



COLLATERAL IMPACT OF REALIGNMENT

With the state continues implementation of Governor Brown's realignment strategy to bring down the population of California prisons in compliance with US Supreme Court guidelines, some interesting collateral events are occurring. These perhaps unintended consequences of realignment were highlighted in a report from Legislative Analyst's Office (LAO) at a recent Assembly Budget subcommittee hearing chaired by Assemblyman Gilbert Cedillo, D-Los Angeles. Recommendations and projections involving realignment and its effect on prison population were laid out in a 30 page report, "Refocusing CDCR After the 2011 Realignment."

Realignment will result in significant decline in the prison population by an estimated 40,000 fewer inmates by 2017, to a level of about 124,000; the end of 2012 should see about 11,000 fewer inmates. Spending will be reduced by about \$1.7 billion in 2017, about \$200 million more than originally thought, mostly due to increased savings at adult institutions and administrative costs.

However, LAO estimates realignment by itself may not allow state to meet the court ordered deadlines, including the final deadline of no more than 110,000 prisoners by June 2013. The agency estimates the state will miss by about 6,000 inmates, but will be back on track to meet the December 2014 mark, though barely, and the population will continue to decline thereafter. But all these numerical projections are still very much in flux as the LAO notes "the accuracy of the department's projections historically are reduced the further into the projection period one looks." In other words, the department's crystal ball is a bit cloudy.

The LAO suggests the state ask the court for more time to meet the imposed population cap and that it do so "sooner rather than later." Barring an extension the LAO said the legislature and CDC may want to "consider additional policy changes" to reduce the population. Among the narrowing list of possibilities are expanding the use of contract or out state facilities and fire camps, expanding alternative custody or work furlough, increasing earned time credits and changing sentencing laws.

As the population continues to evolve it is expected the department will experience a mis-match in need versus availability of certain level of beds. By 2016 the numbers of female prisoners, low security and reception center prisoners will decrease, causing the number of high security prisoners to be disproportionately higher. This will mean create a shortfall of about 12,900 beds in the last category.

Among suggestions put forth to solve this problem two from the LAO are bound to be pretty controversial. The LAO recommended Valley State Prison for Women be converted not to a low security men's facility, as is already under

consideration, but to house high security prisoners; the present cell arrangement there could accommodate 260 high security inmates. Since the town of Chowchilla has already filed suit against the CDCR to halt conversion of VSPW to a low security men's prison, the amount of hysteria generated by any possible plans to house high security inmates can only be imagined.

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The other proposal from the LAO bound to generate much discussion: identification of prisons for possible closure and sale of resources. Of all state prisons the oldest are Folsom State Prison (old Folsom) and San Quentin. Both facilities are aging, expensive to up-grade and retro-fit and may be more cost-effective to close. Indeed, recent speculation about the revenues the sale of land on which San Quentin sits (think Bay Area, on the shoreline) could generate had some land developers salivating. Is it possible the San Quentin location could go from cell-blocks to condos in a few years?

The CDC also is looking at major shortages in inmates to man fire camps, a major concern for rural localities, which depend on inmate fire crews during the summer months. In 2011 inmate fire crews logged 95,000 hours of service at a cost to the state of about \$144 per hour, less than half the \$356 per hour cost of other state and federal fire crews. That's potentially a lot of money up in smoke.

As most lifers are aware, the department is reviewing security classification standards. Possible changes in classifications criteria could impact the department's need for beds at various security levels including the fire camps. The LAO (and other stakeholders) recommended the legislature direct the department to complete this reclassification review and release the results. Again, sooner rather than later.

Most troubling of the LAO findings and recommendations deals with programming inside prisons, both currently and as realignment progresses. CDC currently assesses inmate programming needs in five areas: academic/vocational training; substance abuse; family criminality; anger and violence counseling and criminal thinking. The department estimates of need as of October, 2011 over 90,000 inmates were in need of substance abuse programming, while there was programming capacity available for only about 3,500.

CDC is better prepared, sort of, to provide academic and vocational services for the 90,000+/- inmates who need them—about 38,000 individuals could be accommodated. And in the remaining three areas, family criminality (56,000 need), anger and violence (81,000) need and criminal thinking (78,000 need) CDC has no, that's right, none, zero, zip, nada program capacity in those areas.

And sad to say, three of these areas, anger and violence, substance abuse and academic/vocational programming, are three of the areas parole commissioners always look for in evaluating suitability. And left unaddressed in the LAO report is the undeniable fact that as the prison population as a whole decreases with realignment, the proportion of lifers in that population will increase.

The takeaway message from all this? Lifers are again getting short shrift from the CDC. The prisoner cohort that could most benefit from programming, that are the untold success stories of 'rehabilitation' and will increasingly become the core of state prison populations, is so un-considered, so ignored and disregarded, its members, their needs and demographics, are not even addressed in planning the future of CDCR.

RAPE OF INMATE WELFARE FUND PROPOSED

Once again an effort is underway to make 'inmate' and 'welfare' mutually exclusive terms. Senate Bill 542, recently proposed by Sen. Curren Price (D-Los Angeles) would authorize the legislature to appropriate "an unspecified percentage" of the state's Inmate Welfare Fund to be transferred to county probation departments allegedly to fund mental health services for released state prisoners.

The IWF, long the target of raids by the state to fund various activities related to inmates in only the most excessive stretch of definition, is funded entirely by funds generated by prisoners and their families via purchases made by inmates through such venues as canteen and the (now largely defunct) handicraft program. After the cost of running these

programs is deducted (yes, all those staffers working in the canteen at your prison are paid by monies generated by your purchases, not state funds) the remaining monies are supposed to be used to contribute to the 'welfare' of inmates. Typically, that has lapsed to not much more than weekly movies rentals and most institutions, an activity that averages an expenditure of about 5.5 cents spent for the welfare of each prisoner.

Accounting procedures for each prison and the division responsible for administrating the overall fund have always been decidedly loose. In the most recent audit of the overall IWF performed by the Department of Finance the CDCR showed assessed the IWF 2.2 million dollars for 'administrative expenses,' but could not justify or document those expenses when asked to do so. Just a bit of loose change lying around the CDCR.

Now comes Sen. Price's bill, which would give the legislature, no doubt prompted by requests from both CDCR and various counties, to pilfer the IWF for mental treatment of individuals no longer in the prison system. It cannot be a coincidence that LA County has been relentless pursuing additional funds to cover expenses associated with realignment and that Sen. Price represents the Los Angeles area. However, the state has other methods it is using to provide funds to LA and other counties for this purpose. Sen. Price has so far not responded to written questions on this bill and LSA has not yet had the opportunity to speak with his office. That will happen in mid-March, when we will seek to expand Sen. Price's understanding of the sources of IWF funds and their heretofore questionable use for actual inmate welfare. More to follow.



RECLASSIFYING CLASSIFICATION

There have been increasingly frequent reports of classifications reviews occurring off-schedule from the yearly routine. The rumor mill has gone into overdrive spitting out reports of mass reclassifications both up and down. And the CDC has officially been mum.

However, putting together information for two recently released reports may shed some light on what is likely to be underway. As mentioned elsewhere in this edition of *Lifer-Line* the department is becoming concerned as evidence grows that the shifting of prisoners through realignment will cause a shortage in prisoners eligible to work in fire camps. And now comes release of a December, 2011 report from a UCLA-UC Irvine study group on the effectiveness of the classification system.

The "EXPERT PANEL STUDY OF THE INMATE CLASSIFICATION SCORE SYSTEM" report does nothing to clarify the already convoluted classification system, but does expound four major findings.

- There appear to be no 'natural breaks' in preliminary classification scores that support changes in prisoner behavior. Simply, if one prisoner receives a preliminary classification score of 52, he is likely no more dangerous than another prisoner with a preliminary score of 52. Yet that one point makes the difference in placement between Levels III and IV.
- The so-called 'Mandatory Minimum' scores based on such things as length of sentence, type of crime and notoriety and which add to the overall placement score, appear to trap many programming prisoners into more restrict custody levels. Translation: many lifers, even LWOP prisoners, may be required under the present system to be housed in Level IV prisons when they could just as safely, especially as they age, be housed in less restrictive institutions.

- The study could find little evidence that housing a prisoner whose score is in the more threshold of two custody levels in the more restrictive level does little to prevent institutional misconduct and may in fact cause a detrimental 'criminogenic effect,' especially for those at the Level III/IV.
- The risk of escape for prisoners in any level of institution with an electrified fence 'is nearly zero.'

These findings lead the Expert Panel to make the following recommendations:

- Estimates of risk should be governed by the preliminary classification scores and not overridden by the department's 'Mandatory Minimum' factors and aging inmates should be given priority in downward housing movements.
- Prisoners with scores at the threshold of housing levels can be moved or housed at the lower level without adverse impact to security or misconduct.
- CDC should not use custody designations as a predictor of misconduct.
- Custody designations should not be used to predict likelihood of escape and CDC should consider removing this marker as an evaluation of escape risk.

CONFIRMATION HEARINGS PAST AND FUTURE

In a recent hearing by the Senate Rules Committee Jennifer Shaffer was confirmed as Executive Director of the Board of Parole Hearings. Her confirmation was expected and, in general, welcomed by stakeholders in prison reform. Life Support Alliance, in fact, spoke in support of her confirmation.

In coming weeks several parole commissioners will be sitting for confirmation and, for the first time, LSA expects to support selected individuals for those positions. The decision to support Shaffer and possibly selected commissioners was not reached easily or without controversy. But consider this; if we continually and in knee-jerk fashion oppose everyone appointed to a BPH post we are doing precisely what we rail against the BPH for doing: painting everyone with the same broad brush, failing to examine and evaluate individual performance and relying on past policies for our decisions. We become the party of NO and no more reasonable than those we seek to change.

In testifying in support of Shaffer's confirmation LSA stated: "While we were initially concerned, given her background association with victims groups, in the months since her appointment we have had the opportunity to speak and work with Ms. Shaffer on a variety of issues. [Ms.] Shaffer has been open to conversations with many stakeholders and has shown a willingness to consider changes that are bringing a new and welcome transparency to a department that has for decades been secretive, shrouded and hostile to questions and inquiry. While we do not agree with every decision she has made, especially in regard to psychological evaluations, and do not expect to agree with every decision we are persuaded that each issue before her receives careful ...consideration."

On balance, Shaffer's decisions, including providing greater judicial-oriented training for commissioners, to consider and take action on issues involving state-appointed attorneys and allowing observers into parole hearings represent a substantial change in BPH attitudes. We won't get all the changes we want and we won't get them right away, but we need to recognize progressive actions and attitudes when we find them.

The same holds true for individual commissioners; we won't agree with all their decisions. To expect any commissioner to always issue a grant of parole is unrealistic, nor do we advocate this course of action. But again we need to acknowledge those commissioners who recognize rehabilitation and understand their role is to consider, not obstruct, to evaluate, not castigate and to abide by the law, not make their own.

Our mission remains the same : to advocate for lifers. And to do so we must not be, as BPH has long been, a great wall of no.

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NEW GANG VALIDATION/SHU CRITERIA: A REAL CHANGE?

In a December, 2011 report, only recently released by the CDCR, the department announced a self-described shift in the long-castigated gang validation and SHU confinement policy. The 40 page report is too long to reproduce in *Lifer-Line*, but herewith are some of the 'high' points of what CDCR hopes will provide relief not only from the gang problem within institutions, but the public relations damage the department has experienced with revelation human consequences of decades of SHU confinement.

In 'Security Threat Group Prevention, Identification and Management Strategy,' the CDC states "Despite the successes the CDCR has had in removing violent and disruptive gang members from the general population settings of the institutions, the Department has recognized a need to evaluate current strategies and implement new approaches to address evolving gang trends consistent with security, financial, and offender population management needs." The report calls the realignment process an "opportunity to reconstruct aspects of its gang management policy that are consistent with successful models used in other large correctional agencies."

Basically, CDCR's long practice of 'validating' alleged gang members and isolating them from main line populations will give way to a new practice of identifying and 'managing' groups the department is now calling 'security threat groups' and assessing the threat of those groups in two levels. Those inmates then considered members of these groups will then be offered a 5-year "step down" process to remove themselves from participation in the group or gang and be reintegrated into the mainline population.

So instead of isolating all prisoners suspected of participating in gangs the department will now attempt to use the carrot and stick approach, rewarding those who wish to 'step down' in a gradual process rather than demanding immediate 'drop out' or SHU placement. However, the first two steps, taking 12 months each to complete, appear to require confinement in a SHU or SHU-like setting, while the next two steps, also 12 months each in duration, appear to entail confinement in a modified SHU environment, albeit with somewhat more privileges. Successful completion of this four-year process will allow housing in a main line, Level IV 180 facility for another 12 months, after which the prisoner will be evaluated for possible transfer to a facility in line with their "placement score and case factors."

Though all this sounds progressive, there are few details offered and while the report maintains the average SHU term for gang validation is 6.8 years, most advocacy organizations know of individuals who have been held in SHU confinement for decades. Not to mention this 5 step program will cover a 5 year period, and for four of those years the prisoner will be in a SHU.

Of equal interest should be the criteria the department is proposing to use for gang validation. The report offers a rather complex 6 page chart of criteria for gang validation with varying values, any combination of which equaling 10 points is sufficient for official validation. These criteria range from the objective, such as tattoos and self-identification to the more subjective, including identification from informants and 'staff information,' which are two of the most controversial and least dependable criteria among those currently in use.

The report also identifies various prison gangs and labels which ones are considered Security Threat Group I or II. There are 7 groups identified as SGT I and 6 in SGT II, with the department noting that nearly 3,000 inmates are currently held in SHU confinement, the majority of which are there by virtue of gang validation.

The entire report can be found on the CDCR website, www.cdcr.ca.gov, under the "Reports" tab.

2011 PAROLE: 11.5%

Final figures from parole hearings held in 2011 show an overall grant rate of 11.5%. The 4014 hearings held resulted in 463 grants, but, as the CDC report notes, that does not mean 463 lifers went home. While 11.5% is an improvement from past years, it is still, to our minds, not good enough. We continue to believe more could safely go home and we will continue to work toward that result.

LIFE SUPPORT ALLIANCE EDUCATION FUND DEBUTS

In last month's Lifer-Line we announced plans to form a 501 c 3 tax deductible division in order to facilitate funding of more activities and advocacy for lifers. For the past two years LSA has been self-funded, supplemented by occasional but much appreciated donations from our members. With a mailing list of nearly 500 prisoners and an email serve list of nearly as many, LSA has reached the point where expansion has become necessary.

By the end of March the **Life Support Alliance Education Fund** (LSAEF) will be officially registered. The Education Fund will concentrate on analysing and reporting on legislative bills, CDCR reports and administrative changes and new "best practices" released by other agencies. One of our first studies will be of the Inmate Welfare Fund, as well as our on-going exploration of the Forensic Assessment Division. As we gather substantive information useful to stakeholders and prisoners we will make that information available, including providing reports to legislators and administrators within the CDC.

Another focus of our education efforts will be families of lifers. As we have contact with more and more families of lifers we find many are overwhelmed and confused by the lifer system, the convoluted process of their loved ones serving time and getting ready for parole. Our first lifer family seminar, held last spring in Sacramento, provided those attending with an overview of the parole process and offered some tips families could use to help their prisoners' presentation at hearings. Our goal is to continue and expand these seminars in other parts of the state to reach more families with information they can use. We also hope to produce materials lifers can use in educating themselves on what is expected by the parole board and fulfilling those expectations.

Our original body, Life Support Alliance (sans the Education Fund appellation) continues as a 501 c 4, non-profit organization. Through this division we will continue to advocate, take positions on legislative bills and strongly provide legislators and the Parole Board with the benefit of our considered opinions. Which we feel sure they will appreciate. Irony fully in play.

To make a long and confusing story short (and anything dealing with the IRS is long and confusing), the Education Fund will investigate, educate and inform but not take partisan positions. Our advocacy and partisan voice will come via LSA.

We are seeking funding grants to continue our work, and, for the first time, asking those who wish to help with our mission to send contributions, now tax deductible, to the Life Support Alliance Education Fund. Contributions to LSA are also welcomed, but are not tax deductible.

At present the Board of Directors of LSAEF are; Vanessa Nelson, Director; Gail Brown, Secretary; Vic Abrunzo, Treasurer and Keith Chandler, Trustee.

Biographies of Vanessa and Gail have appeared in a previous edition of *Lifer-Line*. Vic Abrunzo, a retired attorney, has been active in lifer issues for many years, serving on the IFC at VSPW and on Statewide Family Council as well as being a former director of CrossRoads re-entry facility in Southern California. Keith Chandler is known to many lifers as a former lifer, released via the courts through his own efforts and now a paralegal. Keith has remained active in lifer issues since his release and has been a part of and advisor to LSA from the inception.

We anticipate other directors will be coming on board in future months and in a coming issue of Lifer-Line we will offer short bios of each. We will announce new and expanding resources as services as they occur.

In the meantime, any questions, suggestions or comments can be sent to LSA or LSAEF at the same address, **PO Box 3103, Rancho Cordova, CA. 95741**. At present, donations can be sent to the same address.

Please remember, LSA is not a legal entity, cannot give legal advice or representation. We hope, as our capability expands, to be able to answer our considerable volume of mail in a more timely fashion. If you are a prisoner and would like to receive our monthly newsletter there are two ways to receive it: if you have a friend or family member who can receive the newsletter via email, to print and mail to you, please have them send us their email address at: lifesupportalliance@gmail.com. If this avenue is not available, please send us a request to be added to the mailing list at the above address.