



PAROLE BY THE NUMBERS

No it's not as easy as 1-2-3, but there are some interesting numbers available that shed some light on the parole situation at this moment in time. Recently the BPH released a report entitled "2013 Significant Events," a compendium that presents some interesting numbers on its face, numbers and information that become more interesting with a bit of cogitation.

Of prime interest, of course, is the number of grants or percentage of grants made last year. According to official BPH numbers 4,168 parole hearings were scheduled in 2013, which resulted in 590 grants and 1,448 denials, with the remainder of the number of scheduled hearings being either postponed, waived, stipulated or another non-decision rendering outcome. We've done the math for you and those raw numbers translate to a grant rate of just over 14%. Although 14% is nowhere near where we'd like to see it, a little perspective may be helpful.

Ten years ago, in 2003, the grant rate was 3.7%, a rate that makes 14% look much rosier. Five years ago, in 2008, the year of Marsy's Law enactment, the grant rate was a whopping 4.3%. It wasn't until 2012 that the number of lifers granted parole topped 500, when 670 were paroled. And if further comparison is wanted, we can look back to 1978 and 1979, when the grant rate at hearings was 100%. That's right, 100% of hearings held in 1978 and 1979 resulted in grants. Of course, only 1

hearing was held in each of those years. And in 1980, when the number of hearings held skyrocketed by 100%, to 2 hearings; the grant rate was 0.

But before you decide the odds are still monumentally against you, consider this: the real grant rate can be found only after eliminating those non-happening hearings from the calculation and considering only those hearings held to conclusion against the number of grants. And while we have calculated this 'adjusted grant rate' number, we don't publish the results~why give our adversaries easy ammunition to use against us? We have every confidence that given the information above most lifers are astute enough to figure out the actual grant rate.

The next question most often asked is which of the commissioners gives the most grants. A full commission consists of 12 commissioners and for most of 2013 the Board had a full compliment. This includes the departure of two members, replaced by two new appointees, both of whom have yet to be confirmed by the Senate. Results from last year show all 12 currently sitting commissioners have grant rates within a 14 point spread, from a low of 22% to a high of 38.8% (all adjusted figure results), with most commissioners individually hovering around the low 30s percentage rate.

The Board lost the commissioner with the lowest overall grant rate, when Jeffrey Ferguson resigned, after presiding at 149 completed hearings, wherein he had a grant rate of 17% (again, adjusted figures). Those commissioners with the lowest overall suitability grant rate, in descending order, were: Singh, Fritz and Montes. Highest, of commissioners on board the whole year, in ascending order, were: LaBahn, Anderson and Garner. The two newest commissioners, Richardson and Guerrero, are neck and neck with each other and just slightly ahead of Garner after less than 6 months of presiding at hearings on their own.

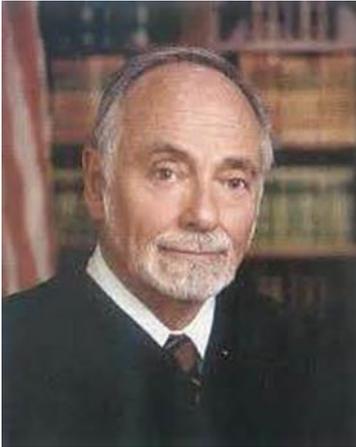
While the average denial length is 3 years, long denials are of great concern to lifers. Chief among the nay-sayers was Commissioner Amarit Singh, who handed out 4 denials of 15 years and 9 denials of 10 years. Singh was followed by Terri Turner, with three 15 year denials and six at 10 years and Arthur Anderson, who denied twice for 15 years and four times for 10 years. Also handing out the longest possible denials were Commissioners Brian Roberts, at one 15 year and a pair of 10 years and Ali Zarrinam, with two 15 years and three 10 years.

All sitting commissioners found occasion to hand out 10 year denials: even the two new, unconfirmed commissioners joined in, Susan Richardson handing out 2 and Robert Guerrero a single denial of 10 years. In all, inmates were denied on a 10 year basis in 51 hearings and 10 times for 15 years. Five year denials numbered 544 and 19 inmates were denied for 7 years each.

Governor Brown reversed 100 grants of the 590 grants given, including 9 for a second time. And as for the old saw that no one gets a grant at their initial hearing; that was proven wrong in 40 cases last year.

The most interesting conclusion after examining the statistics from 2013 is the cohesion of the board commissioners in their decisions. Whether due to increased training (developed under Shaffer's direction), including stints at the National Judicial College for each commissioner, changing political winds (several of the sitting commissioners have served under both Republican and Democrat governors) or better understanding of the effects of unnecessary long-term incarceration and the characteristics of paroled lifers (and we'd like to think our advocacy has had some part in that), the commissioners appear to be pacing the same track.

And while we still question some decisions and commissioners' thought processes, gone are the days when we could point to any one commissioner with a 'hanging judge' attitude and reputation. Lifers would do well to tune into these new realities. For those who maintain the board has nothing to offer them, we think the board has one simple thing to offer those who are prepared: your freedom. It happened to 490 now ex-lifers last year.



Judge Lawrence Karlton



Judge Kimberly Mueller

KARLTON TO RETIRE

Judge Lawrence Karlton, one of the three federal judges that have for years held the CDCR's feet to the fire on prison overcrowding, has announced he will retire in August of this year. Karlton, 79 years old, has served for 35 years in the United States District Court for the Eastern Division of California, which is headquartered in Sacramento.

Taking his place on both the 3 federal judge panel watching over California's prison population numbers and overseeing *Coleman v Brown*, litigation over the treatments of California's mentally ill prison inmates, will be U.S. District Judge Kimberly J. Mueller. Judge Mueller, 56, was appointed to the court in 2010 by President Obama after 7 years as a US magistrate judge.

She will assume oversight of those cases on Sept. 1, just prior to Karlton's official retirement to the position of "inactive senior judge."

Karlton recently found CDCR's treatment of mentally ill prisoners, including repeated and effusive applications of pepper spray for such infractions as refusing to relinquish control of the food port in a cell door, amounted unjustified force. He ordered CDCR to develop a new protocol for such events and prisoners.

Karlton was visibly troubled last fall by videos played in the courtroom of CDCR removal tactics against mentally ill inmates and the death of one such inmate at Mule Creek.



THINGS TO KNOW

A few odds and ends we'd like to be sure lifers are aware of, in no particular order of importance.

REVERSALS--If you're found suitable and the Governor reverses your date, you will now wait about 18 months for another hearing, a change from the 12 month turn-around of previous years. This change was accomplished by Administrative Directive in an effort to allow the prisoner and/or legal counsel to adequately prepare for the next hearing. The Board was concerned that, since reversals take place up to 5 months after the grant, there would be insufficient time in a 12 month turn-around for the prisoner to address the issues relied on by the Governor in the reversal. The new timing now allows an additional 5-6 months to prepare for a new hearing.

The FAD is now using a new version of the HCR-20 (but new does not mean better, or more reliable or relevant), has discontinued use of the LS-CMI and now only uses three levels of risk rating (low, moderate and high) instead of 5, which included low/moderate and moderate/high. The format of the new assessments is also reportedly less duplicative and more relevant, but we have yet to see the new assessments, so the jury remains out on these purported changes. If you have received a recent psych eval and are willing to share (your information is fiercely protected), please send us a copy.

We're also seeking copies of new psych evals done for SB 260/YOPH hearings. These should consider and specifically address the youth of the prisoner at the time of the crime. If you've had a psych eval for a 260 hearing and are willing to share, we'd appreciate it.

INFO--In line with the present BPH administration's commitment to making the Board and the parole process more transparent and understandable, a 2013 report outlined many changes in information availability, including an expanded website (not much use for prisoners, but helpful for friends and family) that includes a schedule of parole hearings and YOPH-eligible inmates (only a few months out at this point), as well as an email address for public comment; BPHEXE.BRDMEETING@cdcr.ca.gov. Again, not of much use to inmates, but LSA encourages you to pass this along to family, who may—and should—make use of it.

HEARINGS--Two new parole commissioners, Susan Richardson and Robert Guerrero, will be headed to the Senate for confirmation in the next few months. LSA/CLN observers have been at

hearings chaired by these individuals and we are prepared to offer the Senate Rules Committee our considered comments on their suitability for the job. Think of it as something of a quasi-parole hearing for new commissioners: what have you been doing for the past year to prove your suitability for the place and position you want to be in?

Like parole hearings, the outcomes aren't always what we want, but these hearings are our opportunity to put on record our observations and opinions. And, like a parole hearing transcript, the hearing transcript creates a record that can be used at later hearings, when commissioners who might be reappointed must again undergo examination, and that record can validate their growth and change or sink their ship.

ATTORNEYS--The Board has expanded its new procedure for assigning and training state appointed attorneys to include those chosen to represent Mentally Disordered Offenders, and will hold a special training session those attorneys later this year. Two panels have been created, one for Atascadero and one for Patton. As to the newly appointed panels for regular hearings, there has reportedly been, as anticipated, some 'movement' in those participants, and as soon as the 'movement' settles LSA/CLN will post the updated panel participants.

Also, with the large crop of new state attorneys, many of whom have never done parole hearings prior to being selected via lottery for a spot on the attorney list, we'd like to know your impressions and comments on the various individuals. We'll be putting forward a formal survey later this year but we are looking for information at any time. If you have a newbie attorney, let us know how s/he did, not just whether you got a date, but if they communicated with you, seemed to understand the process and were vigilant of your rights.

OLD PRISONER GROUPS NEVER DIE

They just pass the baton

Prisoners' Rights Union (PRU), active in the prison reform movement for more than 20 years, has dissolved as of April, 2014. The non-profit 501 c 3 that was the basis of PRU found it could no longer sustain the effort, due to shortage of funds and lack of participation.

While Director Mona Manley has made intrepid efforts for many years to maintain the momentum of PRU, it is more of a load than one person can carry. Those of you who wrote to PRU for resources and issues may consider redirecting your inquiries to LSA and we will respond to those questions consistent with our mission of helping lifers in all aspects of their incarceration and readiness for parole.

We, as was the case with PRU, are not attorneys and cannot provide legal advice, represent anyone in court, intercede with CDCR or affect transfers. Nor do we sell books, reprints, merchandise, buy stamps or provide a pen pal service. And our efforts and expertise lies with the situation of lifers in California prisons: we can't take on the entire population of the nation's prisoners in city, state and county jails. With over 35,000 lifers in California custody alone, we've got our hands full.

We have, however, managed to retain the most valuable resource from PRU: Mona Manley will now join the growing LSA/CLN volunteer staff, still dedicated to doing what we can for prisoners and their families.

Welcome, Mona. The goals and efforts of PRU live on in LSA and the work continues.

BERKELEY LAW STUDENTS CELEBRATE SUCCESSES

A group of UC Berkeley law students, under the supervision of lifer attorney Keith Wattley of Uncommon Law, celebrated their better-than-average success rate after representing 16 lifer clients at parole hearings last year. Members of the Post-Conviction Advocacy Project won 6 grants, a grant rate just short of 40% for their clients, whom they represented pro bono.

Speaking at the student's recent gathering to celebrate their work Judge Anthony Kline of the Court of Appeals, First Appellate District, urged the lawyers-in-the-making to continue working for lifers, who he termed "a virtually unrepresented class" and learn more about both judicial process and the parole process.

Our thanks to the 32 Berkeley students involved in the project and attorney Wattley for their efforts on behalf of lifers.

LSA HOLDS OPEN HOUSE IN SACRAMENTO, BRINGS SEMINAR SOUTH

Plans are rapidly gelling for LSA's Open House at our Sacramento office, on schedule for May 9. A veritable Who's Who in lifer circles have been invited to stop by to see where all the sound and actions emanate from. We've even invited the Gov, though doubt he'll stop by—after all, we have "dissed" him a few times on TV. Our next *Lifer-Line* will have a full story, as well as some photos of the day.

Doing Life as a Family, LSA's day-long seminar for friends and family of lifers, is gearing up to head to the Los Angeles area in July. This will be the third seminar this year, following previous well attended presentations in Chula Vista (San Diego area) and Fresno. Future plans are for similar meetings in the north part of the state and the Bay Area/Central Coast later this year.

The all-day event will feature presentations on parole planning (though we don't pretend to tell family how to put a parole packet together, that's the job of the prisoners), what family can do, how they can assist their prisoner in creating a solid and attainable parole and relapse prevention plan, how to write a first rate support letter, the key areas the parole board focuses on, understanding the new laws in effect this year and what to expect from DAPO (Division of Adult Parole Operations) once their loved one comes home.

Presenters will include former lifers, lifer attorneys, even DAPO agents. This is a fast-paced, full day of information, questions, answers, connections and shared knowledge. Interested friends and family can sign up by emailing LSA at: lifesupportalliance@gmail.com with the subject line LA SEMINAR.