



## **LATEST ON THE GOVERNOR AND THE JUDGES**

All heads and hearts are holding their collective breath, awaiting the final decision by the three federal judges on just when and how California must bring down the population of its 34 (and growing ) prisons. While the state initially asked for a 3 year delay in bringing the population to 137.5% of design capacity the judges have indicated that is not in the offing and Gov. Jerry Brown is now seeking a 2 year window to implement the population cap. Brown also allowed that if the state then fails to meet the 2 year goals inmates could be released early through efforts of compliance officer appointed by the court.

Toward the end of January the judges issued a ruling that, while holding to the 137.5% figure, would allow the state to meet that number by Feb. 28, 2016 in a series of incremental steps and would require the CDCR to begin certain measures to insure that goal is reached. In summary the population reduction steps are these:

- 1) 143% of capacity by June 30, 2014
- 2) 141.5% of capacity by Feb. 28, 2015
- 3) 137.5% of capacity by Dec. 28, 2016

The state and attorneys for inmates were to present plans to attain this newly proposed schedule by Jan. 30, following the failure of the parties to reach agreement on how to reach the court set population cap. The judges will then allow comments from the opposing sides on the other side's plan, following which the judges will issue their final decision, expected in mid-February.

During this time period the court will allow the department to continue to send prisoners to out of state and private facilities to maintain the level of population in those locations that was in place at the time of the original order. This will mean additional prisoners will be shipped out, as prisoners now housed out state (not lifers) reach the end of their sentences and are released, thus opening beds and allowing new inmates to be shipped in. So while the total numbers will remain the same, new individuals and families will continue to be subjected to this travesty.

The state has proposed a combination of the following actions to be implemented by April, 2016:

- 1) Increase in time credits for non-violent second strikers
- 2) Increased opportunity for medical parole and compassionate release
- 3) Increased hearings and opportunity for elder parole for those lifers 60 years of age and older who have served 25 or more years.

Those changes could offer a decrease in population of some 1,600 inmates, substantially short of the approximately 5,000 currently needed for the state to hit the limit. Additional steps include expanding alternative custody programs for female prisoners, making non-violent second strikers eligible for parole after serving half their sentence and releasing those lifers already granted parole but who have not yet reached their calculated release date.

Though nothing (as of the date this is written) is yet decided and announced all indications are that medical and elder parole processes will begin very soon. The BPH has indicated that they are prepared to schedule additional hearings per day and possibly an additional day during the week, in order to accommodate the potential increase in hearing numbers. So while, again, no lifers will be released via any 'early release' criteria, it appears lifers may at last see some relief courtesy of the overpopulation dispute.

As news is released and actual agreements are reached and announced we will disseminate that information to our readers.

## **YOPH HEARINGS UNDERWAY—RESULTS SO FAR**

Although there have, to date, only been a handful of Youth Opportunity Parole Hearings (SB 260), a small trend seems to be developing. LSA has been at several hearings to date and has tracked the outcomes of those we have not yet been able to observe.

Of the 10 hearings scheduled in the first 3 weeks of January that were held under the YOPH guidelines, 5 prisoners were granted parole dates. Of the remaining 7 individuals all but one received the minimum 3 year denial.

Another 6 hearings were scheduled for the last week of January, but the results of those hearings are not yet available. Another 29 YOPH hearings are on tap for the month of February and LSA hopes to attend as many of those as possible.

As expected, the requirements to be found suitable at a YOP hearing and a regular parole hearing are the same: the panel must determine the prisoner is no longer a danger to public safety. At each

YOPH hearing the presiding commissioner will acknowledge the hearing is being held under YOPH standards and will put on record the panel's consideration of the prisoner's youthful character.

Disciplinary chronos, laudatory chronos, programming, parole plans all come into play, as in any parole hearing. What seems to be most important from a preparation stand point, is that any letters from family and friends who knew the individual at the time of the crime and can attest to the life circumstances affecting the then-young prisoner, be available to both the board, for their consideration, and to FAD psychs, who, in creating their psych update for the YOPH hearing, are also to consider these factors. **SO GET THOSE CARDS AND LETTERS IN NOW!**

As the YOPH hearings continue to roll out we will report on any developing trends and particulars that may be of use to our readers.



## **LSA LIFER FAMILY SEMINAR—SAN DIEGO**

Life Support Alliance continues to bring education and information to lifer families, most recently in the San Diego area in late January, when more than 40 lifer friends and family members gathered at Canyon Community Church in Chula Vista for our Doing Life as a Family seminar. For the first time those whose prisoners are not lifers, but determinate sentenced prisoners serving long terms and who will now be considered for parole hearings under SB 260, Youth Opportunity Parole Hearings, joined the seminar ranks.

Topics in the wide ranging day included not only SB 260, but also the recent Butler decision, so-called early release and any possible effect on lifers, how parole works, writing effective support letters and a thumbnail sketch of parole commissioners and grants. Lifer attorney Michael Beckman spoke and answered attendee questions for more than an hour and for the first time representatives from the Division of Adult Parole Operations (DAPO) spoke on what happens when lifers come home, what families can expect from parole and how they can help with their loved ones' success.

Comments from some of the attendees speak to the amount of information they take away from LSA seminars:

*"I was absolutely blown away at the professionalism of both of you and your abundance of knowledge regarding the CDCR, the Parole Boards and everything that is related to that. Where do you find the time? I applaud you both for caring so much and working so diligently without any compensation."* Jean

*"I've gained a wealth of information from your organization."* Robin

*"We attended your seminar yesterday; which was awesome, thank you!"* Morgan

Our great thanks to Pastor Art Lyons of Canyon Community Church for the hospitality and help and to our wonderful volunteers, Lenona, Jean and Bobette for facilitating a smooth event far from our base. LSA is committed to holding at least 3 more seminars this year in various parts of the state to bring information and hope to lifers and their families throughout the state. Our next seminar is in the planning stage for the Chowchilla/Fresno area in March, with details to be announced as they become available.



## **MANY NEW ATTORNEYS JOIN STATE APPOINTED RANKS**

Under a new process instituted this year by the Board of Parole Hearings prisoners attending parole hearings with state appointed attorneys may see a veritable sea of new faces. Whether this new development will be beneficial or not remains to be seen. The new process was initiated by the Board to bring 'new blood' in the form of new attorneys into the attorney cohort for parole hearings.

In mid-January the BPH selected teams of attorneys to handle parole hearings in each of 13 newly created regions, configured on the basis of the number of prisons in proximity to one another. The number of attorneys available to represent prisoners at the prisons in those regions was determined by the total number of hearings held in those institutions. These range from a low of two attorneys (serving Pelican Bay, which constitutes a region in itself due to remote location) to a high of a panel of 10 for the region containing PVSP, SATF, COR, NKSP, WSP, KVSP AND ASP. Half of those assigned to the panels were chosen on the basis of seniority, having already done hearings in past years, with the remainder selected through random draw from a pool of attorneys who indicated their interest in representing clients in that region.

Of the 87 attorneys who expressed an interest in representing lifers and fulfilled the BPH's basic requirements (more on that later) some 27, or nearly one-third, reportedly have never participated in a BPH hearing before--newbies! The rest covered the gamut of experience, from high 400s to a single hearing. But experience may not be a wholly good thing. Three of the most 'experienced' attorneys are also among the worst, as we previously reported to the board following a survey from prisoners.

The criteria to be included in the BPH's list was pretty basic: licensed through the California Bar Association, proof of malpractice insurance, completion of the BPH's one day training session, recent TB test and attendance as an observer at no less than 6 parole hearings. Whatever the number of attorneys selected for the Active Panel, there is an additional stable of attorneys listed on the Inactive Panel, who are prepared to move up onto the Active List, should any of those attorneys drop off for any reason.

According to the board's new policies, attorneys on the Active Panel may refuse an assignment twice and/or fail to meet with their client or appear at a hearing twice before they will be removed from the Active Panel and a new attorney from the inactive list moved up. This is a first step in the Board's efforts to make state attorneys more accountable for their performance. Additionally, those prisoners who feel their state appointed attorney failed to adequately represent them may voice those concerns in two ways: they may file a complaint with the California Bar Association or make their concerns known to the BPH legal staff via letter.

Inmates would do well to understand that simply being denied a date by the board does not in itself constitute failure of their attorney. However, if you feel your state appointed attorney did not adequately represent you, did not meet with you, take time to understand your case, consider your input or wishes, or was not fully involved and mentally present at your hearing, LSA urges you to avail yourself of the opportunity to bring this to the attention of the Board. We anticipate that later this year we will again issue a survey, aimed at gaining feedback from prisoners on the state appointed attorneys, both returning and new. The new attorney staffing list is expected to be activated in March.

For those contemplating alerting either the State Bar Association or the BPH legal staff to problems the addresses are below.

State Bar Association of California  
845 S, Figueroa  
Los Angeles, Ca. 90017  
Attn: Office of Chief Counsel

Board of Parole Hearings  
PO Box 4036  
Sacramento, Ca. 95812  
Attn: Legal Staff

The following chart outlines the number and individual attorneys initially placed on the Active List for each region. It is anticipated that during the initial months of the new system there may be considerable change, as attorneys, especially those who are new to the parole hearing process, may find the panels to which they are assigned are not tenable for them due to distance and/or workload. LSA will monitor any changes in the active attorney list and update as necessary.

Those who would like additional information on statistics of the various regions, such as numbers of hearings held at each institution and/or region or how many parole hearings individual attorneys have participated in may write for more details. And we urge our readers to provide feedback to us as the new process rolls out, including whether the new system encourages better attorney/client consultation.

**STATE APPOINTED ATTORNEY LIST**

(PARENTHETICAL NUMBER DENOTES NUMBER OF PAROLE HEARINGS ATTORNEY HAS PARTICIAPTED IN)

**PANEL/PRISON(S)****ATTORNEYS ON ACTIVE PANEL**

Panel 1-PBSP	Richard Rutledge (363), Tarek Shawky (0)
Panel 2-HDSP, CCC	Alexandra Morgan (0), Michele Garfinkel (320)
Panel 3-CMF, SOL, SQ	Gertrude Akpenyi (254), Lawrence Strauss (122), Jeffrey Hall (0), Douglas Manor (0), Kate Brosgart (301), Candice Christensen (465), Katey Gilbert (407), Laurie Sander (323), Geoffrey Taft (323)
Panel 4-FOL, SAC, MCSP, SACCO	Kate Brosgart (301), Candice Christensen (465), Sabina Crocette (208), Sam Judd (294), Erin Morgan (50), Uzoma Ogan (0)
Panel 5- CHFC, SCC, DVI	Daniel Iyayi (0), Geoffrey Taft (323)
Panel 6- VSP, CCWF	Katey Gilbert (407), Daniel Iyayi (0), Douglas Manor (0), Christopher Harris (395)
Panel 7- CTF, SVSP	Candice Christensen (465), Peter Ferguson (429), Katey Gilbert (407), Marcia Hurst (222), John Ibrahim (179)
Panel 8-PVSP, SATF, COR NKSP, WSP, KVSP, AVE	Elizabeth Comeau (0), Peter Ferguson (429), Carl Fraley (0), Leon Harris III (480), Jeffrey Hall (0), Joseph Haytas (137), Christopher O'Hara (395), Philip Osula (58), Richard Rutledge (363) Patrick Sparks (390)
Panel 9-CMC	Leon Harris III (480), Peter Ferguson (429), Geoffrey Ojo (26), James Willison (82)
Panel 10-CCI, LAC	Leon Harris III (480), Alexandra Morgan (0) David Ramirez (344)
Panel 11- CIM, CIW	Jared Eisenstadt (251), Jesse Hoff's (0), John Ibrahim (179)
Panel 12- ISP, CVSP	Carl Fraley (0), Marc Gardner (0), Michael Kern (0), David Ramirez (344)
Panel 13-CAL, CEN, RJD	Gertrude Akpenyi (254), Sam Judd (294), Philip Osula (58), Will Ramey (0), David Ramirez (344)