



*Public Safety and Fiscal Responsibility*

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**LIFER-LINE**

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## **A NEW FACE ON THE BOARD ONCE AGAIN**

As we reported, unofficially, a few months ago, BPH Commissioner Marisela Montes has stepped down from the board, officially leaving her position at the end of June. Montes was appointed to the board in 2012 and reappointed again in 2015, and again in 2017. However, she declined to sit for a confirmation hearing from the Senate Rules Committee.

In her place, Brown, in early July appointed Neill Schneider, 58, of Sacramento. At first blush Schneider seems a bit of a change from the usual commissioner material. In 2018 he became an adjunct assistant professor in the Administration of Justice Department at Los Rios Community College.

Before joining academia, Schneider was a 20+ year veteran of the Sacramento Police Department, starting as an officer and rising to the level of Captain. He received a Master of Public Policy and Administration from California State University, Sacramento. Schneider is now undergoing the training process for new commissioners and has reportedly been seen observing several parole hearings. He is expected to begin 'flying solo' within a few months.

Also reappointed by Brown, for varying terms, were Dianne Dobbs, David Long, Michelle Minor, Terri Turner and Troy Taira. These re-nominations are interesting from several perspectives, given that Dobbs, Long and Turner were only recently, as in last month, approved from their previous appointments by Brown. Taira rejoined the board last month, appointed to fill the spot left vacant by the retirement of John Peck.

Taira has yet to undergo a confirmation hearing for this appointment, and now has been re-appointed before, it appears, being approved for the previous appointment. Schneider and Taira will both spend several weeks undergoing training before presiding solo at hearings, though Taira's training time may be shortened, as presumably he hasn't forgotten the previous training in the intervening few months. Both Schneider and Taira will come before the Senate Rules Committee for confirmation prior to July of 2019.

## COMMISSIONER TERMS

Along with recent changes in the number of commissioners on the parole board, the length of those commissioners' terms has also changed. For decades the parole board consisted of 12 commissioners. A few years ago, responding to the increased number of hearings required to accommodate YOPH law changes, that number was increased to 14, and this year the total was raised to 15.

This was in part to allow a bit more flexibility in the hearing schedule, allowing the BPH to reschedule hearings when a commissioner was ill or on vacation without negatively impacting, via postponement, the hearings scheduled. And it was always a bit of a challenge to figure out when a commissioner was coming up for reappointment.

The standard used to be 3-year terms, but were replacement appointments for those who left before the end of their term to serve just until that term ended, or begin their own 3-year stint? But with all the comings and goings, especially of late, it was hard to keep track of who was coming up for reappointment.

In an effort to make the process easier to follow and manage, the decision was made to stagger the term lengths, which would also assure not all commissioners would be up for reappointment at the same time. Now there is a timeline, allowing those of us who follow such things, to anticipate the terming out or reappointment of any given commissioner.

Below, barring resignations prior to the listed end of their term, is the length of time we can expect to see the current commissioners serve. This presumes that Neill Schneider, the newest appointee, is confirmed to his present position. If a commissioner resigns prior to the end of the stated term, the individual appointed to fill that seat will serve until the end of the current term, then begin a term of their own, subject to Senate confirmation.

COMMISSIONER	ORIGINAL APPT. DATE	TERM EXPIRES
Anderson	July 2011	July 2019
LaBahn	December 2011	July 2019
Grounds	August 2016	July 2019
Cassady	November 2016	July 2019
Ruff	January 2017	July 2019
Chappell	January 2016	July 2020
Roberts	July 2012	July 2020
Schneider	July 2018	July 2020
Castro	August 2017	July 2020
Barton	August 2017	July 2020
Taira	July 2018	July 2021
Minor	October 2014	July 2021
Dobbs	December 2017	July 2021
Long	January 2018	July 2021
Turner	August 2011	July 2021

## LSA AT BPH

At the July Executive Board meeting of the BPH, Life Support Alliance was given the opportunity bring commissioners up to date on who we are, what we do and how we do it. Noting that a majority of commissioners have joined the board since LSA began regularly attending the monthly business meetings, we wanted to the newer appointees to understand our larger mission and our history, as well as how we go about achieving that mission.

Following a brief recounting to our history (founded in 2010, for the purpose of educating ourselves and lifers about the parole process and the public about the rehabilitation of lifers) and past events (being originally stonewalled by previous BPH administrations, early successes in an Assembly Public Safety Committee hearing in 2010 about lifers) the positive change wrought by a new political administration and new officials at BPH (the Brown administration began in 2011, the appointment of an actual attorney, Jennifer Shaffer as head of the BPH and increase in transparency) we outlined for the board our multiple messages, messages to prisoners, to lifer families, to the public, and to the system, and how we present those messages.

Our message to lifers is pretty simple:

- 1) in most cases, you got yourselves in here, and it's largely up to you to get yourself out.
- 2) Parole hearings are no longer venues simply to find quasi-legal reasons to keep lifers in prison; if you go in prepared to succeed, you will
- 3 It is a process, and not an easy one, but no one said it would be easy, nor should it be. Suitability isn't easy, but it is possible.
- 4) No attorney can 'get' a date for an unprepared lifer and no attorney can 'loose' a date for a prepared lifer.

Our message to families is that they can be a substantial help to their prisoners, but not if their only action is to rail against the system and make an emotional plea for Johnny to come home. Learn what you can do, understand and follow through

And that's our message to the system, this is where we come in, providing the bridge between the system and the end users, prisoners and families, understanding the process and being willing to do the work required.

How do we pursue conveying these messages? Through several methods.

We reach our constituents through our newsletters: Lifer-Line, our free monthly newsletter. We began this publication in 2010 mailing it to 6 inmates. It now goes to nearly 1700 people each month via email, who print the newsletter and mail it to their lifer. We also serve about 450 indigent inmates, who have no family to do this for them, via a mail tree system, where a volunteer will adopt 5-20 inmates and provide the mailing service for them. Our email subscribers include interested parties in the UK, France, Australia and Germany. And those international subscribers are surprisingly vocal about California corrections.

California Lifer Newsletter is the pre-eminent publication for California life term inmates. We assumed publication of this bi-monthly periodical in 2012, mailing it to a paid subscriber list of nearly 500, mostly inmates, but also attorneys, public defenders, and even a few elected officials. We also provide 2 copies to each prison library. CLN contains legal analysis of cases germane to lifer issues, written by John Dannenberg, a former lifer, now paralegal.

And we hear directly with inmates through the more than 250 letters we receive each month, along with countless phone calls and emails from family, asking question on anything from what, really, is insight, to how to appeal a CRA, to underperforming state attorneys.

And in keeping up with the times, we have a presence on social media. Our Facebook page, Life Support Alliance (what else?) posts information on subjects from upcoming seminars to changes to regulations to new commissioners. Recent posts on up-coming changes to family visiting regulations have elicited over 10,000 'hits,' or views in less than 2 days. And once a lifer is released, he or she can join the Facebook page of Lifers' Success Association, where paroled lifers keep in touch, welcome newly released lifers back into society and provide contacts and context for each other.

We reach family members via our Lifer Family Seminars, covering everything from new laws to why Johnny isn't home 20 years into a 15 to life sentence, to why hasn't by B number boyfriend come home. We provide with both hope and practical advice on what can be done. Families are often more lost at the beginning of a life term than the prisoner and can be a source of assistance or hinderance as their lifer moves through the system—we try to give them to the tools to hold their lifer accountable, while assisting him or her in the changes needed to come home.



*Former lifer David Sloane, speaking at lifer family seminar.*

We also speak publicly to the media about lifers. The press tells us it's often hard to find someone willing to go on camera with positive words about prisoners' release, but we are willing to put ourselves out there, with facts, not just opinions. We've also quoted in several books including Nancy Mullane's Life After Murder and used as a source in several academic studies and print media articles.

As we've grown, we've adapted our mission to provide help directly to inmates, via workshops and programs presented in the prisons. The Amends Project is just over 2 years old, a fully researched and studied program on writing appropriate and meaningful letters of apology to victims; Connecting the Dots, rolled out over 6 months ago, develops insight in to the causative factors of crime, with part of the presentation done by former lifer currently on parole.

Transcript Reviews are not legal reviews, but provide an third party look on how to make your case, organize your presentation and put your best foot forward—no holds barred, real and straight talk. This is one of the most popular services LSA offers, at no cost to inmates.

## BILL AND INITIATIVE UP DATE

*Legislative bills introduced this session must be passed and signed into law by the Governor by September 15, 2018, most to take effect on January 1, 2019. Several ballot measures were also proposed for the upcoming November election, most involving lifers have already failed to obtain the required number of signatures, some will be on a future ballots.*

### **BILLS:**

**AB 665**—This bill authorizes veterans who were convicted of a felony prior to January 1, 2015 and who may have suffered various PTSD or other emotional issues as the result of their service to petition for a recall of sentence under specified conditions. Any resentencing could not be for a term longer than the original sentence and would require the individual to be given credit for time served. This bill passed the legislature but is currently held in the Senate Appropriations Suspense file, pending budgetary action to provide funds for implementation.

**AB 1940**—This bill would have created an earned discharge program for those on parole to earn credits toward their parole discharge date through accomplishment of various educational, vocational and public service activities. The bill failed to pass its house of origin and is now dead.

**AB 2550**—prevents male officers from performing pat down searches of female inmates or entering areas where female inmates are likely to be undressed, unless there is imminent danger of harm to the inmate or others, or unless a female officer is not available. This bill is now on the Assembly floor, awaiting a vote. If passed it will proceed to the Senate side.

**SB 1242**—would add language requiring additional conditions to grant parole be codified, including demonstration of remorse and insight, reasonable time free of disciplinary, realistic post release plans, all of which are already part of parole consideration, though not in legal terms. In some way this bill impinges on the discretion of the BPH yet gives no specific standards/guidelines. More importantly, and the real purpose of the bill, would be to exclude from YOPH consideration those prisoners whose victim was a peach officer or former peace officer. This bill has been referred to the Senate Committee on Public Safety.

**SB 1437**—proposed change to the felony murder rule, through legal language that would remove malice from consideration in a crime unless the individual charged personally committed the homicidal act, acted with premeditated intent to aid and abet that act where in death occurred or the person was a major participant in the underlying felony and acted in reckless indifference to human life. It would also be retrospective, providing a method of resentencing those convicted of first or second-degree murder under the felony murder rule or the natural and probable consequences doctrine. This bill has passed the Senate and is now in the Assembly Appropriations Committee.

**BALLOT INITIATIVES:** (Failed: Not enough signatures collected in required time frame)

**Parole Consideration for Elderly Prison Inmates:** failed as of February 2018, this would have allowed elderly parole consideration for those inmates who were 80 years of age, had served at least 10 years in prison and had not been previously denied parole.

**Second Chance for Second Strikers:** failed as of April 2018. This would have brought to earlier parole hearings those who received an enhanced sentence for a second-strike crime committed before the age of 23.

**Eliminating Voting Restrictions on Prisoners and those on Parole:** failed as of May 2018. This would have allowed those convicted of felonies and still in prison or on parole to register to vote and vote in elections.

**Amending Three Strikes for Repeat Offenders:** failed, July 2018, would have allowed imposition of three strikes penalties only for violent or certain specified sex offenses.

### ATTORNEY SURVEY

Life Support Alliance is seeking information on the performance and reliability of state appointed attorneys in the lifer parole hearing process. Please fill out the form below in as much detail as possible, use extra sheets if needed. Please include your name, CDC number and date of hearing, as this will allow us to request and review actual transcripts; your name will be kept confidential if you desire. Details and facts are vital; simple yes or no answers are not particularly helpful. Mail to PO Box 277, Rancho Cordova, CA. 95741. We appreciate your help in addressing these issues.

NAME\* \_\_\_\_\_ CDC #\* \_\_\_\_\_ HEARING DATE\* \_\_\_\_\_

COMMISSIONER \_\_\_\_\_ GRANTED/DENIED(YRS) \_\_\_\_\_

INITIAL/SUBSEQUENT (how many) \_\_\_\_\_ EVER FOUND SUITABLE/WHEN \_\_\_\_\_

ATTORNEY:private/state\* \_\_\_\_\_ PRISON \_\_\_\_\_

MEET BEFORE HRG? (# of times, length) \_\_\_\_\_ HOW FAR IN ADVANCE OF HRG? \_\_\_\_\_

TIME SPENT CONSULTING \_\_\_\_\_ OBJECT TO PSYCH EVAL? \_\_\_\_\_

LANGUAGE PROBLEMS? \_\_\_\_\_ WAS ATTORNEY PREPARED? \_\_\_\_\_

DID S/HE BRING ANY DOCS NEEDED? \_\_\_\_\_ SUGGEST STIP/WAIVE? \_\_\_\_\_

**COMMENTS:**

(Please provide details regarding attorney’s performance, or lack of, including interaction with parole panel and/or any DAs and VNOK present. Was attorney attentive during pre-hearing meeting and hearing, did s/he provide support/advice to you? Was s/he knowledgeable re: your case and/or parole process? Had s/he read your C-file before meeting with you? )

\*required