

LIFE SUPPORT

HOPE



ALLIANCE

HELP

& California Lifer Newsletter

HOME

P.O. Box 277 * Rancho Cordova, CA. * 95741

* staff@lifesupportalliance.org *

July 2021

LIFER-LINE

VOL. 12; ISSUE 7

THE NEWSLETTER OF LIFE SUPPORT ALLIANCE © LSA, 2021



GOOD BYE, DVI

It's over for Deuel Vocational Institute, late of Tracy, CA. As of the weekly population report filed on July 28, 2021, there are no inmate, prisoners, incarcerated people—residents by any other name at DVI.

The previous weekly report of July 21 listed a DVI population of 47. That must have made for some rather eerie days for those 47, in an institution that usually held several thousand men. Just over a year ago CDCR announced the DVI would be the first of 2 prisons slated for closure between 2020 and 2022 and set September 30, 2021, as the target date for complete closure of DVI. Apparently, that target has been met.

Established in 1953, one of DVI's primary missions was as a reception center, but the facility also served as a farm and dairy, supplying those products to state operated facilities, including other prisons.

Built with a design capacity of 1,681 inmates, in 2006, at the height of California's prison overcrowding emergency DVI housed some 3,748 souls, more than twice what the facility was designed to humanely and safely house. In recent years the population has hovered at just over the 2,000 mark, with roughly 1,000 staff to oversee the inmate population.

According to CDCR, the physical facility at the now former DVI site will be shut down over the course of several months by a remaining minimum staff before any decision as to the final disposition of the property and facilities is made. That's one down.

CDCR has also announced that CCC in Susanville will close, effective September 30, 2022. Currently CCC has nearly 2,300 residents in a facility designed to hold nearly 3,400, or about 68% of design capacity. Also closing will be the Level I yards at CCI and CTF. As noted in last month's Lifer-Line, CDCR plans to be down to 30 adult institutions by fiscal year 2024-25 so we expect to hear about other closings in the coming months.

Which ones are on the chopping block? Hard to say, but a previous budget analysis identified the 12 prisons that are the oldest and have the most significant infrastructure issues. They are (not in order of age): SQ; CMC; CTF; CIM; CRC; DVI (solved); FSP; CMF; CCI; SCC; CCC (solved) and CIW. Each had between 7-26 projects to be addressed. The closure of DVI and CCC, which will save over a billion dollars in repair costs and clear 2 dozen potential projects from the list, is a start.

WE'RE GONNA NEED A BIGGER BOARD

And so you shall have. Over the past few years, the Board of Parole Hearings, for years numbering 12 members, has increased, first to 15, then 17, and now, as result of the recent passage of the state budget, to 21 commissioners.

The recent increase was sought of and granted by the legislature in part because of the backlog of cases gradually building over the months as new laws and policies increasingly bring hearing dates forward and put the BPH under a timeline to comply with those new laws. This, in addition to the increased workload the board was already straining under, simply due to the natural process of inmates coming to hearings.

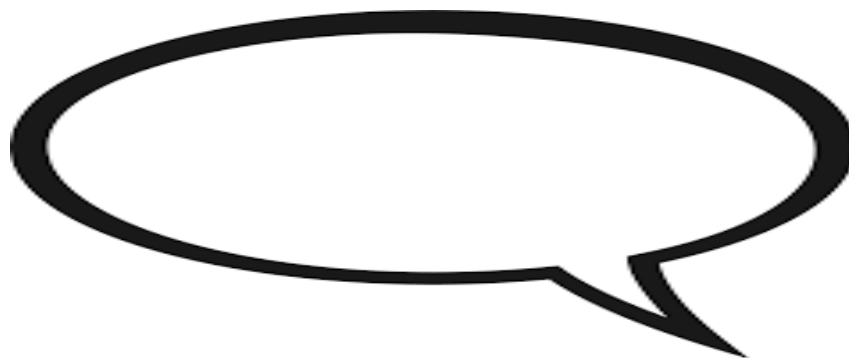
The budget bill, something of a clean-up, to bring into legal compliance agreements made in the legislative body between opposing sides and the current administration, also specified that commissioners shall be appointed by the Governor, at his discretion for terms of 3 years, staggered with 7 commissioner seats available for appointments (or reappointments) at a time, to avoid the unthinkable (and unworkable) situation of an entirely new and rookie parole board.

It appears there will be some adjustments made in the coming months, vis a vis when certain commissioners will be considered at the end of their term, all in an effort to bring about the future smooth transition of 7 commissioners at a time. No word yet on who will fill what slot with a term ending on what date or who the wholly new 4 commissioners will be, but our ears are on alert.

New language in the bill reiterates the legislature's commitment to a board composed of a wide range of individuals and backgrounds, without tying the hands of the Governor as one earlier piece of proposed legislation would have. The Governor is expected to appoint individuals who "reflect as nearly as possible a cross section of the racial, sexual orientation, gender identity, economic, and geographic features of the population of the state."

"Insofar as practicable, commissioners and deputy commissioners shall have a varied interest in adult correction work, public safety, and shall have experience or education in the fields of corrections, sociology, law, law enforcement, medicine, mental health, or education. In addition, insofar as practicable, commissioners and deputy commissioners may have professional or lived experience or educational background that may enhance the expertise of the parole board, including, but not limited to, the areas of social work, substance use disorder treatment, foster care, rehabilitation, community reentry, or the effects of trauma and poverty."

All of which is to say, the legislature expects Governors to appoint to the board all genders, ethnicities and professional backgrounds, not simply white males retired from law enforcement or corrections careers. For the most part, the current board has made major strides in this area. Of the current 17 commissioners, 7 are women, 10 of (apparent) ethnicities other than white, 7 are attorneys, and 2 with backgrounds in social service.



MAKING AN EN BANC CASE IN 2 MINUTES

Not everyone who receives a parole grant will also be subject to an en banc (Latin for ‘on the bench,’ meaning all judges on the bench will review) consideration. En banc proceedings are held after a parole decision, when that decision, made by a panel of usually 2 persons (commissioner and deputy commissioner) is referred to the entire parole board (currently 17 commissioners) for review during the Board’s monthly Executive Meeting. It can take a couple of months from the date of the hearing/grant for that referral to be made and reach the en banc calendar.

In past times those who wishing to support or oppose an individual’s parole grant could express their thoughts for 5 minutes. Since these meetings, like most everything else, have gone virtual, it seems more people are chiming in—not a bad thing, but noticeably lengthening the meeting.

A few months ago, the board decreased each speaker’s time to 3 minutes and today announced that time is being further pared to 2 minutes per speaker. And while there has been some complaining and shouts of unfair, consider, in the last 2 months alone the board has been asked to 45 en banc referrals, for various reasons.

Do the math folks. Even if each person on the agenda has only 2 speakers for and/or against, we’re talking a seriously long meeting. And it is not unusual for each person being considered to have multiple speakers, often 6 or more.

If you end up with an en banc referral and your family and friends wish to attend the virtual meeting, they’ll need to make the most of that short window of time. If you, or they, would like some tips on how to make an effective presentation in 2 minutes, we’ll be happy to pass along some do’s and don’ts, some suggestions gleaned from 10 years of speaking at the board meetings. Short, to the point and factual are the keys.

Have your supporters send us an email, to staff@lifesupportalliance.org, and put En Banc Speaking in the subject line. We’ll send it to them ASAP. Or if you’d like to know yourself, and then pass along that information to your supporters, write us for the handout—again, ask for En Banc Speaking tips.



DEJA VU ALL OVER AGAIN, COVID STYLE

It ain't over till it's over, and CoVid in the prison system isn't over yet. As of mid-day, July 30th there were 102 cases over 12 different institutions, and that number had been climbing for a week. It appears CDCR, like the rest of the world, is in yet another (3rd? 4th?) wave of CoVid increases.

True, that's a long way from the record day of December 21, 2020, when CDCR acknowledged nearly 10,700 incarcerated men and women were suffering from the virus on that single day alone, but also some distance from the record, so far, low of 9 cases reported on April 21. The single digit numbers only lasted for a minute, and since then it's been a case of whack-a-mole, as the virus pops up and then fades, skipping from prison to prison.

Currently no inmates appear to be hospitalized because of the current surge, again, a far cry from the days when well over 100 people had been transferred from prison housing to hospital beds because of CoVid. But deaths that happened even months ago are still being attributed to CoVid. In July alone CDCR attributed 4 deaths, as far back as November, 2020 to CoVid. Total number of deaths due to Covid now stands at 232.

While masks, no matter the directives from health and prison administration officials, never really became a reliable method of protecting either inmate or staff from the spread of the virus, that was primarily because there was, and is, such resistance to that protection. And now the same resistance is showing up regarding vaccinations.

While the inmate vaccination rate averages at 73% of the population, individual institutions report anywhere from 89% (CTF) to 50% (NKSP, WSP) of the population has been fully immunized. And on the staff side, the numbers are even worse—average vaccination rate among prison staff is just 52%, with individual locations posting numbers between 66% (CEN) to an astonishing and ridiculously low 26% (HDSP).

The staff numbers, however, may change, as Gov. Newsom recently mandated all state employees must either be vaccinated or undergo weekly CoVid testing to report for work. And for those, including most inmates, who've had a CoVid test, while not (normally and when done correctly) painful, it's still not a fun or comfortable procedure. The thought of going through the process weekly may make some more willing to get the 'jab.'

Our message to all inside the wire, get the vaccine. Wear a mask. We don't care what your politics are or aren't, or if you believe in it or not. Do it. If not for yourself, for your fellow residents and family. For all of us. It's the most pro-social thing you can do.



REALITY CHECK

You've all probably heard that old bromide, 'If it sounds too good to be true, it probably isn't.' That banal old saying has been around for eternity because it's true.

Case in point: the recent resurgence of some old scams, recently joined by a new one, that try to separate lifers and their families from their hard-earned monies with golden promises of parole denial reversals in the courts and near-instant rehearing's, mass releases because the state has no 'authority' to incarcerate anyone or release via gubernatorial action. We've touched on these scams, and make no mistake, they are scams, before. What these 'enterprising' (we would say corrupt, unscrupulous, underhanded---among other things) individuals do may not, in a criminal sense be illegal (and the jury's still out on that one, pending investigations) but it's certainly unethical.

BPH Director Jennifer Shaffer even addressed this a few months ago, noting the promises made in the alleged press releases and come-ons by these chiselers were simply not possible. But the solicitations and promises, which dissipated for a minute, are back, as we're getting more and more inquires from lifers and families about such scams.

And now a new one has entered the game. For a whopping \$10K a 'law firm' (again, the jury's still out) will write your commutation petition for you, guaranteed to see immediate action, and get you O.U.T. expeditiously. But not before they get to the bank with your bucks and disappear from further contact.

Sources tell us the Governor's office is being inundated with such poorly written, boiler-plate documents that even they've taken notice of the poor quality of the effort, the total lack of applicability of commutation consideration to those on whose behalf the documents were submitted. And remember, the commutation form was written to be sure the average person could complete it, no legal help required. Especially not \$10K worth.

If you want to file a writ in court, submit a commutation request, challenge a denial and want legal, or even qualified paralegal help on those, fine. Certainly, your choice. But be aware, know with whom you're dealing and think it through. Here's some red flags to watch for:

- Promises of immediate (within weeks or months) decisions by courts, the BPH or the Governor's office. This simply does not happen.
- Guarantees of positive outcomes. Nothing is guaranteed in corrections, except work.
- Assurances that your denial/RVR/conviction were illegal, with no specifics.

- Exorbitant fee requests, seldom refundable, always up-front, often accompanied by a contract for 'case maintenance fees' for months.
- Little information on the 'providers,' where they are, who they are, credentials, success rates.
- Lack of references from past clients.
- Communication only from a distance, by phone, text or email only.

Reputable attorneys and paralegals will not promise the moon, charge you an arm and a leg (but don't expect pro bono, or free, work for such time-consuming efforts), provide you with references and honest answers. And if all else fails, contact us and we'll give you what we know.



ROADMAP FOR PAROLE PLANS

As we've said, ya gotta have a plan. A parole plan and a relapse prevention plan.

This is a reminder that LSA is offering a basic roadmap to creating a parole plan for those headed to a board hearing. It isn't a one-size-fits-all, drop your name in the space and viola, a parole and relapse prevention plan; you actually have to create your own plan, but it does lay out what you'll need and why, as well as suggestions you can pass along to those writing support letters for you, a list of possible transitional housing facilities and where to send your plan for inclusion in your parole packet.

Free? Well, almost. If you can rustle-up and part with 5 first class stamps, we'll pop one in the mail to you without delay. The stamps will cover the cost of production and mailing. And if you can't, we'll try to cover those costs for you, at least for a reasonable number of requests.

As we note in the booklet, about a year out from your hearing date is a prime time to start finalizing your plan, including recruiting members of your support network to help you. Write us, enclose stamps and don't forget to include your name, CDCR # and your address (LSA, PO Box 277, Rancho Cordova, Ca. 95741 ask for the parole plan roadmap). Don't let inadequate or incomplete parole plans be a reason for denial of your parole

We've learned, through interaction with hundreds of lifers, that some don't know how to begin creating that plan. So, we're stepping in to help.

Understand, we said help; not write it for you, provide a fill-in-the-blanks template, but information about what you'll need to include so you don't leave gaps in your plans big enough to drive a denial through. It's still your plan, for your release and your life, so be ready to put your work into it.