

LIFE SUPPORT

HOPE



ALLIANCE & California Lifer Newsletter

HELP

HOME

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A RISING CONCERN

At the beginning of the year, when then-newly ensconced Governor Gavin Newsom first took over the job of being the final arbitrator of lifer parole decisions, all heck broke loose when Newsom began handing out thumbs down decisions seemingly right and left on grants for lifers. Rumors abounded, fantastic numbers of reversals being thrown around—80, 90, even as high as 200 reversals in one month. The rumor mill and grapevine were in overdrive. And wrong.

As it turned out, while Newsom did reverse a significantly larger number of grants in his first few months in office in comparison to what we'd become accustomed to in the latter years of the former Governor Brown's term, the final count wasn't quite so Draconian. And while no one wants to confirm a figure, and in truth that number is always changing, as the Governor reviews grants and makes new decisions each week, informal research and sources indicate that number is probably around 60 at this stage of the game. A troublingly large number, but still far shy of the rumored 200.

And the reversal tidal wave seems to have subsided, somewhat. But even more troubling than the sheer number of reversals are those that single out individual lifers for repeated reversals. As a reminder, until the yearly report on the Governor's (any governor) actions on parole grants is released, usually in February detailing actions in the previous year, any stakeholder's ability to access information on reversals is a bit hit-and-miss. What information we've gleaned has been from those lifers who, in the spirit of contributing to greater understanding of the whole, have sent us copies of their bad-news letter from the Governor.

From those and other sources we've parsed out at about half a dozen lifers who we recognize and who, under Newsom, suffered repeat reversals. Common factors? Yeah, a couple. Well, one really. High profile crime and/or prisoner.

Just in this small sample of reversals we recognize there are a couple of second time turn downs, a pair of third time reversals, one who has lost 4 grants to gubernatorial action and one who has been reversed an astonishing and incomprehensible 6 times. So once again, we've reached out to the Governor's office, seeking understanding, and, well, insight.

At what point do continued reversals of individual inmates, including an aging prisoner (77 years old), cease to really rest on perceived danger to society and fall squarely into political expediency? One

DA who recently participated in a victim/offender impact program posed a very cogent question: are we keeping long-serving inmates in prison because we're truly afraid of them, or because we're still mad at them? At what point does continued incarceration become more about revenge than rehabilitation and remorse?

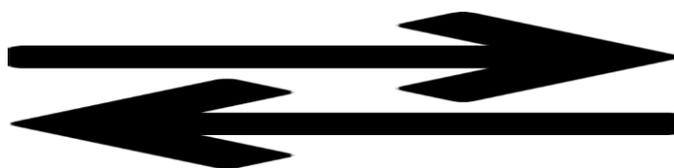
Rhetorical questions? Probably, but worth asking none the less.

Of no less concern is the prodigious increase in en banc referrals, for those lifers who are not subject to unilateral reversal, but for whom the Governor can request one more hoop to go through, via referral for review by the entire now 17-member parole board. In the period February (Newsom can't be saddled with referrals for en banc at the BPH's January meeting; it was held before he was sworn in) through November Newsom has sent 75 lifers to this extra level of review. Initially in February and March, the Governor's office sent 15 and 16 lifers, prospectively, back to the board for another look.

Things seemed to settle down a bit then, with the next several months referrals in the modest under 6 range. But October saw 9 en banc referrals and November blew in like another ugly wind, with 11 going back to the board.

Patterns? Yep. Those with 290 offences seem a target population, as do those who continued gang involvement into their incarceration time. And, again, high profile cases, where the victim, either because of his/her person or profession or the prisoner brought the spotlight with them.

While we have no empirical evidence, though we did do something of an archive review of past reports, it appears that, even with an increase in en banc referrals the commissioners are, so far, holding the line. Historically (and by this we mean in the Brown years) a review by the entire BPH board usually resulted in said board standing behind their fellow panel members who made the original decision to grant parole. That is to say, those coming up for en banc usually saw that grant affirmed, at least most of the time.



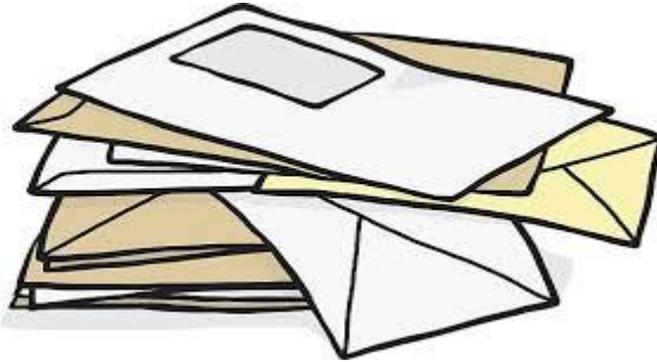
And so, it appears to be so far in 2019 and Newsom's referrals. Of the 75 we tracked, 65 grants were affirmed, and those individuals will be, or have been, released. The remaining 10 either have had a new hearing or are still awaiting that momentous event. Again. Kudos to the board members for holding their ground.

We could wax philosophical here, wondering to what end are these inmates, families and just the system in general put through this process yet another go-round, if, as it appears, the decisions are usually the same. It suggests extra hearings, extra expense, extra pressure on attorney, commissioners, to say nothing of the extra angst for prisoners—and the result—not much.

In another interesting bit of statistical trivia, the number of tie votes in hearings seems to be creeping up a bit, with 5 tie votes being recorded in all of 2018 and so far in 2019, 9 times the panel has failed to be able to reach a decision. Those votes, too, come to the entire board for adjudication, and of those 9 indecisive hearings so far, 7 have been decided in favor of granting parole during en banc consideration.

What does all this mean? Hard to say at present, but we'll keep talking with the Governor's office, searching for that elusive quality, insight, into his thought process and reasons. Stay tuned. When we know, you'll know

WHERE SHOULD THOSE LETTERS GO?



A few years ago, when C-file went from stacks of paper in boxes ('file' being a subjective term), to electronic documents in the all-mighty computer, prisoners began experiencing problems having items included ('scanned', in the vernacular) into that C-file ahead of their parole hearing. The prevailing attitude was, if the item wasn't generated by CDCR (think chrono, certificate, RVR) then it didn't really belong in the C-file. This seemed to apply to the various support documents inmates wanted to include in their file as part of their parole packet.

The BPH, not being the 'legal owner' of C-files, couldn't guarantee support letters, job offers, outside certificates, book reports and the like would be included in the electronic version of the individual's prison record. That's right, there is a legal owner of your C-file, and hint, hint, it isn't you. All C-files, along with the authority to make decisions about what should be included, belong to CDCR. Even your history isn't your own.

Nor does BPH have leave to add or remove anything from that file. Oh, yes, they can access and read the file, but can't decide what goes in, or not. So, the conventional wisdom became for inmates facing parole to have families send support letters and the like to the lifer desk at each prison, with a copy to the inmate's attorney and a third copy to the potential parolee him/herself. If the lifer desk decided any submissions could be scanned into the file, great. If not, well the attorney and inmate copies were back up.

But, things have improved. Sort of. While BPH still does not 'own' the C-file and thus can't on its own decide what gets electronically included, there does now seem to be a better comradery between BPH and CDCR's Division of Adult Institutions, the keeper of the flame, as it were. And in response, conventional wisdom regarding items for the C-file has also evolved.

Currently, the BPH recommends "the letters of [be] support here [to the BPH]. Upon receipt of all support letters, we provide them immediately to the DAI-Satellite Office which then makes a determination about confidentiality etc. and places the letters into the inmate's central file." The BPH also notes the board still hopes to accomplish a more streamlined and clear process for prisoners to submit documents ahead of their parole hearing, and perhaps even provide a list of what would be considered acceptable for inclusion. But not yet.

So, for now, send support letters, job offers and the like to:

Board of Parole Hearings

Post Office Box 4036

Sacramento, CA 95812-4036

And it might not be a bad idea to put your name and CDCR # on the envelope—and maybe, even, have a back-up copy of those documents. Just in case...

COMING SOON, TO A PRISON NEAR YOU



Life Support Alliance is on the move again, working out a schedule for the first months of the coming year, trying to fit in all the prisons and groups who have contacted us about bringing our programs to the men and women in those various locations. Time and distance are always impediments to that process so we're hoping to start early and plan well.

Those interested in participating in any of the workshops currently offered are encouraged to have their self-help group sponsor or facility CRM contact us to get the ball rolling. And while we try to respond to every group who expresses an interest, we've found our best and most effective path is to work with the institution's staff and CRM, perhaps spending a weekend there, and making the relevant workshop available to as many as possible at that location.

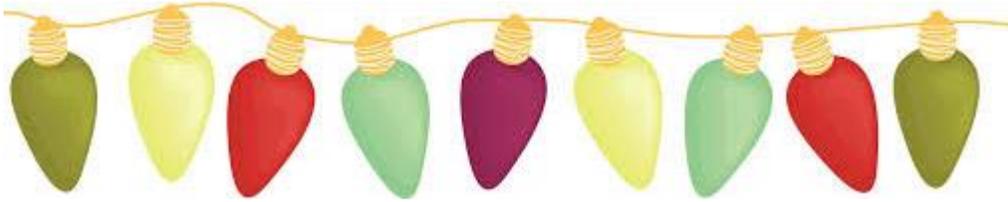
For the past four years we've offered The Amends Project, helping lifers and others understand and write appropriate and meaningful letters of apology and amends to their victims and victims' families. Over 400 certificates of accomplishment for successful amends letters have been awarded and research shows that nearly 30% of those who received certificates have since been paroled.

Two years ago, we began the two-part Connecting the Dots course, helping identify causative factors of criminal thinking and behavior and developing insight. The Dots program has been presented at over a dozen prisons, reaching nearly 1000 men and this year we'll be bringing this program to the female institutions as well.

In late 2017 we began the RISE program, a RAC-accredited 12-week curriculum of overlapping and interconnected modules will take participants through several aspects of self-examination, personal reclamation and initial reintegration into society. RISE integrates four workshops, Connecting the Dots, The Amends Project, Understanding Suitability and Lifers and Wifers, and other elements into a continuum of discovery in the development of insight and understanding.

January will see the debut of Understanding Your CRA, offering assistance in understanding and applying the information presented in Compressive Risk Assessments, the background on that process and how to incorporate that information into parole plans and hearing presentation. Understanding Your CRA offers prisoners assistance in internalizing and applying the factors identified in their psych evaluation to assist in their rehabilitation and parole success.

For more information on bringing one or any of these programs and workshops to your current location we suggest having a self-help sponsor or CRM contact us or send us the name and contact information of that sponsor and CRM and we'll try to follow up. Reach us at: Life Support Alliance, PO BOX 277, Rancho Cordova, Ca. 95741. Sponsors are also welcomed to reach out by phone or email: (916) 402-3750; staff@lifesupportalliance.org.



'T'WAS THE NIGHT BEFORE (a prison) CHRISTMAS (revisited)

(An abbreviated, customized version of an old favorite, with apologies to W. Clement Moore)

T'was the night before Christmas and on all the yard
Not a creature was stirring, not even the guards.
No stockings were hung, no yule log was lit,
Christmas in prison is pretty much s**t.

The prisoners were huddled, asleep in their beds
While visions of freedom danced in their heads.
Up in the towers all eyes scanned the land
Ever alert for dropped contraband

When out on the yard there arose such a clatter
All sprang from their beds to check out the chatter
Prisoners crowding the windows to see
What the cause of all the alarm could be

The moon on the tips of the coiled razor wire
Twinkled and gleamed like sparks from a fire
When what to their wondering eyes should appear
But Santa and sleigh, minus reindeer.

The l'il old driver, all smiling and bright
Brought a posse of elves to help him that night
Their numbers had grown from the year before
And maybe next year there'll be even more





More rapid than eagles his orders they came
And he whistled and shouted and called them by name
“Now Anderson, Long, Chappell, Barton, Castro, Sharrieef
Get over here and hang up this wreath”

“To the top of the tier Schneider, Tiara and Ruff
Now Roberts and Grounds, don’t try to be tough”
For Minor, San Jan and Thornton he had more to say
And issued his orders to Dobbs, Gutierrez and Cassady

He was dressed all in red from his head to his toes
(Surprised he got in with those gang-colored clothes)
Boxes from vendors he had strapped to his back
Walkenhorst, Union, all the rat-pack

His eyes were a-twinkle, his dimples how merry
Inmates were laughing, guards looking wary
The stump of a pipe he held tight in his teeth
Smoke (of some kind) hung around like a wreath

He spoke no more words but went straight to his work
Shook every hand and then turned with a jerk
And throwing his helpers into the sleigh
Flew over the wire toward breaking day

He stood in his sleigh and gave a sharp whistle
And away they all flew like an unguided missile
But we heard him exclaim as he flew on his way
“Merry Christmas to all and Freedom one day”

