



Public Safety and Fiscal Responsibility

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LIFER-LINE

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THOSE NEW REGS

Are a good start, positive effects, but not the ones for Family Visits

Count on CDCR to create chaos where there is already confusion. In the midst of thousands waiting with breathless anticipation for new regulations outlines criteria for family visits and the anticipation regarding how Prop. 57 may impact lifers, with little fanfare and even less explanation CDCR 'enacted' on an 'emergency' (it's always an emergency when CDCR wants something done) basis new changes to Title 15 on classification and custody. And while there are many positive aspects to these new regs, like most things CDCR they have generated more questions than answers.

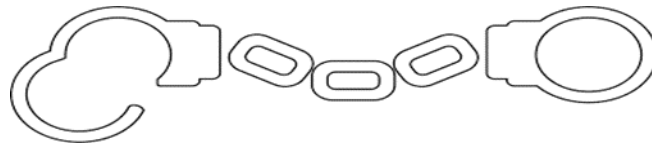
Signed by Director of Adult Institutions Ralph Diaz and filed with the Office of Administrative Law on January 23, the changes reference or impact more than a dozen sections of Title 15 dealing with inmate classification and discipline. Many changes are simply for consistency and reference, but several are important and impactful. As usual with CDCR-speak not much is clear, with many references to other sections of Title 15 to explain the new additions. But there are some take ways: the new regs will allow more inmates access to lower security level prisons and housing, making more programs available to them; expand endorsement authority to more staff to and eliminates the two-level close custody classification.

What they do not do is clear up confusion or provide information on which lifers will be able to participate in family visits, touch on any potential impact of Prop. 57 or provide new and understandable classification scores. These regulations are not those long-awaited changes, still in the works. It should be noted, all positive changes delineated in the regs are behavior-driven. Positively programming inmates will be rewarded with lower custody levels and more opportunities. Those who continue to engage in disciplinary-worthy behavior will not.

In summary, the most important impacts of the newly revealed regs are these:

- Allow LWOP inmates to be housed in Level II facilities which have electrified fences

- Allow certain categories of lifers, those that meet the ‘exceptional criteria’ (detailed below) of the regs to be housed in some Level I facilities
- Eliminate Close A and Close B classifications, replacing them with a single Close Custody designation
- Modify the classification and disciplinary process to ensure prisoners convicted of substance use RVRs are housed in facilities where they can obtain treatment
- Modify classification to allow placement in Level I facilities of those inmates who have a history of violence but have refrained from violent behavior for at least 7 years and overall are determined to no longer present a violent threat to others
- Modify the calculation of placement scores for disabled inmates, to ensure they are housed in facilities where they can receive appropriate treatment
- Expand endorsement authority for transfers to additional staff classifications and expand inmate access to rehabilitative programs.
- New calculation method which, through application of good behavior points, appears to make it possible for some lifers to reach classification scores below 19.



Of great interest to lifers will be the criteria for being granted placement in Level I facilities. Those criteria include:

- A preliminary score of 18 or less
- Those given a 3-year denial at their last BPH hearing
- A low or moderate CRA rating at their last interview
- Do not have a VIO (violent inmate offense) designation
- Are not considered a Public Interest (high notoriety) case
- Do not have an “R” suffix attached to their case
- Have no history of escape/attempts
- Do not have a ‘mandatory minimum score factor’ that would preclude Level I, “Where determined eligible for placement, the mandatory minimum score factor for "other life term" shall be removed/not imposed.” In other words, simply being a lifer no longer means a max minimum score of 19, thus precluding housing in Level I.

These regulation changes do not go into effect until February 20, 2017 and as written are less than crystal clear on several areas. How long is the new, single level Close Custody? What will be the new classification point scale? Will any provision be made, as we have heard, for inmates to lose more than 8 points per year, based on positive programming and behavior?

And while February 20 is the date floated as the potential release date of the memo directing prisons to begin accepting family visiting applications and starting that process, these change, again, are not directed at family visiting and who can participate. Nor do these changes reflect possible impact of Prop. 57 on inmates—those are not expected until October.

So, we have questions and are ferreting out the answers. Once we know, we’ll report, but in the meantime, the new regulations, albeit once again CDCR’s fall back of ‘emergency’ changes, appear to be going in a positive step. Perhaps we will, eventually, reach the ‘best practices’ goal.



FAMILY VISITS EDGING CLOSER

As previously reported, CDCR expects to implement the restoration of family visits for lifers and LWOP inmates first via memo, followed by an official change to Title 15. Word of late is that the memo, which will direct prisons to begin accepting applications from lifers and LWOPs, will be issued Feb. 20 (give or take a day), with visits starting as soon after that as the institutions complete processing the applications.

According to Amy Miller, Director of Female Offender and Programs division of CDCR (and the division overseeing visiting in general), applications for family visits should already be available to all inmates at all institutions—you should be able to get an application, though the prisons are not required to accept it for consideration until the memo. In an email to LSA in early January, Ms. Miller noted: “the applications for Family Visiting are always available to inmates, so if an inmate believes they will be eligible for Family Visiting once the life term exclusion is removed, they can request a copy of that application and fill it out so that when the date comes that applications can be submitted, they are ready.”

The memo will direct prisons to begin clearing lifers from family visits based on the criteria listed in the current Title 15, absent the exclusion for lifers and LWOPs. New regulations, reportedly reducing the reasons for exclusion, are expected shortly after the memo.

HINTS ON THE IMPACT OF PROP. 57 FOR LIFERS

Little if any impact on sentencing, some on credits, perhaps some on MEPD timing

Lifers, and families, hoping for the magic key that will provide them quick and drastic relief from their life sentence, have been flooding LSA offices with letters, calls, emails, every method of communication short of smoke signals, looking for that fast track home. And while no one likes to be the bearer of bad news, to us, providing the facts is more important than fostering false hope.

So here it is. Again. Prop. 57, which most sources don't even expect to be implemented until October, will provide scant, if any relief for lifers. Nor was it ever intended to. Anyone reading the language of the proposition on the ballot should have keyed in on the phrases mentioning 'non-violent' and 'non-serious' convictions. Most lifers have convictions for serious and/or violent offenses; never the target population for this action.

A recap of Prop. 57 was presented in the Governor's Budget Message a few weeks ago. It reads as follows: “*Proposition 57 reforms the juvenile and adult criminal justice system in California by creating*

a parole consideration process for non-violent offenders who have served the full term for their primary criminal offense in state prison, authorizing the California Department of Corrections and Rehabilitation to award credits earned for good behavior and approved rehabilitative or educational achievements, and requiring judges to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court.”

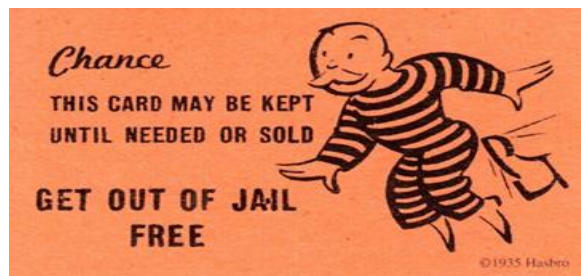
The summary later continues, *“The Department currently operates a court-ordered parole process whereby non-violent, non-sex registrant second-strike offenders are eligible for parole consideration by the Board after serving 50 percent of their sentence. Proposition 57 authorizes a similar process by establishing parole consideration eligibility for non-violent offenders who have served the full term for their primary criminal offense. The regulations for the new process will exclude sex registrants.”*

Here's what it will do:

- *“Increase and standardize good-time credit earnings. Good-time credits are earned when an inmate avoids violating prison rules.*
- *Allow all inmates, with the exception of life-term inmates without the possibility of parole and condemned inmates, to earn milestone credits. Milestone credits are earned when an inmate completes a specific education or training program that has attendance and performance requirements.*
- *Increase the amount of time an inmate can earn for milestone completion credits from 6 weeks per year to 12 weeks.*
- *Create new, enhanced milestone credits for one-time significant earned academic and vocational achievements, such as the earning of Associate of Arts and Bachelor's degrees, high school diplomas, the Offender Mentor Certification Program, and Career Technical Education certifications. Enhanced milestone credits will be applied retrospectively for those credits earned during the inmate's current term.*
- *Establish new achievement credits for inmates that have sustained participation in other rehabilitative programs and activities. Inmates will be able to earn up to four weeks of achievement credits in a 12-month period.*
- *Credits earned by life-term inmates will be credited towards their Minimum Eligible Parole Date. Additionally, consistent with current practices, all credit earning will be revocable based on behavior-based violations.”*

As any regulation changes or other information becomes available on Prop. 57, we'll let you know. But it appears if you're a lifer, Prop. 57 will only marginally impact you.

Despite hopes and rumors, and even though we don't yet know all of what Prop. 57 is going to do for lifers, there is one thing we know it isn't going to do:



CONCERNS REGARDING CRA REGULATIONS

Although we expect the BPH to unanimously adopt recently proposed regulations regarding the administering of Comprehensive Risk Assessments, Life Support Alliance, and several other groups and individuals still do not believe the regulations up for approval are sufficient to protect the rights and liberty interests of inmates. And we're not shy about saying so.

During the multi-month process that is required for such regulations to be formally adopted and approved we have repeatedly expressed our concerns, both in person at BPH business meetings, and in writing. And once again, in January, we reiterated those concerns.

These are the points we made:

1. Recording the interview process is crucial. Recording the interviews would solve the issue outlined in section (e) (2) regarding clarification of statements attributed to inmates. The current proposed regulations do not in any substantive way address what continues to be a frequent and unresolved issue.
2. More structure is needed on how to address YOPH factors and should be included in the regulations. Currently CRAs are in no way standardized in how these factors are addressed or what weight is given to the hallmarks of youth, and certainly the intent of the authors of SB 260 and 261 was that the great weight standard would apply to all portions of the parole process, including the CRA evaluations.
3. Current proposed regulations do not in fact 'clarify' how the FAD will deal with out of state housed inmates, noting only that those inmates 'may' receive a psych evaluations, whereas all inmates housed in California are required to be so evaluated. This is hardly equal treatment under the law.
4. Lastly, but perhaps most importantly, the current regulations provide for no oversight or accountability. The FAD is accountable to virtually no one other than themselves, certainly not a confidence or trust inspiring situation, given what we know of the creation of this body and past experiences.
5. Training and actions remain largely hidden from public scrutiny, with no independent oversight, absent court action. This is perhaps the most brazen deficiency in these regulations, one which can and should be resolved.

We have other concerns, but these cover the major points. And while we do expect the regulations to be approved by the BPH in February, this battle is not over. The FAD a big blip on our radar, and we'll keep aiming at it.

HOUSING INFORMATION, PLEASE

Thanks to all those who have sent us their housing information to keep Lifer-Line coming to you. We've noted those changes and you're assured of staying on the list.

As a reminder to others, if you're receiving Lifer-Line as part of our indigent program and your housing assignment is not part of the address, we need that info by March, or you run the risk of being dropped from the list. Send us that info, PO BOX 277, Rancho Cordova, Ca., 95741 to assure you continue to receive Lifer-Line.

ON THE HORIZON

As The Amends Project continues to roll through prisons from RJD to CTF and beyond, we're creating more programs to bring assistance and information directly to lifers. While the newsletters (Lifer-Line and California Lifer Newsletter) are reaching more and more inmates, nothing compares to the face-to-face interaction where answering questions in real time is possible.

Two new programs are in the final stages of planning and refinement for introduction in 2017. When finalized and ready for presentation, we'll announce it in the newsletters and those who are interested can contact us with the name and contact information of an ILTAG sponsor we can work with.

CONNECTING THE DOTS: You can't begin to understand the "causative factors of your crime" until you go back to what caused your thinking, your feelings, to be outside lines of society. Because the events of your life caused your feelings, which led to your thinking, which developed your belief system, which rationalized your actions as the best course you could take in any given situation. What you think you believe, and what you believe, you act on.

"Connecting the Dots" walks inmates through how to identify those aspects in their own lives, how to understand the impact they had on thinking and beliefs, as well as how to find the tools to cope with those factors, sometimes called character defects, that are present in everyone, but only become criminogenic needs in some instances. A 2-part workshop, the first sessions works on identifying and understanding an individual's 'dots,' with a follow up session to determine how to address and reconfigure those dots.

Developed with participation and advice of psychologists experienced in dealing with California lifers, Connecting the Dots can assist inmates already examining their past lives and actions in articulating the change they are making in themselves and how they plan to sustain that change. This program will be available in Spring, 2017.

LSA TAKING OUR SHOW ON THE ROAD AGAIN

Part of our mission to assist lifers in understanding the parole process and becoming suitable includes educating lifer families on the realities of a life term, how parole happens and what they can do to support and help their lifer reach that goal. The best way we do this is through the family seminars held 4-6 times each year in various areas and communities. Our first seminar will be March 18 in Sacramento and Jennifer Shaffer, Executive Director of the Board of Parole hearings, will be a featured speaker.

The 2017 curriculum is changed from the last couple of years, as we delve deeper into what it takes to become suitable for parole, what those esoteric terms like 'insight,' 'causative factors' and 'remorse' mean. "The Road to Parole" will help your family and supporters understand what you're up against in working to make yourself suitable for parole, so they have real knowledge and abilities to help you in travel that road.'

Other tentative dates and cities include Woodland Hills in May; the Inland Empire in July; Long Beach in September and San Jose in October. And we're still searching for a possible venue in the Fresno/Bakersfield area. If your family or friends would like to attend, have them contact us at: lifesupportalliance@gmail.com or (916) 402-3750 for details and exact dates. They'll learn a lot, and you'll benefit from their increased knowledge and assistance.