



## **WE NEED YOUR INPUT**

It would take more pages than Lifer-Line can stand to list all the issues and elements LSA is tracking, researching, studying and working on. All of which takes time and personnel, of which, like funds, we are in constant short supply. So we're reaching out to you, our constituents, to help with some of that research.

You've got the raw data we need, and if you can send it our way, you're helping yourself in the process. Here's what lifers can provide that we need:

- Comprehensive Risk Assessments
  - For YOPH hearings
  - For elderly hearings
  - Where there are repeated errors of fact, or 'he said/she said' situations
  - Have you filed a complaint with the Board of Psychology; result?
  - Did you ask for a new CRA; result?
- Information from parole hearings/transcripts
  - YOPH or elderly factors were not given sufficient consideration
  - Commissioners over-stepped bound
  - Victims' overstepped the bounds
  - Confidential information was used to deny parole
  - Claims of innocence were discounted
  - Told you must debrief from gangs to be found suitable
  - You and/or your attorney was inappropriately treated
- Information on family visits
  - Menus available for meals during family visits
  - Denied based on minor-on-minor crime, old DV accusations

- Denied for decades old RVRs
- How are the visiting units; dilapidated or decent (Motel 6 quality?)
- Have you noticed withdrawals from your trust account that you didn't make
- Actions of state appointed attorneys
  - Were you pressured to stipulate
  - Did you receive an attorney visit at least 45 days ahead of hearing date?
- En banc hearings
  - Did you receive notice your grant was being considered en banc
  - When was your hearing, when was the en banc hearing, when were you notified

For clarity, please don't send transcripts—we need only your name, CDCR # and date of hearing to request transcripts by email (save yourself and us some postage!). But do tell us what category of problem occurred at your hearing. However, we do appreciate receiving copies of CRAs, as those are not available to us; we'll make a copy and return yours to you, if needed. Please point out the errors in the CRA and send us any documentation of your request for a new evaluation and/or complaint to the Board of Psychology about FAD clinicians.

If you can send us a copy of the menu available for family visiting, that's greatly appreciated as well. Our concern here is with both the price of the items and the lack of variety, especially for those with restricted or special dietary needs. If money has been taken from your trust account and you believe it was in error, please send documentation.

Why do we want all this? Well, yes, we are noseey, but more importantly, these are issues that are surfacing time and again and if we are to have an impact on them, we need the facts. Anecdotal stories and 'I heard of someone who...' are not sufficient. We operate on actualities.

Please send your information and documentation to: LSA, PO Box 277, Rancho Cordova, Ca. 95741. If we need to make copies of your documents and send the originals back to you, please note that in your correspondence.



## LEGISLATIVE UPDATE

*As Lifer-Line goes to press, below is the status of various bills affecting lifers; this status is subject to rapid change as the legislature returns from Memorial Day holiday and once again takes up business.*

**AB 335:** (Would codify the 35 mile parolee placement exclusion allowed victims of certain crimes and adds to the list of crimes for which this exclusion would be available; primarily sex offenses). This bill

is still in the committee process, a hearing in Assembly Public Safety Committee is slated for June 13. We oppose this bill.

AB 610: (Would require CDCR to initiate an outreach effort to find victims of crimes who are not currently registered, so that they may be notified of upcoming hearings or releases). This bill is still in the committee process and may be stalled. We oppose this bill.

AB 620: (4 year pilot program to provide trauma therapy and treatment to inmates) is currently in Assembly Appropriations Committee Suspense file, waiting approval of a state budget. It cleared the Public Safety Committee handily. We support this bill.

AB 1065: Originally this bill would have increased the gate money given inmates on release from prison from the \$200 to \$300. However, it was lately amended to retain the \$200 amount, with additional amendments declaring anyone who absconded would not receive any monies owed and allowing the state an additional 5 days to make the payment. While the bill cleared the committee without a single no vote now awaits readings and votes on the Assembly floor, we consider this bill, as amended, to be worthless.

AB 1308: (Extends the provision of Youth Offender Parole Hearings to those who were under 25 at the time of the crime.) This bill, which extends YOPH consideration by 2 years, is now in the Assembly Floor process, awaiting a third reading and vote. It passed narrowly out of committee, largely along party line votes. We support this bill.

AB 1448: (Would codify the elderly parole process, making it a law rather than simply an agreement). The Elderly parole bill, which does not change the current elderly parole qualifications of 60 years or older and 25 years of incarceration, also exempts from elderly parole consideration 3rd Strikers, LWOP inmates, and those convicted of killing a policeman or former policeman. It passed out of the committee process and now awaits a floor vote. We support the bill, but opposed the amendments.

SB 26: (Would allow those convicted of a sex offense to enter school grounds on election days for the express purpose of casting a vote). We support this bill, currently in Senate Appropriations.

SB 343: (Inmates 70 years could petition for release, those 70 years and older with chronic and debilitating medical conditions to be moved to a medical facility, and those 60 and older with chronic debilitating medical conditions to petition CDCR for consideration of release on parole). This bill is in the committee process and may be stalled. Although this bill contains several exemptions, such as LWOP inmates and those convicted of killing a peace officer, we support this bill,

SB 394: (Would allow those sentenced to LWOP for crimes committed before the age of 18 to be automatically seen by the Board of Parole Hearings after 25 years of incarceration. This bill is presently up for consideration on the Senate floor, having passed handily out of committee along party lines. No date yet set for a vote; we support this bill.

SB 421: (Creates a tiered registration system for sex offenders, with registration lengths based on severity of crime and age at conviction, among other facts) This bill is awaiting a floor vote in the Senate, having passed out of committee largely along party lines. We support this bill.

SB 620: (Would allow the court to strike firearm enhancements, in certain cases). This bill passed the Senate floor and has been referred to the Assembly, with action there pending. We support this bill, which passed the floor along party lines.

SB 676: (Would have expanded the list of crimes considered violent for the purposes of parole consideration; a reaction to the passage of Prop. 57). This bill failed to be passed out of committee and is now dead.

## **FAMILY VISITS—AT LAST**

Though it's been nearly a year since the restoration of family visits for lifers and LWOP inmates was announced, those visits have actually begun, with many families reporting on their first experiences. Overall the visits themselves have been positive, though the process to get there has not been without issues and speed bumps along the way, and is still not finalized.

We're all still waiting for the new regulations outlining those case and situation specifics that will preclude many from participating. Those updated regs, which seem to be taking longer than the 10 Commandments to create, are, as of our distribution date, still not complete.

It's been a painfully and frustratingly slow process, but our contacts in CDCR, with whom we check every week on the progress of the process, assure us that 1) they are working steadily on the reg changes, 2) in close cooperation with Secretary of Corrections Scott Kernan's office on the changes and 3) as soon as the new regs are complete we will receive a copy.

Those who so far have had to opportunity to participate in family visits are almost universally ecstatic about the opportunity to spend real time with their family, and while the time is not without intrusions by CDCR (we're still talking about a prison, remember) those appear to be mostly manageable. The ambiance in some locations may be lacking, but the prospect of real family times seems to overcome the lack of niceties.

Most report the visiting units are clean and adequate, but could use some upgrades in cooking utensils, and household items, as some routine maintenance. A word to the wise here: with the passage a few years ago of SB 562, inmate MAC/WAC committees and each institution's Inmate Family Council now has the opportunity to provide input on the use of Inmate Welfare Funds spent by the institution, and items for family visiting units are allowable expenditures.

The biggest problem reported is the process for night counts, where it appears inmates must not only answer the phone in the unit, but physically appear at the door to be counted—which makes for an interrupted sleep schedule for both the inmate and the visitors. But, again, we're talking about a prison setting, so some discomfort and inconvenience is to be expected.

And while many of these issues, including lack of adequate numbers of visiting units for the newly-increased demand, were not unforeseen, the continued delay of new regulations on who qualifies for visits is both inexplicable and frustrating...July first will signal one year since the restoration of family visits for lifers was officially announced, and still no regs. Even for CDCR, that seems a bit excessive.

We're working on a list of the good, the bad and the really ugly, preparing to offer up to CDCR officials some feedback on the process and results. The first suggestion? Get those overdue regulation changes out to the end users—lifers and their families.



The latest of those reports to the legislature and public on such actions by the Governor was released in mid-April, wherein Brown reported he had granted 72 pardons and 7 commutations of sentence. We read it. All the pardons were granted to individuals not currently incarcerated, most having served short sentences many years ago for a variety of predominately low level crimes. No one convicted of a crime for which a life sentence was handed down was included in the list of pardons.

Most were offenses for sale, distribution, cultivation, transportation or possession of various controlled substances. Yes, there were a few more serious crimes, a few DUIs, a trio of arson convictions, a few weapon possessions, and a smattering of robbery, battery and domestic violence offenses included. Many of those requesting and receiving a pardon no longer live in California, many have gone through the process of acquiring a certificate of rehabilitation and restoration of rights, most served short prison sentences (if any prison time at all) and have been discharged from parole for many years.

In short, they screwed up, paid the price, and became model citizens. Brown often cites that pardoning various individuals 'makes sense' or is 'in the interest of justice.' And these pardons did not release anyone currently in custody.

Perhaps of more interest and hope were 7 lifers/LWOP inmates to whom the Governor granted a commutation of sentence; not freeing them entirely, but making their parole possible, or possible sooner. In the case of one inmate, granted parole but not due to be released for several more years, Brown commuted the sentence to allow that inmate to be immediately released on parole. Paroled, not pardoned.

Even more hopeful, he commuted the sentence of three LWOP inmates to 25 to life, with the possibility of parole, allowing them the chance to prove to the Board they have indeed reformed their lives and have earned a second chance. Another trio of lifers saw their sentence length reduced, allowing them to reach the board process earlier. But no one got a release order, just a chance to go to a parole hearing.

Most of those granted a commutation will qualify for YOPH consideration, being young at the time of the crime. Another commonality among the group is their exemplary behavior in prison, Brown noting in most cases they had received no RVRs, participated in countless programs (some even creating programs within the prison) and many had recommendations from CDCR staff, up to and including the wardens at their current prison.

So is it possible to receive executive (if not divine) intervention on a sentence even LWOP? Yes, certainly. But those instances, so far, appear to be hard-won and scarce. Which should not discourage anyone from applying for a pardon or commutation; as noted, it's a process, with forms available. And while it's always been a long-shot, Gov. Brown has shown he's not adverse to taking a chance, even noting in one case that while the victim's family opposed the commutation of sentence, Brown felt it was nonetheless deserved.

In the meantime, when we track down the reality of the rumors of lists and pardons, we'll pass along that information to all those who have written, called and asked. We hope it's true, we'd like to believe that some version of the rumor is in the works.

And if so, we'll be in the front ranks cheering.