



WAITING ON DAPO

And so it goes. Most of us spend quite a bit of time waiting on DAPO for a variety of things—and so it is with *After*Life*. In late August representatives from LSA met with DAPO administrators regarding standardization of travel pass procedures. At that time the DAPO-types indicated a memo addressing those issues was expected to be disseminated in about a month, around the end of September.

September, of course, has come and gone and we're now working on October. *After*Life* production was put on hold, awaiting the anticipated memo. To no avail. Finally word was received that the memo is still being scrutinized by DAPO 'stakeholders' who will give their input before the memo is finalized, memorialized, blessed and passed along.

As to who the 'stakeholders' are, we haven't a clue. We just know we aren't among the select.

So, when it appears we hope to get a peek or at least a heads up of what it holds, and when we do, we'll pass it along ASAP.

WHEN WILL IT END?

For those just starting parole, as well as those a few, or even several years into the journey, the question is the same ~ when will I ever be truly free? The question becomes even more nebulous for those convicted of a life crime after 1978, when the law changed to allow potential lifetime parole.

By current interpretation of the law anyone committing a life-sentenced crime before November, 1978 must complete 3 years of parole before discharge review. Lifers with a murder conviction prior to

1983 should be discharged after three years, but can be extended to five, per present rules. If the murder occurred after January, 1983, then the parole window is potentially indefinite — another form of life sentence.

Those with a conviction other than a 187 PC (murder) crime can serve no more than five years on parole. Those with a murder conviction may be reviewed for discharge after five and seven years for a second or first degree murder, respectively. That's the legal standard. In practice, every such lifer is retained on parole until the 365th day of the fifth year, at the very least, and quite often longer.

But this seemingly-endless supervision isn't entirely the fault of DAPO your friendly (?) local parole agent. The process begins with a review by the agent, who makes a recommendation to discharge or retain on supervision. And the reason to retain has to be stated. Once the agent has made the decision, his supervisor must approve the decision and then it goes to the Board of Parole Hearings, where, of late, a special group of Deputy Commissioners reviews each potential discharge and can then override any decision made by DAPO.

PC 3000 speaks to reintegration as a goal, with all the 'shall-unless' language typical of statutes. But the intent is clearly to discharge from parole, if the parolee is successful in reintegrating into society. This should be the goal of all parties involved: the parolee, the DAPO agent and the BPH reviewers.

Denial of discharge is to be tied to a nexus between the parolee's demonstrated behavior and that attending his/her criminal past. In reality, both DAPO agents and BPH reviews often decide to "retain on supervision" (parole) for purely arbitrary, immutable, reasons such as "serious crime," "used gun," "further observation required."



So what to do, should you reach that point in your parole where it might be possible to be discharged, but you aren't? First, determine where the road block originates, DAPO (your agent and/or supervisor) or BPH. If DAPO—start with the usual procedures, a request for interview, followed by the old familiar 602. If the hang-up is at the BPH level, we suggest writing to the board.

It has worked—LSA has assisted more than one parolee in successfully seeking discharge in the last year. But, and here's the big caveat—your performance on parole must be without blemish. We don't mean you have to be elected chairman of the PTA, but if you've had problems, dirty tests and other issues, you can probably count on being retained on supervision for the longest legal time period.

For those of you with potential life-time parole, does that mean you'll be under DAPO forever? Probably not. Although the potential is there, in reality it's difficult to imagine that DAPO or the state will have the resources, human or financial, to continue to closely supervise all lifers for the remainder of their lives. But for those who screw up while on parole, you can bet they'll make the effort.

Even if you are retained on parole after the first opportunity for discharge and even if your appeals for discharge are unsuccessful, you have another shot at it the next year. By law, if a parolee is retained on supervision after the first discharge opportunity he/she will receive an annual review each year until discharge is granted, with the same opportunities to appeal denial of discharge.

As with being found suitable for parole the standards for what constitutes eligibility for discharge are pretty nebulous and the reasons for retention can be pretty weak as well. And, as with all things CDCR/DAPO, it's a process still in transition. There is something of a case law precedence for discharge from parole, absent any nexus to the crime or proof of dangerousness, In RE: Keenan on Habeas Corpus. And we will help where we can.

This 2009 decision implies that the Lawrence standard should apply to parole retention decisions also. Should you decide to go the court challenge route on a denial of discharge, the above case might be of use.

ARE YOU COVERED?

Under new health care guidelines, established under the Affordable Care Act (ACA), commonly referred to as 'Obama-care,' many California parolees are eligible for health insurance and related medical benefits, by inclusion in the state's Medi-Cal process. Although enrollment in the process was supposed to have been accomplished either before release or immediately thereafter, it appears many parolees, including former lifers, are not yet enrolled.

Although efforts are being made via Division of Rehabilitative Services and DAPO in identifying and assisting uninsured eligible parolees in obtaining Medi-Cal coverage. To find out if you are eligible you can apply at any county social services office, go to www.coveredca.com or call (800) 300-1505. Or, ask your agent. He or she should be able to direct you to the proper agency and should be interested in making sure this part of your reentry is accomplished.

And we, along with others, would like to know how successful the state's campaign to enroll those paroling into health coverage before they leave the tender care of CDCR has been. So, are you covered?

Send us an email, lifesupportalliance@gmail.com, and let us know:

1. Are you covered?
2. Were you enrolled before release?
3. If after, who helped you?
 - a. Parole agent
 - b. County social worker
 - c. The transitional program you released to
 - d. No one, did it yourself
4. If you aren't covered by Medi-Cal, do you have any health insurance?

And if you don't have health insurance, have you tried to enroll and/or asked for assistance from any of the entities above?

Your input helps us inform the policy makers in Sacramento just how well the process is working (or not) and whether or not those supposedly in the front lines are holding up their end of the bargain.



WHERE ARE YOU, WHAT ARE YOU DOING AND WHY

Part of our concerns for those lifers granted parole and placed in transitional housing or programs is the applicability of those programs to the needs, abilities and situations of lifers. Virtually everyone agrees, lifer parolees are not the average parolee and DAPO, BPH and DRS (Division of Rehabilitative Services) are now acknowledging that difference.

But acknowledging the different needs of lifers doesn't, as yet, mean that available programming and housing is addressing those needs. Typically, when the BPH recommends/requires (and there is a difference) transitional housing lifers find themselves placed in programs with a variety of other former prisoner cohorts, usually in a one-size-fits-all model. And it's usually the lifers who the program doesn't fit.

So we're looking for information that can help us help you. We can't look into all the programs, vendors and housing arrangements now in use by DAPO, nor can we get program information from the vendors—they're pretty uptight about the propriety aspects of their offering and won't share. But we are aware of some issues, such as CDAC certified parolees required to attend basic substance abuse program because that's part of the vendors' offering and other duplications of classes, programs and self-help lifers long ago assimilated.

And we know it's a waste of time, for both the lifer and the program, not to mention a waste of resources (money) and a frustration to lifers. There is a possibility to make an impact on this issue, but we need documentation. We're asking paroled lifers in various transitional programs to let us know what program they are participating in, how long they must stay, and whether or not the offering of that vendor fits lifer needs, or are you just spinning your wheels on curriculum you could probably teach, rather than study.

Specifics please—program name (we won't rat you out to the program), where located, kinds of requirements and why they do or don't fit lifer needs and reintegration prospects. Are you being hindered more than helped, and does the staff seem to understand the needs of lifers and attempt to adapt their program to help you?

Email us (lifesupportalliance@gmail.com) or snail mail to P.O. BOX 277, Rancho Cordova, Ca. 95741. And give us suggestions for what lifer-friendly transitional housing should look like.