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& California Lifer Newsletter

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CHANGES COMING TO THE BPH

There may be some changes in the make-up of the Board of Parole Hearings coming soon. The Governor's May Budget Revises contains funding requests for an additional 4 parole commissioners, which, if approved, would bring the board to 21 members. And an additional bill now in the committee process would require various members of the parole board to be selected from a variety of specific professional disciplines, which the bill's author and supporters believe will bring more grants. Dream on.

The increase in the size of the board is in direct response to the number of hearing BPH anticipated conducting in fiscal year 2021-2022, which the board now anticipated will number 10,986, give or take a dozen or so. The reason for this rapid increase? Recent court decisions (Gadlin) and the expansion of elderly parole will require the board to hold many more hearings by the end of 2022 that originally anticipated. And many of those will be initial hearings, which often take significantly more time than subsequent hearings.

The board will also be allowed, by statutory change, to continue to hold most parole hearings by video/teleconference, with some adaptations. Current plans include that while the hearing will be virtual, inmate attorneys be present in person with their clients. At the recent monthly BPH Executive Meeting, Executive Director Jennifer Shaffer, in explaining the possible expansion of the board and other potential changes, noted the board would consult with stakeholders as to guidelines on identifying hallmarks of hearing categories which should be held in person, rather than video. First blush indicates those hearings wherein establishing effective communication could be better accomplished in person, as well as those hearings for individuals with ADA issues including vision and hearing compromises and perhaps cognitive issues will be held in person.

The board has become comfortable with conducting video hearings, especially since numbers from 2020 seem to indicate this method does not adversely affect the parole rate. Pending approval of budgetary trailer bills that will bring various statutes into compliance with actual practice, the board continues to authorize video hearings on a month-by-month basis, having just extended that authorization through the end of July 2021.

Recently the BPH promulgated emergency regulations that no longer exclude those with 290 convictions from consideration under Prop. 57 guidelines. These are in response to the Gadlin decision and are expected to impact about 900 prisoners.

The board officially adopted what had been emergency regs the board previously implemented which exempt certain inmates (Level IV security levels and with 3 or more serious RVRs between January 2018 and January 2021) from the requisite new CRA every 3 years. These regs will be in effect for hearings held between through June 2022.

BPH Chief Council Jessica Blonien also reiterated the result of the Palmer II case, which opined that even judicial concerns for excessive incarceration lengths do not apply to parole lengths. This means even if someone has been incarcerated in excess of judicially determined reasonable time limits, that 'excess' incarceration does not mean that time can be applied to his/her parole tail.

In a move long encouraged by LSA, the board has announced that CDCR Form 1001, given to lifers post-hearing, will now include more information about the post-hearing process, including information on en banc hearings. While we haven't, as yet, seen the new version of this form, we are hopeful the changes will be informative to the lifer population about what happens after a hearing.

And finally, the budget trailer bill(s) are expected to carve out some funds in the state budget to allow greater outreach to VNOK and victims communities, to help them understand the parole process better. While this is absolutely needed, we're going to do each and everything we can to be sure that hand of education is extended to the families of prisoners are well, as they, too, are in desperate need of help in understanding what to expect from a life sentence and the parole process.

ROADMAP

A ROADMAP TO PAROLE PLANS

Everyone from Benjamin Franklin to Winston Churchill and many lesser-knowns in between have been credited with originating the sage observation, "If you fail to plan, you plan to fail." (We'll go with Founding Father Franklin here—Ben was pretty wise and sardonic in his prime). Regardless of who said it first, it's hard to argue the wisdom, especially when it comes to parole plans.

As we've said, ya gotta have a plan. A parole plan and a relapse prevention plan. And it isn't hard to do, doesn't require a fancy presentation or minute details. We've learned, through interaction with hundreds of lifers, that some don't know how to begin creating that plan. So, we're stepping in to help.

Starting July 1 LSA is offering a basic roadmap to creating a parole plan for those headed to a board hearing. It isn't a one-size-fits-all, drop you name in the space and viola, a parole and relapse prevention plan; you actually have to create your own plan, but it does lay out what you'll need and why, as well as suggestions you can pass along to those writing support letters for you, a list of possible transitional housing facilities and where to send your plan for inclusion in your parole packet. Free? Well, almost. If you can rustle-up and part with 5 first class stamps, we'll pop one in the mail to you without delay. The stamps will cover the cost of production and mailing. As we note in the

booklet, about a year out from your hearing date is a prime time to start finalizing your plan, including recruiting members of your support network to help you. Write us, enclose stamps and don't forget to include your name, CDCR # and your address (LSA, PO Box 277, Rancho Cordova, Ca. 95741 ask for the parole plan roadmap). Don't let inadequate or incomplete parole plans be a reason for denial of your parole.

BEFORE WE ANSWER...

We get buckets of mail every month from inmates in every prison in the CDCR system, and more calls and emails from friends and family than we care to count. While our target constituency is lifers, we do try to help determinate sentenced inmate (DSL) families when they call, though to be frank, those who call asking for our help in getting their LO out sooner than their MEPD, when their MEPD is just a few years, or even months away, don't get as much of our time as those men and women we concentrate on assisting, who are facing uncertainty of ever getting out, and if so, only after years of incarceration and substantial personal growth and change.

A word on calls: we do not keep a GTL account on our office phone, for the simple reason that so many inmates call that we simply can't afford the expense. When you write to us or if you ask your family members to contact us for help in any area, please know there are a few things we'd like you to include and that we'll ask them before we get too far into the conversation:

- prisoner's name,
- CDCR #,
- if that person is a lifer, LWOP or long-term DSL
- nature of the life crime
- disciplinary history
- length of last parole denial (if any)
- what the CRA rating was (if any)

This isn't just to be nosy or judgmental but having a clear picture of your situation will allow us to provide relevant and straightforward information to those asking. And straightforward we will be, both regarding what lifers need to do to be found suitable, what their families can (and for the most part can't) do to help, and why and how the system works as it does.

FORGOTTEN CHANGES

In the constant clamor and changes during the year of CoVid, a couple of changes promised and undertaken by CDCR just as the pandemic began have taken a back seat in information. Prior to the virus taking up all the oxygen in the room (no pun intended), CDCR had announced that condemned inmates, for generations housed only at San Quentin, would be eligible for transfer to select Level IV institutions, where they could have access to more programming and activities.

And, earlier this year, the department, in compliance with a state law passed earlier, announced they would begin review on a case-by-case basis of those incarcerated individuals who identify as transgender women, to allow them to be housed in institutions that conform with their gender identity. In both these programs, transfers of individual prisoners have begun, though somewhat slowly.

In the case of inmates imprisoned under a death sentence, 32 have so far been disbursed to 3 other prisons, all on a voluntary basis. So far, according to CDCR, 16 transgender women have been transferred to CCWF as part of the Transgender Respect and Dignity Act. The department has reportedly received over 250 requests for consideration and is reviewing each individually.



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CCOPA IS GIFTED

~Editorial~Pardon us, our sarcasm is showing.

We all know that members of CCPOA are gifted. Just how gifted? Well, this year, gifted to the tune of a 5% pay increase and a reported \$5K bonus per person. That's gifted, alright

To be fair, and we do try to be fair, all state employees saw an increase in wages, partly a re-instatement of pay cuts from last year and partly an increase for coming days. But no one else got the 'extra' bonus. And what, you ask, is the bonus in aid of? Why, keeping everyone safe during the CoVid pandemic of course. Everyone, except, perhaps, prison inmates.

There isn't really any argument that the CoVid virus entered the prisons from outside the wire and walls, and shortly after it became evident that CoVid was going to be a major disaster, the only 'outside' people going and coming were staff, a large portion of whom were CCPOA. No, this is not to say that staff, custody or free, intentionally, and maliciously introduced this deadly scourge into the dorms and cells, resulting in the deaths of, to date, 227 prisoners. That is NOT the case.

But—given the official findings by the OIG, not to mention to repeated, constant and multitudinous reports received here in our modest offices about mask refusal by guards, and the paltry 51% CoVid vaccination rate among prison staff, it's hard not to put two and two together; but we didn't expect it to add up to 5,000.

The OIG report noted that, despite orders from both the state's Governor and the Secretary of Corrections that all staff wear masks, staff compliance with those directives was so spotty and sketchy that some individuals were actually disciplined by CDCR for their failure to comply. And we all know that for an employee, especially CCPOA, to be disciplined by the state things must have really gone south. But now, even those few who got a wrist slap will be getting a \$5K band aid to take the sting of that slap away. Nice gift.

SHRINKING CDCR

It's true. CDCR population figures are at the lowest level in years, and the number of institutions in the system will soon be reduced as well. And it appears this trend will continue.

As of the last full week of June, the inmate population in the 35 state prisons stood at just over 95,000 and estimates are that while the system will experience a few fluctuations, by 2024-25 the inmate population will stabilize at around 100,000, housed in perhaps less than 30 institutions. This reflects the previously announced closure of both DVI and CCC over the next 2 years and the state budget office's projection of closing an additional 3 adult prisons by 2024-25.

This year's CDCR budget comes in at around \$13.4 billion, but the closure of the two institutions and reduction of the prisoner population from 2019-20 level of about 123,000 will realize a savings of

roughly \$1.5 billion by 2024-25. Costs to house the average inmate in this year's budget sits at just over \$112,000 per year.

The current system has a design capacity of 88,773, meaning CDCR now is housing 107% of design capacity, well under the federal mandate of now more than 137.5% of capacity. DVI, slated for complete closure within the next couple of months (by September 2021) is, as of the end of June, down to 271 inmates, or 16% of their design capacity.

CCC, the other location tabbed for closure (though not until 2022) is also down to 2,400 inhabitants, about 70% of design capacity at that location. What other locations may be on the block for closure remains to be seen, as the budgetary negotiations for future years are not yet underway.

What may be interesting to watch in the near future is what happens to staffing levels, including CCPOA spots, as the inmate population decreases. With just over 94,000 souls in custody in prisons and camps, the most recent monthly report to the federal judges overseeing the population control reports that the prison system is staffed at a capacity to handle over 127,000 prisoners.



DESTRUCTIVE ENTITLEMENT

The news is filled these days with talk of 'entitlement' and 'privilege,' usually paired with some sort of racial, religious or socio-economic identifier. There are two basic kinds of entitlement: the "you owe me" entitlement enjoyed by those who see themselves as superior to others simply based on their race, religion or socio-economic status, and "destructive entitlement," often exhibited by those who feel they've been short-changed in some aspect of their life and are therefore 'owed,' and someone/something has to pay.

Some people, many times celebrities, are often referred to as "over-entitled," acting as if they deserve more (of everything), privileges or recognition for things they did not earn; the world owes them something in exchange for nothing, other than being who they are. Those with a sense of Destructive Entitlement believe "I have a right to be resentful because I had an awful life and/or childhood; I'm angry and sorry for myself because of what I've endured, so I'm going make someone pay for it. I may not have much, so society/individuals owe me something."

Entitlement is often defined as a right, something earned either through contributions that benefit another or through suffering. It is an ethical accumulation or surplus. The concept of Destructive Entitlement was first broached by psychiatrist and humanist Ivan Boszormenyi-Nagy, and often includes an absence of empathy and lack of ability to consider other people and how they may be affected by one's actions. Destructive Entitlement is an open account for revenge.

If you were exploited, abused or neglected as a child, you feel angry, suspicious, psychologically entitled to revenge. You have a right to feel revengeful, "Why me?" You also have an entitlement -you were damaged.

You have a right to feel slighted, abused, revengeful, but you don't have the right to act against others based on those feelings. The question becomes, "How do I act on it, constructively or destructively?"

It's the nature of the action you can take that determines how healthy (and legal) your choices will be. You likely can't take it out on the causes of the damage, often they are your parents or other authority figures, sometimes you may not be able to find an entity to 'blame'—if you have a learning disability, for example, you can't really be mad at your genes. But if you use that entitlement and desire for revenge against an innocent person, or society, that's taking the past out on the future. It's unfair; it creates a new injustice, perpetuates the cycle and is often illegal.

Many times, if destructive entitlement is challenged, the persons only insist on it more, because being challenged seems a continuation of the original hurt. Destructive entitlement controls and organizes the life of many people. One of its major signs is not being sensitive to remorse; you don't care about others or yourself. Destructive entitlement thrives in the street, among street kids, from the violent or neglectful things that parents and often the greater society does to those kids, often repeating the things that have been done to them and which they perpetuate.

Behavior that looks like evil or stupidity--violence, substance abuse – is often much better explained by destructive entitlement. When people seem to be acting fanatically, through hurt, it is not because they are stupid. They are blind to remorse. They don't see it as unfair. To them, it is a justice issue, not an intelligence issue.

Many who exhibit Destructive Entitlement have experienced Parentification as a child. Parentification happens when the child acts as a parent to their actual parent or siblings. They often take on responsibilities they are not equipped for, socially or emotionally, so they can take care of their parent/siblings' physical, emotional, and social needs, or they take on the role of parent to younger children because the parents are not present, either through physical absence or emotional absence. They try to protect and/or provide for the needy parent or siblings, losing their own childhood and opportunity for growth in the process, leading to resentment, fear, and the feeling of destructive entitlement.

How does one overcome feelings of destructive entitlement? Therapy, if available, helps as does recognizing the signs and symptoms. Developing humility and gratitude are also important. But there are some practical steps as well.

Recognize that while no one guarantees life will be fair, not all situations are unfair. Before you react in destructive entitlement, consider the greater good and your greater goal; in the long run, who will be harmed if you lash out, will your goal be more near or farther away as the result of your actions? Be mindful of others; practice treating them as you would like to be treated. Regardless of differences, we are all human and want to be treated with kindness.

Use respect and kindness in all situations when interacting with others, who are probably going through struggles of their own. Even if they don't return that kindness and respect, you are the bigger person for your positive understanding and response.

Learn from your mistakes and appreciate the value in failure. If certain actions and responses didn't work for you before, remember those lessons and correct your actions the next time. Never, ever, stop learning or give up.

Understand where your past behaviors came from, and where they brought you and use that understanding and knowledge to recognize and adapt when those destructive entitlement thoughts show up.