



Public Safety and Fiscal Responsibility

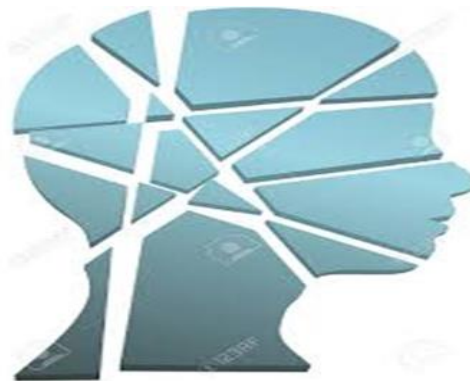
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THE KUSAJ REPORT (DR. FAD SPEAKS)

As reported last month, Dr. Cliff Kusaj, head of the infamous FAD, presented a lengthy 'report' at the November BPH Executive Board meeting, as part of the Johnson v Shaffer settlement. We noted at the time that the report would take some digesting and hopefully a summation, in order to make the information potentially usable to lifers.

As promised, those sending us 4 or more stamps (yes, it's gonna take that much postage) can receive a reprint of the entire presentation, including Kusaj's notes and our comments and summary of each portion of the 3-hour (!) narration, but herewith are the 'high points' of his reasoning. Please keep in mind, the information is not offered as legal advice, but only to inform lifers, members of the class of inmates represented in Johnson v Shaffer, of the information that was forthcoming from that settlement.

As part of the settlement, Kusaj's report to the Board on the three topics (Long Term Inmates and Recidivism Rates, Analysis of Comprehensive Risk Assessments Administered in 2015 and Overview of the Static-99R), was to be made in a public forum (which was accomplished on Nov. 21 and 22, 2016 during the November Executive Board meeting of the BPH) and to be made available to the members of the class. At the conclusion of Kusaj's presentation Attorney Keith Wattley, who represented the class in the litigation, called on the board to make the notes available to the class members.

However, as of late December, 2016, neither Wattley nor the BPH had announced plans to do so, nor any method by which prisoners could actually obtain the information. Because of that, LSA has stepped into the breach via this offered report. If either Wattley or the BPH provide a

better or alternative method of acquiring the information, we'll be happy to pass that process along to our readers.

Herewith, then, are the important points of Kusaj's presentation.

LONG TERM INMATES AND RECIDIVISM RATES: While there is no consistent definition for recidivism, regardless of what definition is used, long-term inmates (lifers and others serving 15 or more years) and released via a 'discretionary process,' (parole hearings as opposed to release at end of term) have the lowest recidivism rate of any prisoner cohort. This has proven true for decades, across states in the United States and internationally.

Inmates who are older at time of release recidivate less often than younger inmates (the average age of lifers released on parole is 52 year; 68% of all parolees were under age 40) and those who commit violent crimes recidivate less often than those incarcerated for property or drug crimes. To quote Kusaj, "Long term inmates assessed to be low risk, in terms of estimated recidivism, in most cases resemble inmates granted parole and discretionarily released. Long-term inmates assessed to be high risk in most cases resemble determinately sentenced inmates released without discretion. And long term inmates assessed to be moderate risk likely fall somewhere in between the two." Astounding.

ANALYSIS OF COMPREHENSIVE RISK ASSESSEMENTS ADMINISTERED IN 2016: Of assessments done in 2015, over 82% were labeled as low or moderate risk by the FAD (33.6% low, 49.6% moderate and 17.8% high). Kusaj noted those rated low or moderate risk were considered 'non-elevated,' which may be a key finding, as many commissioners use the term 'elevated' risk when citing a moderate CRA as one of the justifications for denial; the Governor has been known to cite same factor in reversals.



Also confirmed was the not surprising finding that inmates with higher classification scores tend to receive higher risk ratings; this was offered with no supporting evidence as to the veracity of that practice, no indication that clinicians are aware of or take into consideration that prisoners can accumulate points very quickly, but can only lose them very slowly, despite years of changed behavior.

The three risk categories (low, moderate and high) were explained in terms of risk of lifers relative to other parolees. Low risk individuals are expected to commit violence less often than "all other parolees", moderate risk more frequently than low risk by still less often than all other parolees and high risk about as often as other (non-lifer) parolees.

OVERVIEW OF THE STATIC-99R: According to Kusaj, the Static-99R is only administered in 15% of CRA interviews; interesting, since this 'tool' is specifically for males with a sex-based offense and CDCR's data indicates that only about 10% of the prison population is incarcerated for sex-based offenses. The Static-99R is precluded from use in the case of female sex offenders.

The Static-99R is based on static factors (hence the name) and as such is supposed to be only one 'tool' in the evaluation of lifers. The report also added that sex offenders in general recidivate at a lower rate than expected, as Kusaj's report notes that a study that followed parolees for 5 years found that actual recidivism was lower (4.8%) than that predicted by the Static-99R sample (8.2%).

The take away message from this report is "In California (2016) for example, less than 5% of sex offenders rated moderate-high on the Static-99R (corresponding percentile of rank of 70 to 88) were convicted of sex offenses within five years." It is also of note that a report published in 2012 noted "for every person correctly flagged as a recidivist based on a high Static-99 score, at least 3 non-recidivists will be falsely flagged."

For the full report, in all its glory, please send 4 stamps (or more, if you can, no SASE) to Life Support Alliance, PO Box 277, Rancho Cordova, Ca. 95741, mark your request "Kusaj report."

TWO IN ONE OUT, MEANS ONE VACANCY

Shortly after the first of December we received word that there will be yet another vacancy on the newly-expanded 14-member Board of Parole Hearings. Commissioner Ali Zarrinam, first appointed by Gov. Brown in 2012 and just recently re-appointed to his seat, is reportedly stepping into a newly created position to oversee and train Deputy Commissioners.

As announced at the December BPH business meeting, Zarrinam has taken the position of Assistant Chief Deputy Commissioner, and will train and supervise deputy commissioners and serve as the Board's liaison with prisons in the Southern part of the state. The duties of DCs have expanded considerably in recent years, with the implementation of the NVSS parole system, consultation hearings and expanded parole hearing schedule. And it is expected DCs will play a large role in whatever process is implemented for Prop. 57.

Zarrinam, an intelligent, tough but fair commissioner, was known for frequent, probing and insightful questions to those making training or informational presentations to the board at monthly meetings. His grant rate was squarely in the mid-range of commissioners, and while always pleasant and courteous to all parties in hearings, he had little tolerance for those inmates with a claim of innocence; his biggest liability, in our eyes.

His departure as a commissioner means Gov. Brown has yet another seat to fill to bring the board up to the recently approved 14-member level. On the whole, Zarrinam will, we feel, be missed as a commissioner and our hope is that the Governor will find and appoint a similarly astute individual.

TIME TO STEP UP

A reminder from last month....

If you're one of the nearly 500 prisoners who are receiving this free newsletter through the good offices of one of our volunteer mailers, please take a look at the envelope---is your complete housing information listed? Not just your CDC # and prison, but your dorm/cell number and bed assignment?

If not, it's because you've moved, and we haven't had a change of address for you. When newsletters are returned because an inmate is no longer at the prison it was sent to, we try to find you via inmate locator—which tells us what prison you're at, but not exactly where in that institution CDCR has stashed you. And, as you all know, that can make a difference not only in when you get your mail, but even if you get it.

And some of you, we've tracked down through more than one move...still no housing info from you. Because those of you on our mailing list are benefiting from the efforts and contributions, via paper, ink, time and stamps, of our volunteers, we think it's only right that we make the best use of those resources, sending newsletters to those who truly want them.

Right now, we have a waiting list; more inmates want to receive Lifer-Line than our cadre of dedicated volunteers can currently handle. And those folks on the waiting list have provided us with all their housing designations.



So, here's the plan. If your housing information is missing from your Lifer-Line copy, you have until March, 2017 (another 3 issues) to send us the complete information, or you'll be taken off the indigent/volunteer list. Sounds drastic? Sorta. But with a list this size, and a waiting list of eager recipients, we can't afford to molly-coddle some of you anymore.

If you've sent an address change and it isn't reflected in your newsletter, our apologies, but please send it again. And if you're getting Lifer-Line from our volunteers and you have a friend or family member who is willing to receive it via email, print and send it to you, please have them contact us and let us know they'll take over this part of supporting you, making way on the active list for someone else who doesn't have that support on the outside. They have only to email us at lifesupportalliance@gmail.com and ask to be put on the mail list, tell us who they will be mailing to.

Step up (with the info) or step off.



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ON REFLECTION

Seven years on, where we are and where we're going

Every once in a while, we've found it pays to stop for a moment, take a look around and ask ourselves, 'What are we doing and where are we going? Are we on track, are we accomplishing our mission, how can we do more?' And the end of the year is a good time for that reflection, looking back on where we've come from since our founding in 2010.

So where are we, Life Support Alliance, as an organization? Still in the forefront of lifer advocacy, and growing. We were the first and remain the largest organization dedicated to lifers, and, lately, those who, through changing laws, will appear before a parole panel. Parole is a complicated and difficult process, made even harder by the emotions rampant on all sides.

We've made it our mission to understand that process and pass that information and understanding along to all parties in the equation; prisoners, families, victims' groups, government officials and the public in general. Knowing that there is a process to becoming suitable for parole, there are markers, recognizable goals and proven paths, provides hope to families and prisoners alike.

Understanding the arduous process required to become suitable reassures officials and the public that lifers who parole are indeed, reformed and ready to be contributing members of society, no longer a cohort to be feared, shunned or rejected. Along the way, we've developed a myriad of working relationships with parties from government agencies to other groups to a wide variety of individuals. We continue to inform as well as be informed.

What are we doing? More than ever. Newsletters, position papers, legislative and confirmation hearings, parole hearings, Capital and committee meetings have now been joined by an expanding litany of programs presented at prisons, directly to lifers. This, for us, is where the rubber meets the road; bringing what we've learned directly to the end user—you. And once you're home, we've still got your back, helping with parole issues, family harmony and someone to call for help and connection.

Where are we going? Forward, ever forward. Despite the unsettled political climate in some areas we are intent on maintaining the progress accomplished and continuing down that progressive path. There are still battles to be fought, some we know about, some that are sure to appear in the coming months and years.

Are we accomplishing our mission? Yes, but that mission keeps broadening, so we continue to expand to keep up. We continue to believe the FAD needs a leash, or at least some accountability. New, enigmatic reasons to deny parole continue to pop up at hearings and in transcripts, reasons that need defining, substantiation and monitoring. And new ideas for projects and programs to take directly to prisoners continue to materialize, ideas that need research, planning and boots on the ground to bring to reality.

Where are we going? Forward, ever forward. Despite the unsettled political climate in some areas we are intent on maintaining the progress accomplished and continuing down that progressive path. There are still battles to be fought, some we know about, some that are sure to appear in the coming months and years. Most recently, in acquiring a new office space for our growing family of volunteers, we ran into landlords unwilling to lease space to an organization who dealt with 'those people' and insurance companies who wouldn't insure any group dealing with 'criminals.' Or children, or the elderly. Go figure.

So, we take nothing for granted and are ever alert. And tenacious. And stubborn. And questioning. And vociferous.

And there have been changes along the way. Almost 3,000 lifers are now free on parole, an unheard-of number only a few years ago, and several hundred more will join them this year and next, if the grant rate continues at its current 30%=-/. Family visits for lifers, and LWOPs are being restored, something we and others have been fighting to restore for the last 20 years. CDCR is on verge of revamping the point and classification system, making it possible for inmates who are programming, who have turned the corner in understanding themselves and what it takes to parole, to get to institutions where programs are actually available. The current state administration is intent on making more changes in sentencing and incarceration and appears ready to defend those changes against possible interference from the national level.

Seven years ago, the idea of an organization focused on helping lifers, the brain-storm of 2 individuals, was curiosity, something unheard of. We counted our 'members' on one hand and faced an amused, dismissive attitude from some of the 'suits' we met. Now our newsletters alone reach about 3,000 individuals directly, we have a place at the table for information and policy and our approach of learning and study before offering comment or complaint has produced an atmosphere of mutual respect, interchange and results.

Is the change slow, frustrating and sometimes stupefying? Yes, all of those and more. But change is possible, we've proven that, we've seen it. And more importantly, we've seen the new attitude in the prisons, the hope, the willingness to learn, to work, to achieve among the lifer population.

And we can't wait to see more of that, to be a part of it.



FAMILY VISIT UPDATE

Absolute latest on Family Visits: we contacted a source in CDCR late in the afternoon the Friday before Christmas, about rumors of continued delay of visits for lifers....and, two hours later (and on a holiday eve as well!!) here's the reply:

"The memo is completed and the labor notifications made. The contract provides we do not implement a statewide policy, such as this, for 60 days while we discuss any impact on staff. That is all to say that the 60-day clock has already started and by mid-February the prisons will start scheduling eligible lifers and LWOPs for FV."

The contract referenced is with CCPOA, but, as you can all see, family visits are on the way! Starting 2017 off on a good foot.

Let's continue pushing forward in the new year. Thank goodness, our officials in California are still working toward progressive actions in corrections!

NEW AG-NOMINEE XAVIER BECERRA

May become the 'face of resistance' to federal changes.



The man nominated by Gov. Brown to be California's next Attorney General, replacing Kamala Harris, recently elected to the US Senate, has vowed to be "vigorous" in defending California's many progressive policies in many areas, including prison reform, from possible federal interference under the expected new administration. Xavier Becerra, a US Congressman representing the district encompassing downtown Los Angeles since 1993, has accepted Brown's nod and now awaits confirmation by the State Senate.

Becerra, the son of immigrants, has signaled his readiness to stand the state's ground in reforms undertaken, saying, "If you want to take on a forward-leading state that is prepared to defend its rights and interests, then come at us." But at the same time the new AG-designate has adopted a wait-and-see attitude, adding, "We won't shy away from representing and defending what we stand for as Californians. But we're not out there to pick fights."

MORE GOOD AND ENCOURAGING NEWS

Gov. Brown's holiday pardons, for the first time in memory (or at least the memory of those we've talked to) included reduction of the term of a lifer, through commutation of sentence. Brown did not eliminate the entirety of the sentence, but instead reduced the total number of years to be served.

Brown shortened the sentence, but not did not pardon or order the release, of Louis Calderon, serving a sentence for attempted murder, with an enhanced sentence for use of a firearm. Calderon was involved in a 1999 gang-related shooting in which a victim lost an eye. Calderon was sentenced to a total prison term of 32 years to life, for attempted murder with a weapon enhancement.

Calderon, who submitted an application for executive clemency (pardon) has broken ties with his gang and has never received an RVR during his 18 years in prison, Brown noted. Calderon has also earned multiple community college degrees and a paralegal certificate while in prison and is involved in many programs.

"This is a very serious crime, but it is clear that Mr. Calderon has distinguished himself by his exemplary conduct in prison and his forthright and continuing separation from gang activities of any kind," Brown wrote. "For all the foregoing reasons, I conclude it is appropriate to mitigate his sentence."

He reduced Calderon's sentence to a total of 22 years to life. Calderon qualifies for SB 261 and, by reducing his sentence to under 25 years, Brown has probably expedited the scheduling of Calderon's parole hearing.

Holiday pardons by the Governor are usually reserved for those individuals who have long-been released from custody, usually convicted of low-level drug offenses, and who are seeking a pardon to clear their record for employment or volunteer purposes, and most of Brown's 2016 holiday pardons were in that vein. Former Governor Schwarzenegger created quite a political and media storm at the end of his term when, virtually in the act of closing the office door behind him, he reduced the sentence of a political crony's son.

Brown's action, while not nearly as scrappy as the Governor's final bow, is nonetheless remarkable; and hopefully, it will not be the last time Brown acknowledges and rewards the efforts of lifers via this, and other means.

AMENDS ON THE MOVE AGAIN

Our logistics team (which means all of us) is currently planning our upcoming trips to present The Amends Project workshops in various prisons. If you'd like to participate and have sent us information on the ILTAG and/or sponsor who can invite us, we're working on those contacts right now.

If you haven't, send that information to us, and we'll work you in. Our goal is to visit every prison and ILTAG group that wishes to participate in The Amends Project workshop by year's end. Contact us at: PO Box 277, Rancho Cordova, Ca. 95741 and mention Amends.