



THE AMENDS PROJECT

Apology and amends letters can be a delicate undertaking. Sincere, heartfelt letters can be part of the healing process for victims and survivors and part of the rehabilitation of the prisoners. Acknowledging fault, offering remorse and making amends are a part of the 12-step tradition and a proven practice in restorative justice programs. On the flip side, off-hand, hollow and superficial letters can be useless from a rehabilitative aspect, and worse, can re-victimize and harm the victims and family.

Over the years many lifers, seriously undertaking the reform of their lives and actions, wrote letters and sent them to the Office of Victims and Survivors Rights and Services (OVSRS), which would forward the letters to registered victims who were willing to receive them. OVSRS also sent an acknowledgement letter to the prisoner, for inclusion in his file and parole plans. Budgetary constraints a few years ago caused the OVSRS to cease sending those acknowledgement letters, though they continued to collect and forward letters sent to them.

And the letters themselves were sometimes less than valuable, often stumbling, sometimes possibly, though inadvertently, adding to the pain of victims through inappropriate or inept language. And yet the concept of offering apology and amends is a valid and useful technique when properly done, and parole commissioners continue to routinely ask lifers at hearings if they have written an apology to their victims, and if so, what have they done with the letter.

Enter The Amends Project, created and sponsored by Life Support Alliance (LSA) to help lifers who have gained understanding and empathy express their remorse and apologies in terms and language

that will not further the pain of the victims and will also provide the means for those lifers to progress in their rehabilitation.

Not a template or one-size-fits-all letter, to fill in the blanks and offer up as a token, but a curriculum and study course that will assist those lifers who are sincere and ready to take that amends step in successfully negotiating the process. Those who qualify to be included in the two-hour program (lifers who have completed a victims' awareness program and are approved by their counselor) will receive guidance on language and structure of amends letters, what is appropriate to include and what would be unsuitable and will have the opportunity to practice writing a sincere and acceptable amends letter.

On completion of the course lifers are encouraged to write an amends letter to their victim(s) and forward the letter to LSA to be reviewed and weighed by trained staff, who will decide if the presented letter is acceptable. Up to three attempts can be made to produce an acceptable letter before the participant must re-take the curriculum. If the letter is appropriate it will be forwarded to the OVSRS, where that office's procedures will either forward the letter or retain the document, depending on victim registration and conditions. LSA will also send those inmates who accomplish a fitting letter an acknowledgement certificate that can be included in their parole packet.

It is important to note that LSA will have no contact with victims and no access to or knowledge of victim information. That remains solely the purview of the OVSRS. The intent behind The Amends Project is to facilitate and further the healing that can be realized by both prisoner and victim through the expression of amends and apology.

February, 2016 is our target date for rollout of The Amends Project with first outreach to those institutions with lifer groups that might be interested in the program. Any individual or group interested in participating is invited to write LSA at PO BOX 277, Rancho Cordova, Ca. 95741, noting The Amends Project on the envelope and provide us with information on your self-help or ILTAG group, the name and contact information of the facilitator. The Amends Project is not about just the letter or the certificate. It's about furthering your rehabilitation and the healing of all those impacted by your crime.

LSA MAIL IS NOT LEGAL OR CONFIDENTIAL

As we've said many times, Life Support Alliance is not a legal firm. With nary a lawyer in sight among the staff, we're not entitled or allowed to give legal advice, and we are not entitled to send or receive mail under the confidentiality seal of legal mail.

None of the information we provide, from newsletters, reprints, handouts or transcript review reports, is legal advice/mail and will not be treated as such. Similarly, we are not entitled to receive confidential mail, since we are not attorneys and therefore don't have the benefit of legal protection under attorney/client privilege. But we frequently receive mail from prisoners marked Legal and Confidential, and here's why that's a potential problem, not only for those inmates who are sending us mail marked in that fashion, but possibly for Life Support Alliance as well.

If institutions come to believe we, or those who write to us, are abusing the system, attempting to circumvent the mail screening process, the administration at those locations could make it quite difficult for not only our correspondence, but our publications to be processed. So please be aware that mail sent to us, while treated with respect and consideration on our part, is not legal mail, in the legal sense, and therefore not entitled to be labeled confidential.

Another dicey area, where the most innocent intent can be skewed to appear nefarious, is third party communications. Third party communications are defined as a request from one party (that would be the prisoner) to a second party (that would be us at LSA) to communicate something to a third party (mother, friend, girlfriend).

Sounds innocent and we do get frequent requests to contact family for a variety of reasons. But aside from the fact that we have barley have enough time to handle the business calls every day, such requests are considered third party communication, and in the (somewhat paranoid) mind of CDCR, could constitute a potential security issue, if 'encrypted' information was unknowingly passed along in this fashion.

So, for many reasons, time, staffing and to avoid possible suspicion, we unfortunately won't be making those calls, re-mailing those letters, passing along those greetings. Please don't ask.



SB 260 AND 261; THE SAME, BUT DIFFERENT

January, 2016 will herald the implementation of SB 261, which extends the factors of Youth Offender Parole Hearings (YOPH) to those lifers and long-serving determinate sentenced prisoners who were under 23 years old at the time of their crime. And while the factors of eligibility for the two bills are the same (under 23, not a sex crime, no conviction for additional serious/sex crime after the age of 23 and having served a minimum time, based on sentence) the timing of those coming to parole hearings under 261 will be substantially different.

Under the original YOPH bill, SB 260, the BPH had a total of 18 months to bring everyone affected by the bill to a parole hearing. This feat was accomplished, but not without fallout. Specifically, many determinate sentenced prisoners, coming to their first ever parole hearing in the last 6 months of the implementation period, were unprepared, both from a programming and rehabilitation standpoint, resulting in a dismal 5% grant rate for this cohort. And, because of the increased number of CRAs required, the FAD fell behind in preparing the evaluations, causing many prisoners to face their hearing with a CRA they had received mere days earlier.

Because of these findings, and because the number of prisoners potentially impacted under SB 261 is so large (an early estimate is perhaps 9,700) the legislature passed a companion bill to SB 261, SB 519, which allows for considerable alternation in the original time frame for hearings to take place. The two bills were passed out of the legislature together, signed by Gov. Brown on the same day and will go into effect in unison.

Instead of 18 months the BPH will now have two full years to bring all life term inmates who qualify for YOPH under the new age considerations to a hearing, either initial or subsequent. The hearings for lifers under 261 will begin in January, 2016 and must take place by the end of 2017. For those DSL inmates who qualify for 261, the board now has until the end of 2021 to bring those individuals to a parole hearing.

And while possibly waiting an additional 6 months in the case of lifers, or a few more years in the case of DSL inmates, might seem disappointing at first SB 261 still has the potential to cut years off a lifer's sentence and for those DSL inmates serving impossibly long, virtual toe-tag sentences, 261 can be a real life-line. The additional time will also, it is anticipated, allow the FAD to complete and provide the required CRAs in a more timely fashion.

There are other, less impactful differences and nuances in the two bills as well as new procedures for implementing SB 261, all of which are too lengthy to detail in a short newsletter. Specifics of these details are being sent to prisons, for dissemination to the inmate population, and for the edification of correctional counselors. Whether or not the information actually reaches inmates is anyone's guess.

The BPH has prepared a comprehensive 3 page explanation of these new developments, covering many areas of concern, including how notifications will be made, who will determine eligibility for inclusion in SB 261, how the new bill will affect PTA and other hearing scheduling matters. LSA will forward this document to any inmate who requests the report, along with explanatory notations on each section. More, in depth information will also be available in the December issue of CLN.

We can also provide an explanation of consultation hearings, which will be occurring for many inmates in the coming months in preparation for eventual consideration under YOPH. There is no charge for this information, however, stamps or SASE are helpful to our staff and budget.

Please send your requests to: LSA, PO BOX 277, Rancho Cordova, Ca. 95741 and mark the outer envelope : SB 261/519.

LIGHTS, CAMERA, ACTION! D2G IS UNDERWAY

Filming is at last underway for *From the Date to the Gate*, LSA's pet project to provide a heads-up to those lifers granted a date and not yet released, on some of the potential and unforeseen challenges awaiting them. Still a work in progress, D2G is a big undertaking for a small group, but our first foray into the world of filming produced such great substance, we're determined to pull it off. We've acquired some camera and sound equipment, computer software for editing, and a bit of training and have jumped in with the proverbial both feet.

At our first filming a group of paroled lifers, out from 10 years to 8 days (talk about a newbie!) gathered to share their biggest surprises, first impressions, words of wisdom with each other, and eventually, via DVD, with those still inside. Real lifers, talking to real lifers about real life—no middleman, no psychobabble, no hidden agenda, just real stuff, straight from those living it.

Often amusing, frequently poignant, and always open and honest, their observations on first days out, coping with a new world and what it takes to reenter that world will, we believe, make for interesting and helpful viewing for the lifers we hope to see coming home in the next year. A teaser from the first

rough cut: technology was unanimously named the biggest immediate challenge, followed, to the possible surprise of some, by changes in relationships, either familial or amorous.

We're now editing the first filming day, which will provide the introduction to our purpose, with more in-depth discussions on critical areas to be filmed in coming weeks. No premier date as yet been set, but we're working as quickly as practical, and we'll be keeping our readers up to date on the progress and when they might be able to see the results. It's a big job, but somebody has to do it.



ITEMS IN THE INFORMATION CART

THE JUDGES-- as of mid-November the total number of inmates housed in California state-run prisons was 112,350, or 135.8% of design capacity. Prop. 36, which allowed for qualifying third strikers with a non-serious or violent third strike to be resentenced, resulted in the release of 2,154 inmates by mid-November, 2015. Prop. 47, passed in 2014, and changing some property and drug crimes to be reclassified as misdemeanors, resulted in the release of 4,498 prisoners.

Between the implementation of Youth Offender Parole Hearings (January, 2014) and the end of October, 2015, the BPH scheduled 872 parole hearings under YOPH guidelines, which resulted in 240 grants, 543 denials and two split decisions. Elderly parole consideration commenced in February of 2014 and from that time through the end of October, 2015, 996 such hearings were scheduled, resulting in 267 grants, 651 denials and 78 stipulations. Just over 1100 non-violent second strikers who had served at least 50% of their sentence have been released.

THE FAD—Dr. Cliff Kusaj, head of the FAD, presented a report to the BPH in October that related at several important points:

- 1) Lifers as a group are less likely to be dangerous than other groups of parolees
- 2) Low, moderate and high risk levels, and the people who fall in those groups, are different from each other.
- 3) The vast majority of lifers, about 96%, don't meet standards to be classified as psychopaths or criminally insane.
- 4) About 80% of lifers evaluated by FAD clinicians receive a low or moderate risk assessment.
- 5) As previously announced, beginning in January CRAs will be done every 3 years instead of every 5 years and no Supplemental Risk Assessments will be done.

Dr. Kusaj will be reporting more information on the relative risk levels of lifers at future BPH meetings as part of the Johnson v Shaffer settlement.



A PRISONER'S CHRISTMAS LETTER

In the infamous tradition of Christmas letters, and with tongue firmly in cheek, events of the year as one fictional prisoner might relate. All the incidents, while allowing for creative license, are based on factual events. Peace, health and freedom in 2016.

Dear Folks,

Well, it's that time again, for my holiday letter to you all. I'm still here at the prison doin my time. Lots a talk about making things less crowded here and they have actually let a few fellas go, but they keep sending more in too, and they're getting younger all the time.

The schools must be filled up and so they're putting the hard headed ones here to learn a few things. Don't know that they'll be able to get much use outa the stuff we can teach 'em but they do seem to learn it. The shrinks even got a fancy name for it—crimin-o-genic needs, they call it.

Some of the guys have had a bit a trouble. Bubba got himself 115 couple of months ago for sneaking onions out of the kitchen. He was gonna sell them for burritos, but he got a write up for trying to make pruno. Now, some guys get pretty desperate for booze, but I never heard of anybody getting so desperate they drunk onion pruno.

Red was in a fight and got a 115 for assaulting an officer, because he had so much pepper spray dripping off him that when the cops threw him under the shower and turned it on full blast that dang stuff splashed off poor old Red and into the face of a cop. How that makes ol' Red guilty of assault none of us poor dopes understand. Guess you have to be smart as a cop to figure that one out.

We had one of them new psycho doctors from the FAD here a few weeks ago, talking to a bunch of us and writing reports. He told me I was a bad historian of my life but I told him I missed school the year they taught history, so I don't know much about being a historian, but I reckon I know my life pretty well, I was there during most of it. Probably a dang sight better than he does, he got my name wrong on the report, so not sure who he thought he was talking to.

I'm real sorry Granny can't come visit me here no more, since she got banned for trying to blow up the place. We're still tryin to make that new cop out in visiting understand her nitro pills were for her heart condition, not cause she was a suicide bomber, but he says nitroglycerin is nitroglycerin, all the same, it just depends on how you use it and he's not taking any chances.

Anyways, just wanted to let you all know I'm still here and doing about the same. Guess I'll be here until I get over my crimin-o-genic needs or get some insight. Not sure what that insight is, best I can figure, it's somewhere between hindsight and second sight, but maybe I just need to get my eyesight checked.

See ya in a few years

Buddy