

**EVERY LIFER HAS A JOB: GET READY FOR YOUR HEARING**



*Attorneys Susan L. Jordan (left) and Charles Cabone at LSA's lifer workshop.*

Charles Carbone and Susan L. Jordan, Bay Area attorneys specializing in lifer parole hearings and court appeals were the featured authorities at Life Support Alliance's free Lifer Hearing Workshop held in Sacramento on April 10. Both Carbone and Jordan have many years of experience in lifer issues and shared their knowledge and advice with lifer families on how to help those prisoners coming up for parole hearings to succeed in winning their release.

Carbone noted that Board of Parole Hearing grant rates have risen from a dismal .03% in 1995 to about 16% for the first quarter of 2011. While this higher rate probably included those inmates released on parole as a result of court action it is still heavily impacted by the decision of Gov. Jerry Brown to maintain a mostly hands-off policy toward decisions by the parole board.

Carbone and Jordan, who covered the court appeals of denials portion of the workshop, offered specific things both prisoners and their families can do toward achieving a successful outcome at a parole hearing. Two factors at the top of the list: don't lose hope and cultivate, value and recognize the importance of family and friends relationships not only once paroled, but to assist in being found suitable.

Carbone stressed the importance of each lifer becoming actively involved in preparing for his or her hearing. It is no longer enough for an inmate to do a significant amount of time, achieve a vocation and/or GED and remain disciplinary free. Prisoners who stop at those accomplishments will not soon be released. Fair or not, letter of the law or not, the reality is that each lifer must set goals and produce results in several areas before the BPH will look upon his release favorably.

Carbone and Jordan outlined several specific areas and ways to reach these goals for both the prisoner and family members, everything from where to send letters of support to insure they are included in the C-file prior to the hearing to how to show efforts at self-help and rehabilitation when no assistance is available at the prison. Common, often mundane things such as specifying a family member to will assist the released prisoner in obtaining identity and Social Security cards, to verifying

the parolee will have medical coverage (for family members) to book reports showing examples of insight and how they relate to the prisoner (for inmates) can make a difference in a parole decision.

An LSA-generated comprehensive summary of these points is available on request: it is too lengthy to print in this edition of Lifer-Line. Those wishing a free copy, please send an email request, or inmates may receive a copy via written request (SASE are appreciated but not required.)

LSA thanks Carbone and Jordan for sharing their "insight" into the confusing, frustrating but improving world of lifer parole hearings. Another workshop is planned in coming months.

## **CDCR TODAY: IT'S ALL ABOUT THE MONEY**

Life Support Alliance met Wednesday, April 27 with a representative of CDCR Secretary Matthew Cate's office for an informal and wide-ranging dialogue on such matters as who has oversight of the Board of Parole Hearings to increasing gate monies for life term prisoners released on parole.

At least that was our intention, a wide ranging discussion. But what quickly became apparent was the near total focus, not only of Cate's office, but the entirety of CDCR, on proposed budget cuts and financial decreases looming as a result of the state's dire fiscal condition. The pending decrease in monies available to the CDCR and resulting extensive staff cuts have captured the attention, emotion and thinking process of nearly everyone in Sacramento CDCR headquarters, a building that, according to the staff member, will soon "have more crickets" than people in its halls and offices.

Nearly every subject, suggestion, or question was met by the same response: there is nothing, no monies left to work with, no time to give consideration to any suggestions, no staff with which to implement even existing policies. This deputy went so far as to suggest the department might find significant legislative support for eliminating all programming within prisons in an effort to give the appearance of trying to off-set deep and painful cuts in social service and educational budgets. If this is the case, and we are not entirely persuaded that it is, the legislature will find small refuge there, as virtually no programs remain within the prison system to cut.

On specifics, what LSA has long suspected was affirmed; there is virtually no real oversight of the BPH, with the Executive Director of the BPH only nominally, on paper, responsible to the Secretary of Corrections. The BPH is, therefore, essentially answerable only to itself, and, ultimately, the courts. Now that Gov. Brown has clearly signaled his intention to essentially butt-out of the parole process it becomes even more important that qualified, unbiased and well trained parole commissioners are sitting on the hearings and that the Executive Director of the BPH be committed to following existing penal code and case law, not finding methods to circumvent it.

We broached the subject of standardization in regulations and practices throughout the system, which included such items as allowable items in visiting, prison administration co-operation with local Inmate Family Councils and improper searches. These, we were told, are largely training issues and the department lacks the funds to hold more frequent and extensive training sessions. The excessive use of "modified programming," or lock downs, was also labeled a training issue, as was adherence to the new 602 process. And again, no funds are available to provide additional or even remedial training. Even those self-help programs now staffed primarily by volunteers (in prisons fortunate enough to have numerous volunteers) are in jeopardy.

The possibility of allowing limited use/restricted capability cell phones and/or monitored email communication (as the federal prisons do) as a way of both promoting family reunification and combating the use of illegal cell phones in prisons was waived away as both budgetarily impossible and security lacking. The department's position is that even cell phones limited to certain numbers are technologically not secure enough, as the department cannot "monitor" (otherwise known as

eavesdropping) on conversations. As for possible limited access email, that would require an outlay for computers in each prison, which is financially unlikely. The only concession to making communication easier and less expensive is the possible inclusion in the next phone contract of a way to use pre-paid phone cards to pay for inmate collect calls.

The deputy director meeting with LSA, when asked about the decimation of the Ombudsman's Office, tacitly agreed the entire Ombud office would have been eliminated, were it not required by statute. We were also advised the restoration of lifer family visits and any increase in gate money were both regulatory issues and at present there is neither time, money nor enthusiasm for any changes in the present content of those regulations.

As dire and troubled as these pronouncements are, they do provide a snap-shot of a department scrambling to keep up in a changing atmosphere in Sacramento and suggest some avenues of approach and possible progress by stakeholders. At the end of the day, prisons will still be part of the state's responsibility, as will a basic level of humane treatment of those held in prisons. The state is now facing the consequences of years, decades, of following fear and hysteria in prison policy at the expense of both the state's coffers and successful penal policy. The CDC is finding itself forced to make quick, massive changes. And CDC does not have a history or reputation for being innovative or swift to change. Even now, faced with massive de-funding, the department cannot seem to find its way to think outside the barbed-wire box.

The deputy with whom LSA met unhappily agreed with our analogy of what is happening in the prisons as headquarters becomes increasingly preoccupied with finances and budgets. In a situation something akin to the problems resulting when parents' attention is diverted from monitoring the actions of disagreeable and self-centered children and those children run amok, many individual prison administrations have seen and seized upon this opportunity, while the parental department's attention is diverted to budgets, to go their own way, institute their own "ops" and rules and generally revert to fiefdoms.

It will fall to stakeholder organizations and families to be vigilant, strategic and very loud in making sure as the department makes changes and cuts that those changes and cuts do not leave the people inside prisons standing in a dusty, empty yard with no jobs, education or self-help programs, warehoused literally to death.

## **BPH EXECUTIVE MEETINGS TRENDING SHORTER**

The April Board of Parole Hearings Executive Board Meeting was remarkable for two things: the brevity of the meeting and the lack of District Attorneys appearing to oppose parole releases. Granted, the agenda was short, barely one page, but the commissioners disposed of those items in a mere 20 minutes of public meeting.

Shorter meetings have been a trend in recent months at the BPH Executive Meetings, as the new policy of the Brown administration to refrain from interfering in parole dates begins to be felt. Fewer reversals of parole dates by the governor means fewer items for the commissioners to consider en banc, meaning fewer knee jerk appearances by District Attorneys, which means shorter meetings. In all, a most agreeable trend.

Life Support Alliance did, however, take up our allotted five minutes of public comment period at the last meeting. Noting many of the commissioners would soon appear before the Senate Rules Committee for confirmation (in the jobs many of them have held for nearly a year), and the tradition of commissioners meeting with Senators about to vote on those commissioners' confirmations in a "get-to-know-you" moment, LSA invited those soon to be considered commissioners to meet with representatives from LSA and two other stakeholder groups for a similar introductory meeting.

As LSA will be attending and participating in confirmation hearings, we believe it would serve the commissioners, our organization and more importantly the public interest, for stakeholders to become acquainted with the commissioners' philosophies on parole and for the commissioners to become aware of stakeholders' (taxpayers') viewpoints.

We have followed up with personal invitations to three commissioners to meet with us. The ball is now in their court. We sincerely hope the commissioners up for confirmation will accept our invitation to civil conversation and exchange of ideas. Results in the next issue of *Lifer-Line*.

## BILL UPDATE

**SB 9--** SB 9 authored by Sen. Leland Yee D-San Mateo, deals with juveniles sentenced to Life Without Parole. Sen. Yee is to be commended for his continuing efforts on this issue, an area of sentencing and "justice" that is one of the most egregiously unjust of the many areas of the system. Under SB 9 those persons sentenced to LWOP for crimes committed when under 18 years of age would, under certain guidelines and circumstances, have the chance to be considered for parole. This bill passed Senate Public Safety Committee and will be heard in Senate Appropriations Committee on May 2. LSA supports this bill and urges letter or calls to Appropriations members in support.

**SB 139--** Authored by Sen. Elaine Alquist, D-San Jose, SB 139 would require random searches of all persons entering prisons, including free staff and guards. This bill will be heard in Senate Public Safety Committee on May 3. LSA supports this bill and urges you to communicate your support to Public Safety Committee members.

**SB 26--** Introduced by Sen. Alex Padilla, D-San Fernando Valley, SB 26 was passed out of Senate Public Safety Committee to Senate Appropriations and is in suspense there. LSA feels this bill is a headline grabber for Padilla, who can now claim he is taking a tough stance on prison cell phones but actually will have little if any effect.

**SB 601--** By Sen. Loni Hancock, D-Oakland would require CDC create a "report card" for wardens, which would report on the functioning of institutions under their care, including how many prisoners were disciplined, filed appeals and various other measurements of operation. This bill passed Senate Public Safety and is now in Senate Appropriations with no hearing date set as yet. LSA will support this bill.

**SB 490--** Also from Sen. Hancock, would remove peace officer status from the employees of the Inspector General's office, relieving them, among other things, of the right to carry firearms. This bill will be heard in Senate Public Safety on May 3, and LSA will support this bill.

**AB 520--** From Assemblyman Tom Ammiano, D-San Francisco, could be an important step in restructuring the sentencing mess in California by requiring courts, when faced with a three tier sentencing structure, to impose the mid-term sentence unless a separate, third-party "fact finder" determines there is sufficient evidence of aggravation or mitigation to justify imposition of either end of the tier. Set for a hearing in the Assembly Public Safety Committee on May 3, LSA supports his bill and urges other letters of support.

**AB 568--** By Assemblywomen Nancy Skinner, D-Alameda County, would place limits on the restraints allowed to be used on pregnant inmates. This bill passed Assembly Public Safety and is awaiting a hearing in Assembly Appropriations; no date has been set. LSA supported Skinner's previous efforts on this front and will do so again.

**AB 219--** By Assemblyman Anthony Portantino, D-Pasadena, this would require the CDC to develop and implement strategies for decreasing recidivism on a specified time frame, up to a 40% reduction by 2020. Now in Assembly Appropriations with no date set, LSA supports this bill.

## HE'S BACK

### The Prodigal Governor Returns

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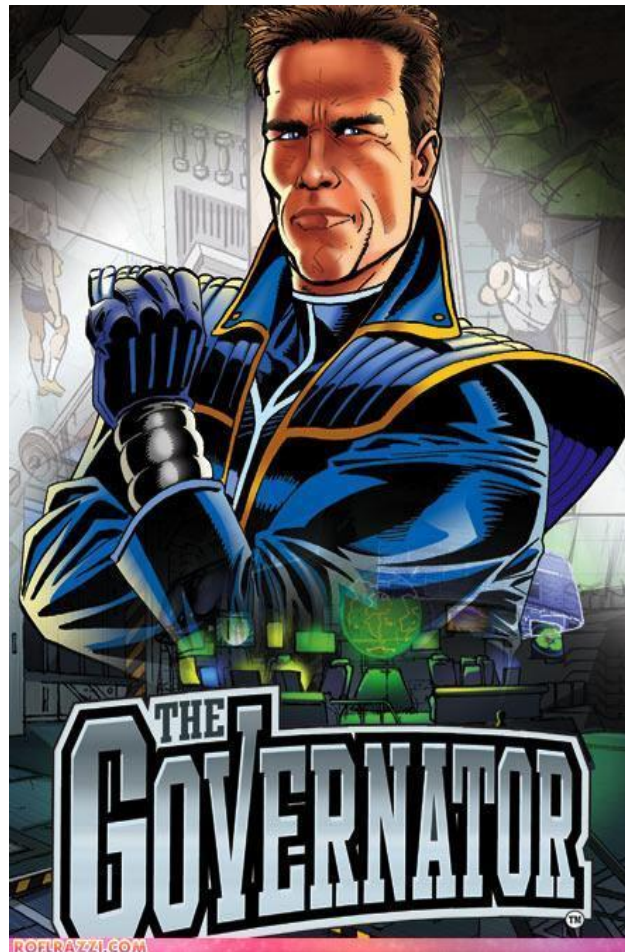
News recently that Arnie was going to “star” in a new cartoon, providing the voice-over for the title character of, you guessed it.

He would be fighting an evil cohort of “Gangsters Imposters Racketeers Liars & **Irredeemable Ex-cons**” or “GIRLIE Men.”

The publicity release went on to say this cartoon would be Arnold's return to acting, but I disagree. I think he's always been acting and always been a cartoon. God knows he was always unreal, laughable and fit only for the funny pages. Unfortunately, the funny pages lately has been California politics.

Actually, he's the poster-child for GIRLIE Men—Grandiose Imposter Ridiculous Liar Imbecile Ego-maniac.

Don't know if he'll have super powers. Certainly he didn't in his original turn as “Governator.” Maybe Mighty Mouse can teach him to fly. Or Superman can show him how to leap tall Democrats in a single bound.



*“Look! Up in the sky! It's a bird! It's a plane! It's—it's--it's the Governator! Ruuunnnn!”*

**REVIEWING ACTIONS OF COMMISSIONERS, DEPUTY COMMISSIONERS AND PSYCHOLOGISTS IN LIFER PAROLE HEARINGS, 2007 TO PRESENT**

This is an anonymous questionnaire. It is not necessary to disclose the name or CDC number of the prisoner who appeared before the parole board. If you wish to reveal that information it will be kept confidential.

Detail provided such as reasons for denial, comments/statements of the board will point us toward problems to look for; these problems are often found in other than the target transcript, exhibiting a pattern of improper decisions which can be highlighted at confirmation hearings and other actions. This same procedure can be used for psychologists preparing the pre-hearing evaluations.

Please provide as much detail as possible, use additional sheets of paper if desired. We will fight this battle on behalf of all lifers, but you must give us the tools to do so. **Mail to Life Support Alliance, PO Box 3103 Rancho Cordova, Ca. 95741.**

NAME(optional)\_\_\_\_\_ CDC  
#(optional)\_\_\_\_\_

DATE OF HEARING\*\_\_\_\_\_ MEDP \_\_\_\_\_  
INSTITUTION\*\_\_\_\_\_

SENTENCE\_\_\_\_\_ LAST 115/128 IF  
ANY\_\_\_\_\_

COURT ORDER TO BOARD & DATE?  
\_\_\_\_\_

COMMISSIONER/DEPUTY COMMISSIONER\*\_\_\_\_\_

OUTCOME\*\_\_\_\_\_ LENGTH OF DENIAL\*\_\_\_\_\_ INITIAL/SUBSEQUENT\_\_\_\_\_

REASONS FOR DENIAL\*\_\_\_\_\_

EVER BEEN FOUND SUITABLE/WHEN\*\_\_\_\_\_ REASONS PREVIOUS DENIAL\_\_\_\_\_

STATE/PRIVATE ATTORNEY\_\_\_\_\_ ATTORNEY NAME \_\_\_\_\_

DATE OF PSYCH EVAL.\*\_\_\_\_\_ RISK LEVEL\*\_\_\_\_\_ PSYCH NAME\*\_\_\_\_\_

RISK ASSESSMENT CHANGED FROM PREVIOUS HEARING\_\_\_\_\_ PREVIOUS RATING\_\_\_\_\_

DO YOU FEEL COMMISSIONERS EMPHASIZED NEGATIVES/IGNORED POSITIVES \_\_\_\_\_

IMPROPER/INCORRECT COMMENTS BY BPH OFFICIALS

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COMMENTS/QUESTIONS BY PSYCHOLOGIST YOU FEEL WERE NOT RELEVANT

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HAVE YOU/WILL YOU FILE A WRIT ON THIS DECISION\_\_\_\_\_

\*required information

use additional pages if desired