



## **POPULATION REDUCTION PROGRESS: 180 DEGREE TURN IN 3 MONTHS**

Just 3 short months ago CDCR was touting its own accomplishments in implementing realignment and reducing the population of California prisons. "We are ahead of schedule. We were required to get down to 124,000 inmates by the end of June and we actually reached that number in mid-April," said CDCR Secretary Matthew Cate in May.

In late June the department announced the inmate population was down 121,129, below the June 27, 2012 target of 124,000 and politicians and departmental types were all but holding a victory dance. CDCR pronounced itself nearly about 40% toward the eventual goal of 40,000 prisoner reduction by 2017.

Oh, how fleeting success. Barely two months later found the department and the administration back in the courts, once again challenging the authority of the three federal judge panel that imposed the population cap some 3 years ago. In court documents filed Aug. 17 the Brown administration now calls the judges' timetable for population reduction "unwarranted" and has asked the court to suspend the population cap order.

The referenced "unwarranted" time table was demanded in early August when the 3 judges concluded that, despite very positive spin and unquestioned reduction in prisoner numbers, Gov. Brown's realignment plan alone would not be able to achieve the previously set population limits. In response to this revelation and admission by CDC the judges gave the department until Aug. 25 to present a plan whereby it would identify low-level, low-risk offenders who could safely be released prior to the end of their set term, so-called 'early release.' The state requested the cap be raised to accommodate another 3,000 prisoners.

The judges declined, recently rendering a succinct opinion that while they would allow the state an additional six months (until December, 2013) to reach the 137.5% population cap, they would not consider allowing the CDC to continually house more than 110,000 inmates within California prisons. They also cautioned that no further delays would be accepted and now have until Sept. 17 to answer the panel's questions as to exactly what steps, in addition to realignment, the state proposes to take to meet the new deadline.

When realignment first began in October, 2011 the prison population began dropping rapidly, losing about 4,000 prisoners per month. That precipitous decrease has now slowed to about 1,000 per month and is anticipated to slow even more as fewer low-level offenders are funneled to local jurisdictions and fewer low-level prisoners remain in the state prison system to be potentially released.

It is important to note that while the fate of so-called "early releases" remains unclear, pending outcome of the state's response, none of this will have direct impact on the freedom prospects for lifers. All percepts of realignment and early release apply only to so-called "nons;" non-sexual, non-violent, non-serious offenders. By virtue of their convictions, lifers do not fall under those limitations and therefore do not qualify for inclusion in realignment.

As always, the prison grapevine went into hyper-drive with CDC's admission that the latest population cap goal would be missed and the court's instruction to identify prisoners to be released. Life Support Alliance has received numerous calls and letters from inmates asking about the latest rumored version of lifer release strategy: inmates over 50 years of age and having served more than 20 years will be released; those once found suitable but reversed by the governor would be released; those 10 years past MEPD would be going home. All false.

At this point, and there is nothing to indicate this will change, lifers will not be eligible for 'early release' under Brown's realignment plan or any other plan. By statute, there are only a few ways lifers can be released from prison, and all involve parole boards, governor pardons or court decisions on individual lifer's cases. Realignment and the resultant reduction in prisoner numbers, whether to 137.5 or 145% of capacity of prisons, may be a positive event for lifers in terms of less barbaric living conditions, better medical care (purportedly) and access to more programming. That, at least, is the promise from CDCR. But it will not result in lifers being released 'early.'

## **PRISONER HEALTH CARE TO REMAIN UNDER FEDERAL EYES**

Despite acknowledgements that the quality and responsiveness of prison health care has improved and initial support of a federal judge for the state's plan to re-assume control for prisoner health care, that same judge decided last week that CDCR has not yet shown the 'capacity' to maintain a that health care at a Constitutional level. Therefore, oversight of prison medical treatment will remain under the supervision of the federally appointed receiver.

"Evidence of progress made under the direction and control of the receiver does not constitute evidence of [the state's] own will, capacity, and leadership to maintain a constitutionally adequate system of inmate medical care," Judge Thelton Henderson found in recent decision. Henderson, never one to put a pretty face on a wart, also noted state officials "have not always cooperated with, and have sometimes actively sought to block, the receiver's efforts."

Henderson's remarks and decision came as the CDCR sought to end the authority of the California Correctional Health Care Services, mandated over six years ago to monitor and improve the quality of prisoners' health care. In January Henderson indicated he might be ready to turn prison health care back to the state, a possibility the state administration hoped to encourage by noting the costs of inmate health care under the receiver's office had significantly increased, based on the results of a study by the Legislative Analyst's Office (LAO). Unfortunately for the department, that same LAO report also noted, "Given CDCR's poor track record in providing health care to inmates, it would be unwise to return control of the inmate health program to the department without first establishing independent oversight and evaluation." Not a rousing vote of confidence from one of the state's own agencies.

Prison Law Office's Phil Spector, who brought suit against the state over a decade ago for poor medical care and conditions, also cautioned against removal of the receiver's oversight noting there were still many problems in many prisons. Receiver J. Clark Kelso questioned what would happen to hard-won gains

if the state stalled with plans to continue improvements, saying "We've brought it this far, is it really going to be sustainable if the state decides 'We're going to stop?'" And the LAO concurred, noting "Failure to establish effective oversight mechanisms could result in a failure of the state to recognize if the department begins to backslide on recent improvements in the quality of inmate health care."

The state had earlier asked Judge Henderson to end federal oversight with 30 days, a notion Henderson rejected, saying he would require additional reports that were both more thorough and lengthy before he agreed to end the receivership. While CDCR petulantly maintains it is now able to adequately provide medical care for prisoners via a statement maintaining, "[T]he state has demonstrated through its progress in its medical delivery, and recent success in mental and dental health delivery, that it has the will, the leadership and capacity to resume full responsibility," the department seems to be the only entity, state, federal or private, that thinks so.

## **VPASS VISITING SYSTEM SOON TO ROLL OUT AT 9 PRISONS**

The new visiting appointment system, Visitor Processing Appointment Scheduling System (VPASS), discussed in last month's Lifer-Line, is slated to begin operation the last weekend of September in nine prisons. These 9 institutions will constitute the first wave of what CDC hopes will be an easier, more organized and manageable visitor process that will eventually be implemented in all institutions.

The first nine guinea pigs are: California Institute for Men (Chino); San Quentin; Pleasant Valley State Prison (Coalinga); Solano; Lancaster; Kern Valley State Prison (Delano); Correctional Training Facility (Soledad) and Ironwood State Prison (Blythe).

Once operational visitors will make visiting appointments at prisons via the CDCR's website using the VPASS tab and following prompts through a series of menus. The system is also expected to provide up to date visiting information on each institution, such as modified lockdowns and visiting restrictions.

Although CDCR is "encouraging" visitors to make appointments via VPASS, appointments may still be made by telephone and those not making appointments will still be able to access visiting as 'walk-ons,' which will be admitted after those with appointments. Each prison will also be allowed a certain amount of local leeway in vesting hours, how far in advance appointments should be made and how many appointments can be made within a given time frame.

Hopefully, all institutions will post the new perimeters of the VPASS system for visitors in advance of the system going live at their institution. CDCR's eventual goal is to have all institutions adopt the visit-by-appointment practices. It may, however, be prudent for visitors at various institutions to query the visiting staff as to when VPASS will become effective at their institution and how they can learn more about the process.

## **CORRESPONDENCE PROTOCOL**

Life Support Alliance and California Lifer Newsletter now share a common address: PO Box 277, Rancho Cordova, CA., 95741. When writing to us regarding one of our publications please identify if you are referring to Lifer-Line or CLN and the purpose of your letter.

Also please include your complete address, including housing assignment, in the body of your letter, as envelopes often become separated from letters. We ask your patience in responding to letters: our staff is a gigantic 2.5 persons (no, not 25, 2.5) and we receive upward of 200 letters each month. Stamps are welcome, preferred over SASE. Thanks to our readers for their cooperation and understanding.



## **CALIFORNIA LIFER NEWSLETTER PICNIC BIGGER THAN EVER**

The annual ex-lifer seminar and picnic, sponsored by California Lifer Newsletter, was held Aug. 11 at the Southern California home of iconic former lifer/paralegal/advocate Donald “Doc” Miller (far left kneeling in Hawaiian shirt). Although most of those in attendance are pictured above, this group was by no means all of those who enjoyed the day—there were simply too many to capture in one photograph. Photo below is the “freshman class,” those out within the last year.

Attendance at the 2012 event was reportedly bigger than preceding years, and included a sizeable contingent of former lady lifers. Great food, great fellowship and new acquaintances were enjoyed in spite of sizzling temperatures. Reunions of former cellies and friends and sharing news catching up on those still inside kept conversations buzzing throughout the day. In addition to scores of paroled lifers, friends, family members and several lifer attorneys were also in attendance.

Life Support Alliance, which recently assumed publication of California Lifer Newsletter, has made a commitment to continue the tradition of this annual event into the future. We hope to see even more freed men and women next year.



## LEGISLATIVE UPDATE

Three important bills introduced and passed during the just-concluded legislative session remain, as of our print date, on the Governor's desk, awaiting his decision to sign or veto. All three have the potential to impact lifers.

Sen. Leland Yee's (D-Oakland) marathon effort to impact the fate of those Life With Out Parole prisoners who were sentenced as juveniles, has been on Gov. Brown's desk for better than a week. This bill would allow those sentenced to LWOP before their 18<sup>th</sup> birthday, and who meet other criteria within the bill, to apply to the sentencing court for a revision of their sentence to allow for parole consideration. If approved the prisoner would then go through the same parole hearing process as prisoners sentenced to life with possibility of parole.

Life Support Alliance has been among those groups and individuals who have lobbied and worked for passage of this bill and our supporters have been stellar in writing legislators to express their support for SB 9. Sen. Yee's bill is in line with the recent US Supreme Court decision striking down mandatory LWOP sentences for juveniles and it is hoped that Gov. Brown will follow what is becoming a national trend toward reasonable and humane justice for youth. Predictably, victims' rights groups and some DAs are calling for a gubernatorial veto, trotting out the old pejorative terms for lifers and making hysterical predictions of future crimes.

Also still on the Governor's desk is SB 542, the Inmate Welfare Fund (IWF) bill, from Sen. Curren Price (D-Los Angeles). This bill would allow prisoners and other stakeholders, including Inmate Family Councils, to have a say in how IWF funds are spent at individual institutions and provides for more transparency and accountability of IWF expenditures. LSA has testified extensively in favor of SB 542 and has been gratified by our members' response in peppering the legislature with letters in support.

If the governor signs SB 542 it would signal the first time inmates and their families, who provide the monies that make up the IWF, had any input into what constitutes spending to benefit the welfare of inmates. Provisions of the bill would allow IWF funds to be used for some actually useful services, including assisting in procuring identification cards for those, including lifers, about to be released.

Important to all prisoners is AB 1270, authored by Assemblyman Tom Ammiano (D-San Francisco) that would mandate the CDC to provide news media access to prisoners. For decades CDC has kept prisoners in virtual isolation from news media, isolation that has proven detrimental to both prisoners and the public perception of who inmates are. Prisoner advocacy groups, social justice organizations and many news media agencies have all worked in concert to encourage the legislature to pass AB 1270 and have now taken our case directly to the Governor.

In the next Lifer-Line we will update the fate of these important bills.

## EX-LIFERS AT ALCATRAZ

Former lifers can take a fascinating trip to explore the old federal prison on Alcatraz Island in San Francisco Bay and get a sneak peak at NPR reporter Nancy Mullane's evocative book, "**Life After Murder**," all courtesy of Ms. Mullane, any Saturday through Nov. 17, 2012.

"**Life After Murder**" is the National Park Service's featured program at Alcatraz this fall, with presentations at 1 pm each Saturday through the November end date. Speakers will include the 5 former lifers featured in the book, as well as others involved in the research and production.

Limited passes are also available for lifer families. Contact Ms. Mullane at: [nancy@nancymullane.com](mailto:nancy@nancymullane.com) for more information and passes. This is a touching and educational exhibit, well worth the trip for everyone.

## NEXT UNDER LSA'S MICROSCOPE

Life Support Alliance is reaching out to our best resource—prisoners—for facts and information on a variety of topics touching lifers and their parole prospects. Having had some success in addressing lifer issues with the BPH, CDC and the legislature, we're ready to continue our efforts and expand to other topics.

VNOK hearings: LSA has undertaken a survey to understand the impact the appearance and performance of victims' representatives both at parole hearings and in the wake of a suitability finding. Forms are available but not needed to respond. Inmates who have experienced VNOK hearing are encouraged to write us with the particulars of the hearing, or send us your name, CDC number and hearing date so that we may pull transcripts of the hearing.

Governor reversal of parole: If you have been subjected to a governor's reversal, please send us details, including copy of the reversal letter and any actions by third parties you feel might have contributed to the governor's decision.

Performance of state-appointed attorneys: While there are some exemplary appointed attorneys, many others are far from adequate. If you feel your state appointed attorney falls in either category, or somewhere in between, please let us know the particulars. We are compiling performance records and incident reports relative to state appointed attorneys.

FAD psychologists: was your psych eval filled with factual errors? Did your psych confuse you with another inmate? Was it a rushed conversation, did the psych ask inappropriate questions? Did you suddenly receive a diagnosis of psychopathy after years of low-risk evaluations? Send us details.

Parole commissioners: Several parole commissioners have yet to be confirmed, and we need your input on the performance of these and all commissioners. Was the hearing properly conducted? Were you given sufficient opportunity to speak and make your case? Were inappropriate comments made or actions taken? Or, was your commissioner, regardless of outcome of the hearing, professional, courteous and unbiased?

While we have survey forms available for all these inquiries the forms are not necessary—just send us your input information. More important than form is content—please be sure to include your name and contact information as well as the names of all involved; commissioners, psychologists, attorneys. Victims' family members names not needed, but, if a hired or third party representative appeared, those individuals' names are important.

Also include as much detail as you can and are comfortable with providing. Simply saying you feel your hearing was unfair is not enough—we need the facts. It is important to remember that LSA is not a legal firm and cannot offer legal representation or advice. What we can provide and what we do provide is a voice for you in the capitol, a voice that is increasingly heard and noted.

And while we are soliciting information on these topics and continue to try to provide information and answers for lifers on a variety of questions and issues, we cannot undertake research projects or extensive inquiries for individual prisoners. Our resources are limited, both financially and by time, so we must concentrate our efforts on those issues that affect a number of life term prisoners.

We do, however, often refer letters on topics we cannot address to other organizations better situated to answer the queries and can provide lists of resources, including attorneys, to those who ask.

Send all information on the above topics to PO Box 277, Rancho Cordova, Ca. 95741. You are your own best advocate! Give us the information and facts and we will make that information count.

### VNOK HEARING SURVEY

Life Support Alliance is beginning a new survey of lifers experiences at parole hearings, this time aimed at gathering information on hearings at which victims or their representatives appeared.

Preliminary indications from several sources have produced contradictory findings as to whether or not VNOK (Victims Next of Kin) hearings result in greater rates of denials than hearings at which no victims appear. Since 2008 and the enactment of Marsy's Law victims have had increased prominence in parole hearings and subsequent gubernatorial actions regarding parole grants. While other organizations are looking into the raw numbers in this situation, LSA has another objective in mind. Toward that end we are asking lifers who been through a hearing where victims appeared to complete the survey below.

In the course of this research we may contact individual inmates for further information on their individual experiences. Please feel free to contact LSA with questions or comments and please provide as many details as possible in your responses. LSA, PO Box 277, Rancho Cordova, Ca. 95741

NAME\* \_\_\_\_\_ CDC NUMBER\* \_\_\_\_\_

HEARING DATE\* \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

DENIED/GRANTED/STIPULATED INITIAL/SUBSEQUENT PRIVATE/STATE ATTORNEY

EVER FOUND SUITABLE/WHEN \_\_\_\_\_ IF SO, VNOK AT THAT HEARING \_\_\_\_\_ REVERSED? \_\_\_\_\_

VNOK@ANY PREVIOUS HEARING \_\_\_\_\_ NUMBER OF VNOK@THIS HEARING \_\_\_\_\_

ACTUAL RELATIVES OR 'REPRESENTATIVES' \_\_\_\_\_

DID VNOK CONTACT GOVERNOR W/LETTERS, PETITIONS \_\_\_\_\_

PLEASE PROVIDE DETAILS OF VNOK AND DA, COMMISSIONER COMMENTS, DID VNOK ADDRESS BOARD OR INMATE, HOW LONG DID VNOK SPEAK?

\*required information, names confidential

### ATTORNEY SURVEY

Life Support Alliance is seeking information on the performance and reliability of state appointed attorneys in the lifer parole hearing process. Please fill out the form below in as much detail as possible, use extra sheets if needed. Please include your name, CDC number and date of hearing, as this will allow us to request and review actual transcripts; your name will be kept confidential if you desire. Details and facts are vital; simple yes or no answers are not probative. Mail to PO Box 277, Rancho Cordova, CA. 95741. We appreciate your help in addressing these issues.

NAME\* \_\_\_\_\_ CDC #\* \_\_\_\_\_ HEARING DATE\* \_\_\_\_\_

COMMISSIONER \_\_\_\_\_ GRANTED/DENIED(YRS) \_\_\_\_\_

INITIAL/SUBSEQUENT \_\_\_\_\_ EVER FOUND SUITABLE/WHEN \_\_\_\_\_

ATTORNEY \_\_\_\_\_ HRG. LOCATION \_\_\_\_\_

MEET BEFORE HRG? \_\_\_\_\_ TIME SPENT CONSULTING \_\_\_\_\_

OBJECT TO MARSY'S LAW? \_\_\_\_\_ OBJECT TO PSYCH EVAL? \_\_\_\_\_

LANGUAGE PROBLEMS? \_\_\_\_\_ WAS ATTORNEY PREPARED? \_\_\_\_\_

Please provide details regarding attorney's performance, or lack of, including interaction with parole panel and/or any DAs present. Was attorney attentive during hearing, did s/he provide support/advice to you? Was s/he knowledgeable re: your case and/or parole process?

\*required information