



## **MASS INCARCERATION GETS NATIONAL ATTENTION**

President Barack Obama's recent visit to a federal prison in Oklahoma is the latest in a new push by the Obama administration to highlight a new and growing concern, even at the federal level, with the level of incarceration in the United States and the impossibly and unreasonably long sentences often imposed. "Our incarceration rate is four times higher than China's" said Obama, the first sitting president to visit a federal prison.

Nearly a quarter of the world's prison population is in American jails and prisons. In comparison, as noted on LSA's Facebook profile picture, the United States holds less than five percent of the world's population.

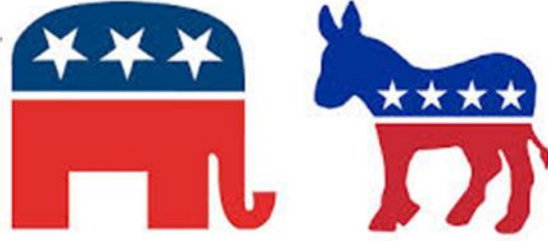
The President has called for an overhaul of the justice system, with new attention to disproportionate sentencing and youths tried as adults. He has also brought attention to the fact that ethnic minorities are far more likely to be arrested and given harsh sentences for crimes.

Nationally black and Latinos constitute 60 percent of the prison population while about 30 percent of prisoners are white. In California the statistics are even more stark: as of 2013 70% of the California inmate population identified as black or Latino and 23% as white.

During his visit to the El Reno Federal Correctional Institution, a medium-security prison for men located near Oklahoma City, the President viewed a typical cell, commenting ruefully, "Three full-grown men in a 9-by-10 cell." He also spoke out on the damaging effects of solitary confinement, noting inmates confined "in tiny cells for 23 hours a day, sometimes for months or even years at a

time. If those individuals are ultimately released, how are they ever going to adapt?" he asked. "It's not smart."

Obama has also spoken out for restoring voting rights to ex-felons who have served their sentences and said employers should "ban the box" that asks about criminal histories on job applications. The President is set to make criminal justice reform a centerpiece of his closing months in office. His efforts, if successful, would affect only federal prisoners, though the precedent may influence state laws and law-makers.



### **WHAT'S UP WITH SB 224?**

As previously reported SB 224, Sen. Carol Liu's bill that would codify and possibly expand considerations of elderly parole, has been withdrawn from consideration for this session. Late-in-the-game assessment by the Legislative Analyst's Office (LAO) put SB 224 in the category of bills that would require a 2/3 majority vote on the legislative floor, a threshold Sen. Liu's office felt could not be met. That concern led to the bill being withdrawn from consideration for this session.

Prior to the inactivation of SB 224 the bill had been amended from its original framework that would have applied the considerations of elderly parole to those prisoners aged 50 years and over who had served 15 years to a higher standard, affecting those inmates 60 years and over who had served 25 years or more. Sources report that the number of prisoners potentially impacted by the original age and time factors proposed would have numbered about 6,000.

In 2014 the BPH scheduled over 4,000 hearings, so it also became apparent that such an influx of new hearings would have had a significant impact on the BPH's already full parole hearing schedule. Ripples from the increased hearing numbers would also have had a significant impact on the availability of attorneys, hearing rooms, CRA evaluations and other requirements of hearings.

Recent conversations with Liu's office and bill supporters indicate discussions on possible changes to the bill with an eye to reintroduction of the legislation will begin in January. The LAO estimated that bringing prisoners to hearings based on age and time served might be in conflict with the constitutional impact of the 3 Strikes law, which saw some individuals sentenced under that law sentenced to 3 times the usual sentence for their crime, if that conviction was the result of a third strike.

Reassessment of the bill's language will seek to navigate SB 224 away from conflict with the provisions of 3 Strikes, which would remove the need for a 2/3 majority floor vote for passage. While SB 224 made it through the vote process so far on largely party vote lines, that party line vote history makes achieving a 2/3 majority a potential problem.

## **..AND THEN THERE'S SB 261**

For those many prisoners and family members waiting on the fate of SB 261, the expansion of Youth Offender Parole Hearings from those under 18 to those under 23 at the time of their crime, the word is: patience. SB 261 is currently in the active bill process, awaiting consideration by the Assembly Appropriations Committee when the legislature returns from summer recess.

The bill passed through the Senate on a largely party line vote, with only 3 Democrats, Cathleen Galgiani of Stockton, Steven Glazer of Walnut Creek and Fran Pavley of Calabasas voting against the bill. And, one lone (dare we say brave and forward thinking?) Republican, Anthony Cannella of Ceres, joining the Democrat majority in passing the bill.

The bill, introduced by Sen. Loni Hancock (D-Oakland), passed through the first step of the Assembly approval process (Assembly Public Safety Committee), again on a partisan vote with Republican members of the committee Tom Lackey of Palmdale and Melissa Melendez of Murrieta voting no.

Conversations with staff in Assembly Appropriations indicate SB 261 is expected to come before that committee about Aug. 26. Assembly Appropriations is a 17 member committee, 12 of whom are Democrats. The Suspense File, where SB 261 currently resides, is where bills with an annual cost of more than \$150,000 are sent, pending passage of a State budget. Suspense File bills are then considered at one hearing after the state budget has been prepared and the committee has a better sense of available revenue. No testimony is presented by the bill's author or witnesses at the Suspense File hearings.

So the short answer—nothing will happen until a late August hearing. In the meantime, those on both sides of the bill are gearing up for the Assembly floor vote, which is expected, indeed, must come shortly after the Assembly Appropriations hearing, assuming the bill passes out of Appropriations. Sen Hancock's office is reportedly optimistic about chances for both passage of 261 and the signing into law of the bill by Gov. Brown.

## **WHERE ARE YOU?**

Many of you may be receiving Lifer-Line not from a relative or friend, but through the efforts of one of our volunteers (who have 'adopted' you for the purposes of making sure you get the newsletter). And if you are one of the more than 400 prisoners who receives Lifer-Line through these great volunteers, we're asking you to make that job a little easier.

Send us your complete housing information. Often we find an inmate has been moved only when the newsletter is returned to our office noting the individual has been transferred. Then we must look up your the new location on CDCR's Inmate Locator site and relay that information to your mailer. But Inmate Locator only tells us what prison you're at, not where in the prison you live.

So take a look your Lifer-Line—is your complete housing info included in the address? If not, please help us, and yourself, but sending us that info. You'll get Lifer-Line much faster and more reliably if we have your complete address.

As mentioned, we are able to provide Lifer-Line free to you because of our volunteers. Over 40 caring, concerned supporters have joined with us to keep you connected. But we can't ask them to continue expending their time and money (paper, ink and postage) if the mail keeps coming back. Please send your particulars to: LSA, PO Box 277, Rancho Cordova, Ca. 95741.

## **THE PASSING OF A CHAMPION**

A strong and respected voice for the humane treatment of prisoners was silenced recently with the death of retired federal Judge Lawrence Karlton. Karlton, aged 80, died July 11 at his Sacramento home from heart-related issues.

Appointed to the federal bench in 1979 by former President Jimmy Carter, Karlton retired in the fall of 2014. Although his opinions covered issues as diverse as environmental concerns to undocumented immigrants, Karlton will be remembered by those in the prison advocacy community for his landmark opinion determining the California Department of Corrections' treatment of mentally ill inmates was unconstitutional, in violation of the Eighth Amendment prohibition against cruel and unusual punishment.

An original member of the three federal judge panel that would eventually, and still, oversee the state's process of reducing the overwhelming prison population, Karlton joined judges Thelton Henderson and Stephen Reinhardt found the state's lack of treatment for prisoners constituted "ongoing constitutional violations remain in this action and the prospective relief ordered by this court remains necessary to remedy those violations."

"Karlton's written legal opinions on mental health care for inmates, amnesty for undocumented immigrants, and preservation of the environment will stand as lasting monuments to his deep caring for all living things," said Dale Drozd, a US Magistrate judge and former law clerk for Karlton. Marc Seitles, another former Karlton law clerk, now a criminal defense attorney in Miami, called Karlton "a great liberal thinker," whose legacy will be his decisions protecting the rights of immigrants, prison inmates and others outside traditional power structures.

## **LIFER PICNICS COME NORTH**

LSA will sponsor the first (and hopefully annual) Northern California Lifer Picnic for paroled lifers on Saturday, Sept. 19 at North Laguna Creek Park, 6400 Jacinto, Sacramento. If you're about to parole to the northern region, mark your calendar and save your appetite. And if you'll still be inside on Sept. 19, check the next Lifer-Line and California Lifer Newsletter for photos of friends and former yard-mates.

And tell your friends and family, they're welcome too. We'll be gathering from 11:30 am until about 4 for food, friends and fun. Please RSVP (so we have enough eats for all) to [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com).

## NEW SCRUTINY OF BEARD'S DRUG INTERDICTION FOLLY

Finally, many months, numerous unnecessary strip searches of visitors, and millions of tax dollars later, voices other than advocates are starting to question the effectiveness, cost and policies of Sec. of Corrections Jeffrey Beard's vaulted drug interdiction effort, the key features of which are high-tech ion scanners and relatively low-tech dog noses. Now some legislators, civil rights workers and the media are joining prisoner advocates and prison visitors in both questioning the policies and practices.

Beard told legislators at a recent hearing that illicit drugs are 'rampant in the prisons,' and indeed statistics indicate California prisoners die of drug overdoses nearly three times more often than the national prisoner average. And while the new interdiction practices were reportedly instituted to reduce the number of those deaths, questions have recently arisen about just how effective, fair, accurate and even constitutional those practices may be.

Since the beginning of this year and through May CDCR reportedly spent more than \$8 million on drug-sniffing dogs, ion spectrometers and low-dose X-ray body scanners. More than 6,000 scans have been done on visitors (and perhaps a few employees) at 11 institutions since the beginning of the scanning program—with no arrests. None.

Beard, said that without the Draconian scanning and dog practices he's instituted, "we're going to have people keep dying and we're going to have continued violence in the prisons." The new procedures are modeled on similar practices in Pennsylvania prisons, where (wait for it) Beard served as director of corrections for a decade. And (again, surprise) prison staff from California are being sent to Pennsylvania for training in these delicate arts. But Pennsylvania officials can't say how much contraband has been detected via their programs.

But concerns remain. The false positive results from ion scanning of visitors, which often results in unnecessary strip searches (if they wish to visit their inmate that day) caught the attention of Sen. Loni Hancock (D-Oakland), who called the practice "a humiliating process, [which] can be easily used to humiliate and demean people, and was only for visitors, often women. There are many concerns about the dogs," she continued, "which have historically been emblematic of intimidation of many communities of color most notably during the civil rights movement." The dogs in question will not, apparently, be the usual German shepherd/military looking animals, but more along the Labrador retriever type, so-called "fluffy, friendly dogs."

Wayne Conrad, for years the coordinator of CDCR's canine program, has criticized both the cost and need to send California personnel across the country for training and the use of the 'soft' breeds which he maintains are less effective in detecting drugs. "The dogs are going to start alerting on people whose kids are smoking dope or something," said Conrad. Such false alerts can trigger unsupported strip searches and "the next thing that's going to come is the lawsuits."

Beard has downplayed the incidence of false positives and complained his program could have shown more success if he had been given more money to implement and expand the searches. He also indicated he may seek to expand the program later this year.

At the end of the day, so far the results are: over \$8 million spent, 6,000 scans, untold numbers of strip searches performed (because the department says they don't keep those numbers) and zero contraband found. Zip. Zilch. Nada.

## YPED VS. MEPD

In the menu of alphabet soups we all deal with via CDCR a new flavor has been added. Those eligible for YOPH (that menu offering is a staple now) are now also hearing about the YPED—Youth Parole Eligibility Date.

Since we've received many questions regarding this new term and what it means, we have included the definition as outlined in a new Administrative Directive from the BPH, issued recently. According to the BPH YPED is defined as (PC Section 2443) "the earliest date on which a youth offender is eligible for a parole consideration hearing, "and is set according to the following criteria: (1) if the controlling offense is a determinate term of any length, the YPED is the first day after the youth offender has completed 14 actual years of incarceration: (2) if the controlling offense is a life term of less than 25 years to life, the YPED is the first day after the youth offender has completed 19 actual years of incarceration or (3) if the controlling offense is a life term of 25 years to life, the YPED is the first day after the youth offender has completed 24 actual years of incarceration."

As to scheduling, PC Section 2444 notes that "Youth offenders shall be scheduled for their initial parole consideration hearing in the year following their YPED unless the youth offender is entitled to an earlier parole consideration hearing pursuant to any other provision of law.

Non-YOPH lifers or inmates enter the parole cycle about a year prior to their Minimum Eligible Parole Date (MEPD), so qualified youth offenders will enter the hearing cycle upon reaching their YPED or one year before their MEPD – whichever occurs first.

Inmates whose YPED occurs prior to their MEPD will enter the hearing cycle earlier than they would have otherwise based on their MEPD. Once qualified youth offenders pass their YPED, they may be released from prison prior to their current MEPD, if they are found suitable and pass both the Board's decision review and Governor's review processes.

Neither YPED nor MEPD is not a guarantee of a grant of parole but they can indicate when an inmate will enter the hearing cycle.

## GOT A FRIEND?

If you're receiving Lifer-Line via our volunteer mail system and have a friend or family member who can receive email and is willing to print and mail the newsletter to you—please have them contact us with that offer. We have a waiting list of indigent prisoners with no outside contacts to support them and we'd like to concentrate our volunteers' efforts on those who truly need the help.

It's a small commitment for friends or family, a few pages and one stamp a month. And, if they take the time to read Lifer-Line before mailing it to you, they'll be better informed and more able to offer you meaningful support as well.

Just email us at [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com), and tell us they'll take over your newsletter delivery. You'll keep your Lifer-Line connection and help another lifer as well.