



## **PUSH TO EXPAND YOPH BEGINS**

Sen. Loni Hancock (D-Petaluma), author of SB 260, the Youth Offender Parole Hearing bill enacted last year, recently introduced the long-awaited follow-up to that legislation. Hancock, using a technique that can play both good and bad, introduced a bill earlier this legislative session to garner a prime spot on the legislative calendar, then later performed what is termed a 'gut and amend' process to change the intent of the bill while retaining its position in the legislative calendar. Thus, Hancock managed to secure the designation of SB 261 for her new version of YOPH guidelines.

Under the language of SB 261, the new YOPH bill, consideration of the 'hallmarks of youth' would be extended to those who were under 23 years of age at the time of their crime. The original YOPH bill provided for this special, and 'great weight' consideration, for those who were under 18 at the time of their offense. If passed parole hearings for those newly eligible for YOPH consideration, those who were between the ages of 18 and 23 at the time of the crime, to be held prior to July 1, 2017.

LSA representatives were in Hancock's office recently and received a pretty broad hint from staff that this legislation was in the offing. The Senator's office also seemed relatively confident that the bill would be successful, both in passing both houses of the legislature and achieving the Governor's signature.

In all other aspects SB 261 is identical to SB 260, including provisions that would exclude individuals from consideration for specific reasons or acts. Like the original, provision of the new YOPH bill would apply to both those sentenced to life terms and long-term determinate sentences. While the bill itself does not contain language as to how the hearings will be scheduled or determined, absent the provision to accomplish all initial considerations by July 1, 2017, it is fairly safe to assume the BPH will follow a similar path to that for the implementation of the original Sb 260 schedule.

As originally introduced by Hancock in mid-February, the first SB 261 would have made technical changes to the statutes governing CDCR's establishment of community correctional facilities. By introducing legislation at a calculated time, to garner a specific bill number in the session sequence, and then later revamping the bill (gut and amend) Hancock made it easy for those interested in youth offender matters to recognize and track the bill. It was not until several weeks later that the Senator's office performed the complete make-over of SB 261.

LSA has already indicated our support for this measure to Hancock's office and we will be among those individuals and groups lobbying the legislature for passage. While both the original SB 260 and the newly-minted SB 261 exclude LWOP inmates from the benefits of the legislation, we will continue to not only hope for, but work toward, similar extension of SB 9 coverage to those LWOP inmates whose crime was committed prior to the age of 23.

## **THE SECOND CHANCE PROJECT**

LSA and CLN have been asked about the Second Chance Initiative, and here is our position.

This proposal was initiated by a group of very thoughtful, literate and well-versed lifers at San Quentin. The intent is to give those with first time felony convictions resulting in very lengthy or life sentences an opportunity go to before the courts to obtain an advanced appearance in front of the parole board. Certain lengthy sentences and other criteria may factor into this as well, but the primary integer will be a first time felony conviction.

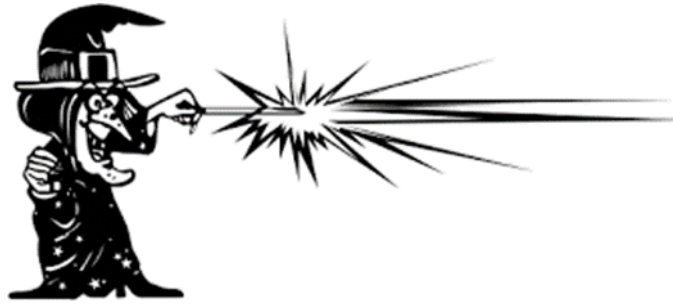
LSA and other advocates have met with the San Quentin men and we all agree this proposal has merit. At present it is in the very early development stages and most likely this will take 2 - 3 years before it can be presented. Legal research needs to be done and a draft proposal written.

It was agreed that there is a better chance of this proposal being passed through legislative avenues rather than as a ballot initiative. Ballot initiatives can be quite costly, often in the million dollar plus range, and the voters may misunderstand this change as a reduction in punishment. In actuality it is not, as the courts and Parole Board still make the decision whether a lifer or long serving inmate is sufficiently rehabilitated to ensure it is safe to release him or her back into society. This proposal simply provides a certain class of long-serving inmate with a realistic opportunity to show his/her life change and suitability in a less-than-end-of-life timeframe.

This would provide a specific group of lifers and long-serving inmates with a real chance at parole where formerly there was none, considering the length of the sentence (ex: 64 years to life, or 20 years DSL enhancements) and time-served requirements. It is not a "get out of jail free" or early release card in any sense of the term. Criteria for inclusion will be established, a process outlined and all stakeholders considered.

LSA will meet routinely with lifers, other advocates and agencies, to discuss changes and next steps in the development, and will keep you all informed in CLN and Lifer-Line as Second Chance continues through various stages of fine-tuning.

We also encourage prisoners to tell their families and friends to sign the online petition at [change.org](http://change.org), as the results can be used to indicate support for this very important and much-needed measure.



## THE POPULATION ILLUSION

*Or how to hide thousands of men and women in plain sight.*

Amid much bally-hoo and self-congrats, CDCR announced in late January that it had, at that moment in time at least, reached the population cap set by the 3 federal judge panel. On Thursday, Jan, 20, 2015 at midnight, the population of inmates housed in the state's 36 (official) prisons reached 113,463 individuals, just below the limit of 113,720 the judges say they will allow. This translates to 137.2% of the system's design capacity, squeaking below the set limit of 137.5% of that capacity.

In figures released just days before the Thursday announcement, the department reported a total of 114,129 persons housed at in-state prisons. Thus, 666 prisoners were off the state rolls in a 15 day time span. Where did they go? Well, probably not into the wind.

While CDCR officials are busy patting themselves on the back for achieving the population reduction 'ahead' of the fee-to-the-fire, do-it-or-else-we-will deadline set by the federal judges overseeing the shrinking of the gulag, it's easy to forget that the state actually is holding more prisoners than the over one hundred thousand in official state prisons. Well over 8,000 souls are officially California prisoners, but housed in states as far away as Mississippi, Oklahoma and Arizona. These are private, for-profit prisons run by Corrections Corporation of America, your friendly neighborhood mercenaries.

More than 2,000 state prisoners are helping line the pockets of the GEO Corporation, the prison-industrial mainstay that owns and operates (and makes money from) imprisoning men at California City. Modified Community Correctional Facilities (MCCF) in McFarland and now Shafter, run, at least in the McFarland facility, also by GEO, house hundreds more; the department acknowledges there are currently contracts for "4,234 MCCF beds that are in various stages of activation and transfer." And just in case you think the end is in sight, in a carefully worded paragraph in the latest report to the court CDCR notes some county jails may still be accessible for state holds, as "[t]he State continues to evaluate the need for additional in-state jail bed contracts to house CDCR inmates."

Calipatria, Centinela, CHCF, CMF, Ironwood, San Quentin and SVSP on the men's side were all up, if very slightly. In the women's facility list both CIW and FWF showed an increase of 4 and 3 percent respectively, CCWF reported a decrease of about 8%. CCWF, despite the decrease, remains the most overcrowded of any in-state institution, sitting at 169.5% of design capacity. Calipatria, at 163.4% has the highest population of men's institutions. Two prisons actually show a less-than-full level, CHCF at 66.5% is the lowest of any prison, followed by CMF at 90.4%.

Smoke and mirrors, anyone?

## **CURRENT BILLS**

A list of current legislation most impactful for lifers, as introduced so far in the 2015-2016 legislative session, with bill's author, at what stage of consideration the bill currently rests and the likely position of LSA on each bill.

### **ASSEMBLY BILLS**

AB293—greater punishment for threats by inmates or inmates' family against prison or correctional staff. Levine (D); Assembly Public Safety Committee; Oppose.

AB 487—nullifies advanced hearings (PTA, etc.) if victims are not notified. Gonzales (D), Assembly Public Safety; no position as this policy currently in effect.

AB 512—Changes in good time credits to exempt certain inmates. Stone (D); Assembly Public Safety Committee; Oppose

AB618—requires additional mental evaluation before release on parole. Maienschein (R); Assembly Public Safety Committee; likely oppose.

AB 672—expands eligibility for prisoners to participate in state ID programs. Jones-Sawyer (D); Assembly Public Safety Committee; Support

AB920—allows registered crime victims more access to information in a prisoner's C-file prior to parole hearings. Gipson (D); Assembly Public Safety Committee; Oppose

### **SENATE BILLS**

SB6—exempts those convicted of killing a peace officer from medical parole or compassionate release. Galgiani (D); Senate Public Safety Committee; Oppose

SB 124—Limits use of solitary confinement and SHU time. Leno (D) Senate Public Safety Committee; Support

SB219—diverts some female prisoners to alternative custody programs and provides for inclusion in the Affordable Care Act. Liu (D) Senate Public Safety Committee; Support.

SB 224—Enacts elderly parole standards as law rather than agreement with courts and modifies those standards somewhat to include more individuals. Liu (D); Senate Public Safety Committee; Support

SB 261—extension of Youth Offender Parole consideration to those between 18 and 23. Hancock (D); Senate Public Safety Committee; Support

SB 343—use librarians and computers for literacy training in prisons. Hancock (D); Senate Public Safety Committee; Support

SB 498—requires inclusion of certain juvenile statistics in CDCR reports. Hancock (D); Senate Public Safety Committee; Support.

SB 517—release of those arrested on parole pending hearing, as determined by court. Monning (D); Senate Public Safety Committee; Support.



## **WRONGLY CONVICTED—36 YEARS AGO—NOW TO BE FREED**

In 1980 what appears to be a conspiracy of not only silence, but malicious intent, put Michael Ray Hanline in prison with an LWOP sentence for murder. Hanline was convicted of shooting biker J.T. McGarry and dumping his body alongside a road. Hanline maintained his innocence from the beginning.

Incredibly, the conspiracy that sent him to prison with a virtual death sentence, had the participation not only of witnesses who lied and some members of the Ventura District Attorney's office at the time, but it appears these non-surprising conspirators were joined by Hanline's own supposed defense attorney, the late Bruce Robertson. Hanline was recently cleared through efforts of the California Innocence Project (CIP) with the cooperation of the Convictions Integrity Unit of the present Ventura County DA office.

CIP associate director Alex Simpson said newly-available DNA testing as well as the discovery of police reports from the time that would have "been helpful to the defense" had those reports not been hidden, cast doubt on the guilt of Hanline. The reports, which reportedly implicated the county's key witness in the murder, were, according to Simpson, hidden "under the guise of protecting an anonymous informant."

As for the supposed defense of Hanline, attorney Robertson, who had reportedly previously represented many of the witnesses in other cases and himself directed the investigation toward Hanline. CIP has worked on the case for 10 years, after being contacted by Hanline. Simpson estimated Hanline's decades of imprisonment cost California about \$1.8 million. And Hanline 36 irretrievable years of his life.

Hanline could be eligible for up to \$100 per day for each day of his incarceration in compensation. Simpson, however, noted the focus now was on "getting him released so he can go home to his family." As of March 31, 2015 CDCR's Inmate Locator service still showed Michael Ray Hanline in custody at Solano.

### **SURVEY SAYS...**

LSA is collecting surveys on the performance, actions and attitudes of attorneys representing lifers at parole hearings. While our focus is on state appointed counselors, we are interested in comments and observations regarding all attorneys at hearings. Your input will be included in our evaluation of attorneys and discussions with the BPH on improving both the appointment system and accountability process for attorneys.

A copy of the survey can be obtained by writing us at PO BOX 277, Rancho Cordova, Ca. 95741 or you may simply send us your information. And please—don't forget to mention the attorney's NAME!



Former lifers, now paroled and giving back by helping lifer families. From left, David Sloane, Richard Soto, Gary Eccher, Phong Dang, and Billy Mayberry all participated in the recent Life Support Alliance Lifer Family Seminar in Yorba Linda. Not pictured by also contributing was former lifer Kevin Brown. All 6 men are now paroled, employed and engaged in helping both their communities and fellow lifers still inside.

## **PAROLED LIFERS REACHING OUT AND REACHING BACK**

It was a bit of an un-planned mini reunion, when 6 paroled lifers, all at one time or another denizens of Avenal State Prison, gathered to participate in Life Support Alliance's second lifer family workshop of 2015, held recently in Yorba Linda. All were present to speak to lifer families on how they can help their lifer's quest for suitability, recount their experiences before the board and provide hope that families can be reunited. Watching the fellowship of these now free lifers was an extra bonus for the family, friends and staff at the event.

The seminar, attended by about 40 families, also featured a presentation by DAPO representatives explaining the parole system, what families can expect when their lifers come home on supervised parole, as well as a discussion of hearing readiness by lifer attorney Michael Beckman. LSA staff also discussed the parole process, how to write an effective support letter and the new parole considerations; youth, elderly and medical parole.

Our great thanks and appreciation to lifer family members Beth and Mike Hall for their tremendous help in arranging both the venue and preparations for the event. Their contributions made our travel to Southern California and presentations much easier and provided for a smooth flowing event. And thanks to Richfield Community Church in Yorba Linda for their gracious hosting and help with our seminar.

Other seminars will be held in coming months in other areas, Bakersfield, San Jose, San Diego are among the cities being considered. Family and friends may contact us for more information as plans firm up.