunately, most CDCR representatives and even Assemblywoman Lowenthal, left before the public comment portion of the hearing. These, of course, are the very people who should hear first hand from stakeholders in this issue.

### **NEXT IN THE CAPITOL**

Within the last few weeks Life Support Alliance distributed to selected Senate offices a 28-page report outlining and documenting our findings to date on the actions and conduct of Board of Parole Commissioners and Forensic Assessment psychologists, as well as some of the fiscal consequences of the present configuration and operation of the BPH. This information was compiled from responses to our term to life inmate survey,

Our hope is to convince a member or members of the Senate to request a full examination and evaluation of the BPH/FAD with particular attention to the cost of denials, costs and necessity of the FAD and overall performance of the BPH in adhering to the intent of extant law.

Following discussions with, and at the suggestion of, several legislative offices LSA is preparing to submit a series of suggested areas of inquiry we believe should be explored for legality, efficiency and cost effectiveness. Our hope is an official analysis will clearly show the need for overhaul and oversight of the BPH and its subordinate FAD.

Once our suggested areas of inquiry are submitted we will call on our supporters to contact their legislators urging them to support this inquiry,

### **MID-JANUARY MEETING AND SEMINAR PLANS**

Life Support Alliance is currently working with the office of a well-known prisoner's rights attorney to coordinate a seminar early next year in developing parole plans and habeas corpus writs. This free seminar is tentatively planned for Sacramento and will be followed by a general meeting of all those interested in and supportive of LSA.

Family members attending the seminar will receive information and suggestions on assisting their prisoner in developing practical and verifiable parole plans prior to any parole hearing. Verifiable parole plans are a key component in a prisoner's being found suitable for parole. Tips on writing and filing writs of habeas corpus will also be provided.

The LSA meeting following the seminar will be an opportunity for our supporters to meet and share information as well as a chance for LSA to recap our first year's achievements and outline plans for the coming legislative session. Once meeting plans are finalized we will announce the date and place in the newsletter and by email

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update. We may also at that time issue a request for assistance in various logistical areas, from drinks to transportation.

We are targeting a mid-January date, in a facility located in downtown Sacramento featuring free parking. More to come as plans develop.

## **FACTS ABOUT PAROLE AND THE BOARD OF PAROLE HEARINGS**

- Nation-wide, 1 in 11 prisoners is serving a life sentence; in California, the number is 1 in 6.
- More than one-third of those sentenced to life for a crime committed while a juvenile are in California prisons.
- In 2008 one-quarter of California's Lifer population had been sentenced under 3 Strikes but less than half of those were sentenced for a violent crime. 55 were doing life for DUI arrests.
- Studies across the nation show released lifers are among the least likely to commit any new crime. In Pennsylvania, barely a 1% recidivism rate; a study of lifers released from Ohio prisons in 2000 found none had committed any new crimes in the 3-year recidivism window; New York's 2005 study of over 13,000 lifers released in an 8 year period showed a **0.4%** recidivism rate. As far back as the 1940s the CDCR's own data indicated lifer prisoners were the safest to release and the least likely to recidivist.
- When lifers do recidivate it is for technical violations, such as missing a parole check in or moving without notifying the parole officer.
- Lifers as a group are considered the least dangerous individuals in the prisons system, often praised by authorities for being a calming influence in the prisons setting and used to mentor other prisoners.
- While the average age of a prisoner in the California state system is in the mid 30s, nearly half of lifers are over 40 and the percentage of those over 60 grows yearly. Prisoners over 50 are the most expensive to incarcerate and the instance of repeat criminal behavior plummets after the age of 50
- The LAO estimates the average prisoner costs state taxpayers over \$51,000 per year to incarcerate; once a prisoner reaches age 50 that costs rise to over \$100,000 annually.
- Life prisoners are the **ONLY** prisoners required to appear before BPH commissioners to prove their suitability for parole. The role of the commissioners and whether or not they are performing their duty in a realistic, legal and cost effective manner is a subject on which tomes could and are being written. It is the focus of the efforts of Life Support Alliance.
- In fact most lifers are not murders. Life terms are given for a variety of crimes, from car-jacking to kidnapping, attempted murder, assault with great bodily harm, manslaughter, conspiracy, to three strikes convictions that are not violent.
- Annual salary for commissioners is \$111,845. BPH commissioners can serve up to one year before being required to sit for confirmation by the Senate Rules Committee. A disturbing trend over the past 2-3 years has been for commissioners to serve for up to 11 months and then resign prior to their senate hearing. Of course they serve the entire time at full pay and there is no accountability for their actions in the months they served.

## **REVIEWING ACTIONS OF COMMISSIONERS, DEPUTY COMMISSIONERS AND PSYCHOLOGISTS IN LIFER PAROLE HEARINGS, 2007 TO PRESENT**

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.

LSA has been given the opportunity to make use of a legal and confidential third party investigatory team to review parole denials with an eye toward

# LIFE SUPPORT ALLIANCE



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*Public Safety and Fiscal Responsibility*

improper decisions, comments, attitude and demeanor, misstatements of fact and other possibly egregious errors committed by the BPH in hearings. Using the general information of date of the hearing, institution where the hearing was held, and names of the commissioner and deputy commissioner sitting at the hearing this team will access several days of hearing transcripts, thus obscuring the target transcript from identification. 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\* \_\_\_\_\_ INSTITUTION\* \_\_\_\_\_ SENTENCE \_\_\_\_\_

MEPD \_\_\_\_\_ COMMISSIONER/DEPUTY COMMISSIONER\* \_\_\_\_\_

OUTCOME\* \_\_\_\_\_ LENGTH OF DENIAL\* \_\_\_\_\_ 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(EXAMPLES) \_\_\_\_\_

\_\_\_\_\_

COMMENTS/QUESTIONS BY PSYCHOLOGIST YOU FEEL WERE NOT RELEVANT(EXAMPLES) \_\_\_\_\_

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

\*required information

NOTE TO OUR FRIENDS AND SUPPORTERS: If you are copying this form to send in multiple copies please do not change the survey form. It causes confusion among those who may receive slightly differing versions. We want to assure all prisoners this form is from LSA and will only be used in the manner described.