



THE FATE OF ELDERLY PAROLE LEGISLATION

Elder or elderly parole consideration, which tasks parole panels with providing special consideration to the recidivism risk of those inmates who are aging within the system (specifically those who are 60 years and older and have served at least 25 continuous years of incarceration), has been on-going since the early months of 2014, under an agreement between the BPH and the 3 federal judges overseeing prison population reduction. This process applies to both those sentenced to life with the possibility of parole and to long-term determinate sentenced inmates.

As part of the process special CRAs are conducted, which take into consideration, in evaluating the inmate's potential risk, such factors as advanced age, length of confinement and any diminished physical condition that could impact potential dangerousness. Empirical studies have shown those over the age of 55 have a dramatically reduced recidivism potential, as do those individuals incarcerated 20 years or longer.

While elderly parole hearings have been in process for 2 years, and the BPH shows no indication of changing or discarding that process, efforts were made last legislative session to codify elderly parole, or make the process a law, not simply an agreement between the board and the judges. That effort, SB 224 by Sen. Carol Liu, would have expanded the guidelines for elderly parole consideration to those aged 50 years and over and who had served 15 or more.

SB 224, however, did not receive the support needed for passage after being listed as a "two-thirds bill," meaning passage would require a 2/3 majority vote. The bill officially died on Feb. 1, 2016. On Feb. 19, 2016, hopes were raised when Sen. Marc Leno introduced SB 1310, an elderly parole bill with the same perimeters as Liu's failed effort. So far so good. But it wasn't far enough.

About a month later, in mid-March, Sen. Leno's office officially declared SB 1310 a "placeholder bill," noting, "SB 1310 is a placeholder bill for other criminal justice reforms we are continuing to develop. As the bill moves to committee, it will not deal with the issue of elder parole." And, sure enough, presently SB 1310 deals with trespassing issues. Why the sudden change?

Leno's office is not very forthcoming on the issue, but his decision to pull back from supporting elderly parole came shortly after a splashy newspaper article detailing the abhorrent and infamous details of a crime committed by a prisoner who would qualify for elder parole consideration under the criteria of then SB 1310. The fact that the individual in question had already been considered for parole and found unsuitable apparently was not considered enough of a safeguard for the Senator to continue to support elderly parole.

Which leaves us where, with elderly parole? Right where things were before the introduction of SB 1310, before the introduction of SB 224. Elderly parole hearings are being held, elderly parole consideration continues, for those over 60 years of age and who have served 25 or more years. There are no indications of any change in that process.

But, it would be reassuring to have elderly parole consideration codified through law, so that (if and) when the 3 federal judges cease their oversight of CDCR, when a new political administration takes over in Sacramento, those advances toward realistic prison reform can be maintained. LSA, and other groups, continue to work on the issue of codifying elderly parole, though it appears as though it will not happen this legislative session.

OUTLOOK FOR FAMILY VISITS

Better, if well-meaning zealots don't screw things up with unnecessary petitions and publicity.

A few years ago, after Dr. Jeffrey Beard was appointed Secretary of Corrections by Governor Brown, LSA sat down with Beard to discuss the future of corrections, including the restoration of family visits for lifers. And to that question Beard said, with total aplomb and complete shallow affect, said he was opposed to family visits for lifers "because they don't deserve them." That screeching you heard was LSA restraining ourselves from doing damage to the (not so) good Doctor.

Time passes, and fortunately, so do Secretaries of Correction. Current holder of the seat is Scott Kerman, not a new face to corrections or LSA. At a recent meeting with the new director we posed the same question: what is his take on the restoration of family visits for lifers? Answer? Kernan, who worked in the institutions when family visits for lifers were in place, said he would not be opposed to reinstating that practice.

In fact, he voiced his understanding of the positive and rehabilitative impact such encounters can have on lifers, who otherwise traditionally had little to encourage them to program or rehabilitate. Since that conversation with Sec. Kernan LSA, along with other groups and individuals, have been quietly discussing the issue with various stakeholders in prison reform and corrections, and with generally positive and encouraging responses.

Let's be clear: nothing yet has been formally proposed or offered and no promises made. But the atmosphere has certainly changed and discussions are ongoing.

Which brings us to the topic of how lifers and their families can help—or hurt—these efforts. And it's the possible hurt that causes us the most concern.

Family visits, if reinstated, would be what they were in the past—visits for the family. That means children, siblings, parents, even grandparents could participate, along with legal wives. These are not, as some refer to them, conjugal visits. In fact, to call them by that title is perhaps the most damaging thing that can be done. The idea that any prisoner might be engaging in the big “S” is gasoline on the fire of hatred for many.

The rehabilitative effects of family unity and bonding don't end with the bonds shared by spouses, but are, in fact, just as important with other family members. So please, call them what they are meant to be, family visits.

LSA continues to receive queries from both inmates and family members regarding petitions, either in person or on-line, asking, or in some cases demanding, that family visits be afforded to lifers. And while we can't say sign or don't sign, we can offer a few facts for thought.

First, the fastest way to invite public scrutiny, comment, outrage or uproar is to put a request out for public support. And that is exactly what petitions do.



Second, most of the petitions are directed at entirely the wrong individuals or agencies. One current on-line petition housed at MoveOn.org suggests it will be “delivered to the Department of Corrections (California), The California State House, The California State Senate, Governor Edmund Brown, The United States House of Representatives and President Barack Obama.” Really? The petition is going to be delivered to the California State House? Where would that be? And what is the State House, whatever it is, going to do with said petition?

The US House of Representatives? Which of the 100+ representatives will be on hand to accept the petition..maybe one from Rhode Island? President Obama? Among the hundreds of thousands of communications he receives each day, what will he do with this non-personal list of names? Not to mention (well, OK, we're gonna mention it) the fact that neither the US House of Representatives nor the President can do anything about a state policy such as family visits for lifers in California.

As to what the petition itself actually says---who knows, the text is not available to read. And supporters of family visitation (and we're among those supporters) wonder why we gnash our teeth at 'actions' like these.

So bottom line, we, and others, are trying, working on the restoration of family visits in every realistic and practical way possible. But before you or your family endorse, sign, support or encourage petitions, demonstrations, or loud demands please consider that these actions might actually have the opposite effect from what you desire. Know that this is a possibility that has more chance now the last several years, if too much noise, too many chiefs and too much controversy don't ruin those chances.



BPH DIRECTOR SPEAKS TO LIFER FAMILIES

Jennifer Shaffer, speaking at LSA's lifer family seminar, provides background and philosophy of board.

Jennifer Shaffer, Executive Officer of the Board of Parole Hearings, provided families of life term inmates with insight into the perspective and reasoning of the BPH during LSA's recent Doing Life as a Family seminar in Sacramento. Ms. Shaffer had a large and attentive audience, with more than 80 lifer family members in attendance.

Her remarks were frank and open, covering the philosophy of the BPH and the changes wrought by legislation in recent years. Obviously no specific hearings or individuals were discussed, but the Director presented a concise and understandable history of the board's performance and change. Ms. Shaffer's appearance at a lifer event is, in itself, testimony to the change in both attitude and transparency of the board's actions in recent years.

One of the events highlighted was the substantial increase in parole grants following the in August, 2008 In RE: Lawrence decision, which precluded the Board from denying parole solely or primarily on the crime itself. The results of that were nearly immediate, evidenced by the change in the number of grants the following year. In 2008 the board meted out 293 grants and in 2009 that number increased to 541

Among the Board policies outlined by Ms. Shaffer was the theory behind long-term denials. According to the information presented the Board's intention in handing down those lengthy denials is to concentrate available time and personnel on those individuals and cases that have the greatest possibility for parole. By imposing long denials on those inmates less suitable for parole the board is able to advance hearing dates for those who are more likely to be found suitable.

Ms. Shaffer also detailed the Petition to Advance and Administrative Review process, noting that in 2014 the Board held hearings 565 advanced through the PTA process, resulting in 154 grants. In the same year 665 hearings were advanced as the result of Administrative Reviews, with a total of 232 grants given in those cases. The Director also spent considerable time answering questions from those in attendance, questions that ranged from why can't lifers have family visits (not the Board's purview) to why are all commissioners former prosecutors (they aren't, in fact no current parole commissioner is a former DA).

Our thanks to Ms. Shaffer for not only surrendering part of her weekend to speak at the seminar, but for her openness and willing to engage stakeholders in the conversation.

WHEN CRIME DOES PAY

Maybe not you, the prisoner, but crime does pay, for some. The CDCR and CCPOA (brothers/sisters in arms? Partners in crime? Co-conspirators?) recently announced agreement to provide substantial pay raises to the boys and girls in green.

Terms of the agreement reportedly include annual 3 percent across-the-board raises for the members of the California Correctional Peace Officers Association beginning this July 1, with ratification of the agreement. Second and third raises would take effect on July 1, 2017 and July 1, 2018.

This brings the average wage for a correctional officer/member of the CCPOA to \$85,000 annually. Not bad for a job with only a few official qualifications: must be US. citizenship (or applying to be one), be at least 21 years old, have at least a GED, no felony convictions and be able to (legally) possess a firearm.

So crime does pay—the average annual wage for the rest of Californians is just under \$52,000...which means guards et al are making about 40% more than the average worker in the state. Tax dollars at work.

WANTED ! YOUR ARTWORK

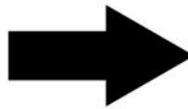
Life Support Alliance
will begin GALLERY SHOWINGS
throughout California FALL 2016
of
ART from the INSIDE

Artists receive photo-graph of all submissions and 30% of sold work.

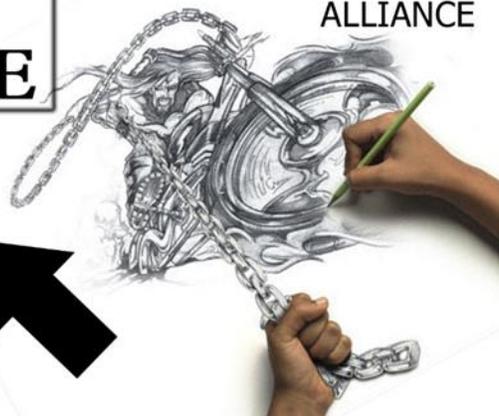
LIFE SUPPORT ALLIANCE

START CREATING NOW!

- paintings
- drawings
- jewelry
- ETC.



**Don't
SEND
YET!!!**



Watch for UPCOMING details ON
HOW, WHEN & WHERE TO SEND YOUR ART

THOSE PESKY (AND COSTLY) ERRORS OF 'JUSTICE'

When law'n'order advocates complain about the high cost of fighting crime and keeping evil-doers in prison there is part of the calculation they fail to consider...the cost of injustice. According to a recently released study by a team of university researchers the cost of wrongful convictions and imprisonment have added over \$221 million to the cost of 'justice' paid by California taxpayers between 1989 and 2012.

The study, by Rebecca Silbert of UC Berkeley law school and John Hollway of the University of Pennsylvania law school, based that conclusion on the examination of 607 people who collectively spent over 2,000 years behind bars from crimes they were later either exonerated of, acquitted after new trials or charges were dismissed. Nearly 20 percent of that number were sentenced to life terms and more than half were under 35 years old at the time of the conviction.

Several of the most costly 'errors' will be familiar to many lifers: prosecutorial misconduct was blamed for \$53 in damages, so-called eye-witness identification caused \$31 million in payouts and ineffective defense counsel accounted for another \$27 million. Errors in homicide cases cost taxpayers an average of \$1.3 million per case. To say nothing of what they cost those individuals wrongly accused/convicted/imprisoned in terms of stress, missed opportunities, family loss and general life, liberty and the pursuit of happiness.

And, as if to add insult to injury, mistakes in violent crimes such as homicide cases are made more often; 30% of the time compared with 20% of all other convictions. The study's authors theorize the increased error margin may be due to the increased emotion and pressure to achieve a conviction in such cases. Nationwide some 58 individuals were exonerated in 2015 after having been previously convicted of murder; 5 of those were in California.

Not surprisingly, Los Angeles leads the way, with 370 legal settlements for a total of just over \$93 million, with LA County accounting for another 99 cases and \$29.5 million. San Francisco paid out \$12.6 million on 97 wrongful cases and Oakland, with 364 cases, was tabbed for \$49.5 million.

The Central Valley didn't escape, with Sacramento County shelling out \$7.7 million on 193 cases and the City of Sacramento dispensing \$482,000 to 39 cases. Even the less urban counties paid out a chunk of change, with Merced coughing up \$445,000 on 23 cases, Fresno a hefty \$3.4 million on 22 errors and countrified Placer County had to come up with an extra \$357,000 to cover 14 cases.

In fact, if the costs of the recent corruption scandal involving the LA police department's Ramparts Division, which resulted in the exoneration of 85 individuals, are added to the sum the costs for miscarriage of justice jumps to \$282 million. Incarceration costs for all those wrongly detained were estimated at \$85 over the time frame involved in the study.

Coauthor of the study Silbert said "We should be aiming form zero errors in our criminal justice system. The costs are just too high to ignore." Indeed they are. Just ask any of the 607 people now freed from incarceration after faulty convictions or those, numbering possibly several more hundreds, who still await that exoneration. And while legislators may debate the wisdom of pouring many millions into incarceration, perhaps the debate should extend to how much should be invested in policing the police.