



*Public Safety and Fiscal Responsibility*  
www.lifesupportalliance.org

*& California Lifer Newsletter*

**LIFE SUPPORT ALLIANCE INMATE FAMILY SEMINAR**

**OUTLOOK FOR PAROLE 2018**

Long Beach, September 15, 2018

Chapel of Change

- 8-8:30 REGISTRATION
- 8:30-9 WELCOME AND INTRODUCTIONS
- 9-9:30 ANATOMY OF A HEARING
- a. Basic suitability and hearings
  - b. Specialized Hearings
  - c. Recent laws and court cases
- 9:30-10 THE BIG 5—David Sloane
- 10-10:15 QUESTIONS
- 10:15-10:30 BREAK
- 10:30-11 ESSENCE OF PAROLE—video, Jennifer Shaffer, Executive Director, Board of Parole Hearings
- 11-12 ATTORNEY CONVERSION—Michael Beckman
- 12-12:30 LUNCH
- 12:30-1 OTHER PAROLE CONSIDERATIONS
- a. State appointed attorneys
  - b. The Comprehensive Risk Assessment (CRA)
  - c. Commutation of Sentence
- 1-1:30 THE FAMILY'S PART
- a. Parole and relapse plans
  - b. Support letters, books
  - c. Attorneys
- 1:30-2 POST-HEARING

- a. BPH and Governor review
- b. Marsy's Law and VNOK

2-2:15      QUESTIONS

2:15-2:30    BREAK

2:30-3      OTHER ISSUES

- a. Family visits
- b. Transitional housing
- c. Lifers and Wifers

3-3:30      FINAL QUESTIONS AND WRAP UP



# LIFE SUPPORT ALLIANCE



*& California Lifer Newsletter*

*Public Safety and Fiscal Responsibility*  
[www.lifesupportalliance.org](http://www.lifesupportalliance.org)

## WHO WE ARE, WHAT WE DO

Life Support Alliance is a non-profit social advocacy organization, focused on life term inmates and their families. We are overseen by a Board of Directors, all of whom have or have had loved ones serving a life sentence, and an Advisory Board of former lifers, now released on parole.

Our job, our mission, is to be the voice and presence of lifers in the legislative offices and public gatherings, in the ear of the CDC regarding conditions of confinement and programming, and to remind the parole board of the realities of lifers' situation. Our primary purpose is the help lifers and their families understand the parole system and what it takes to be found suitable for parole, to help them find the resources to assist them in doing this.

Our primary method of accomplishing these goals are through our newsletters, the monthly, free Lifer-Line, which goes by email to friends and family of lifers, who then mail the newsletter to their prisoners. For those lifers who don't have anyone on the outside to do this, we maintain a mail tree of volunteers, who will 'adopt' a few lifers to whom they will mail the newsletter. \*

Our larger newsletter, California Lifer Newsletter, is by subscription, \$35 per year for prisoners, and covers legal analysis of cases relevant to lifer concerns as well as BPH and CDCR news. CLN is a bi-monthly publication. Because of its size and cost free copies are not available. However, CLN is mailed to the law library of every prison in California.

We also attend parole hearings as observers, to monitor the proceedings and performance of commissioners and institutional staff, with reports of inappropriate or unethical behavior reported to the proper parties. We support and/or oppose the confirmation of parole commissioners, support or oppose legislation affecting prisoners and provide a voice and presence for lifers and their families in the media, legislative offices and before the BPH and CDCR.

We currently offer two in-prison workshops for inmates, The Amends Project, on writing appropriate and impactful apology letters, and Connecting the Dots, helping prisoners identify and understand effect of diverse and adverse events in their youth on their actions, both then and now. A third program workshop, Understanding Suitability, on the mechanics of parole hearings, and a fourth, Lifers and Wifers, which will provide tips to paroling lifers and their significant others on some of the unforeseen and unexpected challenges to relationships for those coming home, are expected to be available in late 2018.

We sit as stakeholders on three CDCR workgroups developing and implementing policies and regulations affecting lifers and respond to pleas for assistance and information for lifers and their families on issues ranging from medical problems to attorney dereliction. We are a frequent contributor to parole agent training workshops and policy meetings.

We are not attorneys, do not offer legal advice, represent clients or provide reprints of cases or legal briefs. We do not operate reentry facilities, provide employment, write support letters or sign petitions. Any lifer or family member is welcome to contact us with questions or issues and we will do what we can to assist.

We are an all-volunteer work-force, all of whom either currently have or have had loved ones serving a life sentence. None of our staff is paid and we rely entirely on donations and subscription fees from California Lifer Newsletter to continue our work. Donations drive our work and make it possible for us to travel to parole hearings and seminars, publish our newsletters and continue day to day.

Knowing the needs of lifer families, we also offer workshops for those families in various locations throughout the state, to help families understand both the parole process and what they can do to truly help their inmates. If you would like to help keep our work growing and our presence strong please consider becoming a monthly or quarterly donor, either by check, money order or via PayPal. If you're in the Sacramento area, volunteers in our office are always welcome and needed.

We can be contacted at PO Box 277, Rancho Cordova, CA. 95741, by email at [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com) or by phone at 916-402-3750. Email is the surest way to reach us, as we are often traveling and not always able to answer calls quickly.

THANKS!

\*if you would like to be a volunteer mailer, please fill out the volunteer form.

## BPH ADMINISTRATION AND COMMISSIONERS

Parole commissioners are appointed by the Governor for 3 year terms. Within one year of their appointment, that appointment must be approved by the Senate, following a public hearing at the Senate Rules Committee meeting. In 2016 the state legislature approved the addition of two more commissioners, bring the total Parole Board Commissioners to 14. The Executive Director of the Board is also a governor-appointed position, subject to Senate confirmation.

At their confirmation hearings, those who support or oppose their appointment can be heard. And LSA is always there, to present our viewpoint, bolstered by facts and examples, on whether or not any given individual is performing. Others who cannot appear at the hearings may write to the Senate Rules Committee, to offer their input and 'insight.'

**Deputy commissioners** are civil servants employed as state employees and not political appointees, therefore not subject to legislative confirmation. Since 2015 Deputy Commissioners must be qualified to hold the position of Administrative Law Judge in other departments; this primarily means they must be attorneys. Prior to 2008 parole panels usually consisted of two Commissioners and one deputy commissioner, who acted as a tie-breaker. However, panels now are usually made up of one Commissioner and one Deputy Commissioner. The issue here is that the votes of Deputy Commissioners, since there are only two members of the panel, basically have the same weight as a Commissioner. However, because DCs are civil servants, we, the public, have no official input as to their performance. This, we feel, is a considerable flaw in the process.

### MEMBERS OF THE BOARD OF PAROLE HEARINGS STAFF

**Jennifer Shaffer** was appointed executive officer for the Board of Parole Hearings by Governor Jerry Brown on June 10, 2011. She served as the Board's Chief of Hearing Operations for the Northern Region, in the Bureau of Independent Review with the Office of the Inspector General, as special assistant inspector general from 2006 to 2008 and then as senior assistant inspector general from 2008 to January 2011. Ms. Shaffer served with the Department of Corrections and Rehabilitation as assistant director and then as assistant secretary in the Office of Victim and Survivor Services from 2005 to 2006.

**Jennifer Neill** was appointed chief counsel at the Board of Parole Hearings on February 24, 2016. Ms. Neill has been a senior assistant attorney general, hearing officer at the Institute for Administrative Justice.

### COMMISSIONERS

**Arthur Anderson, Jr.**, was appointed to the Board of Parole Hearings by Governor Schwarzenegger on February 22, 2008 and re-appointed by Governor Brown on July 12, 2011. Since 2000, he has been a law enforcement consultant for the National Highway Traffic Safety Administration. From 1974 until 2007 Mr. Anderson served in various other positions with California Highway Patrol.

**Robert Barton** was appointed to the Board of Parole Hearings by Governor Brown on 8/10/2017. Mr. Barton served as Inspector General of the California Department of Corrections and Rehabilitation since 2011, where he was senior assistant inspector general from 2005 to 2011. He was supervising deputy

district attorney at the Kern County District Attorney's Office from 2000 to 2005, where he served as a deputy district attorney from 1988 to 2000. Mr. Barton earned a Juris Doctor degree from the University of California, Davis School of Law.

**Patricia Cassidy** was appointed to the Board of Parole Hearings by Governor Brown on November 23, 2016, where she has been a deputy commissioner since 2013. She was an associate chief deputy commissioner at the Board of Parole Hearings from 2005 to 2013 and she served as a deputy commissioner from 1995 to 2004. Cassidy was in private practice from 1988 to 1995. She earned a Juris Doctor degree from the John F. Kennedy University College of Law.

**Rosalio Castro** was appointed to the Board of Parole Hearings by Governor Brown on August 8, 2017, where he has been a deputy commissioner since 2015. Castro was an attorney at California Rural Legal Assistance Inc. from 2012 to 2013 and an attorney in private practice from 2002 to 2015. Castro was a deputy public defender at the San Bernardino County Public Defender's Office from 2001 to 2002, a partner at Magnum, Castro and Associates from 1998 to 2001 and an associate at Benninghoff and Ramirez from 1995 to 1998. Castro earned a Juris Doctor degree from the University of California, Hastings College of the Law.

**Kevin Chappell** was appointed by Governor Brown on January 4, 2016. Chappell has been a correctional administrator retired annuitant at California Correctional Health Care Services since 2015. He served as warden at San Quentin State Prison from 2012 to 2014 and held several positions at Folsom State Prison from 2010 to 2012, including chief deputy warden and associate warden. Chappell was chief of the Classification Services Unit at the California Department of Corrections and Rehabilitation from 2009 to 2010, where he was facility captain from 2006 to 2008 and a correctional administrator in the Division of Adult Institutions from 2008 to 2009. He was a lieutenant at the Richard A. McGee Correctional Training Center from 2004 to 2006, served in several positions at the California Medical Facility, Vacaville from 1995 to 2004, including lieutenant, counselor and sergeant, and was a correctional officer at Folsom State Prison from 1987 to 1995.

**Dianne Dobbs** was appointed to the Board of Parole Hearings by Governor Brown on 12/8/2017. Ms. Dobbs has served as a deputy commissioner at the Board of Parole Hearings since 2017. She was an attorney at the California Department of Consumer Affairs from 2007 to 2017 and at the Law Offices of Dianne R. Dobbs from 2006 to 2007. She was a staff attorney at Sacramento Child Advocates from 2003 to 2005.

**Randolf Grounds** was appointed by Governor Brown on August 26, 2016. Grounds served as warden at Salinas Valley State Prison from 2012 to 2014, and as warden at California Correctional Training Facility, Soledad from 2009 to 2012 and chief deputy warden at California State Prison, Solano in 2009. Grounds was at the California Correctional Institution, Tehachapi from 1991 to 2007. He also served at the California Department of Corrections and Rehabilitation Headquarters from 2000 to 2002, and at California State Prison, Los Angeles County in 1996. He was and a deputy probation officer at the El Dorado County Probation Department from 1988 to 1991.

**Peter LaBahn** was appointed to the Board of Parole Hearings on December 21, 2011 by Governor Brown. He previously served as a Commissioner for the Board of Parole Hearings from 2009 to 2010. Mr. LaBahn worked at the Riverside County Sheriff's Department from 1983 to 2009.

**David Long** was appointed to the Board of Parole Hearings by Governor Brown on 1/19/2018. Mr. Long has served as vice president of prison engagement at Defy Ventures since 2017 and as warden at California City Correctional Facility from 2014 to 2016. He held several positions at Ironwood State Prison from 2008 to 2014 and 1995 to 2002, including warden, chief deputy warden and correctional counselor. Long was also associate warden at Mule Creek State Prison from 2006 to 2008, and served at Adelanto Community Correctional Facilities Complex and as a correctional officer at Chuckawalla Valley State Prison from 1989 to 1995.

**Michele Minor** was appointed to the California Department of Corrections and Rehabilitation Board of Parole Hearings on October 20, 2014. Minor has served in several positions at the California Department of Corrections and Rehabilitation since 1985.

**Brian Roberts** was appointed to the Board of Parole Hearings by Governor Brown on July 6, 2012. Roberts has served as deputy commissioner at the Board of Parole Hearings since 2006. He served in multiple positions at the San Diego County Sheriff's Department from 1975 to 2006, including commander, captain, lieutenant and sergeant. Roberts is a member of the California State Sheriffs' Association.

**Michael Ruff** was appointed to the Board of Parole Hearings by Governor Brown on 1/20/2017. Ruff has been a retired annuitant special agent reviewing high-security inmate conduct on the Special Projects Team at the California Department of Corrections and Rehabilitation since 2013 and was a special agent in charge at the California Department of Corrections and Rehabilitation Office of Correctional Safety from 2007 to 2013, where he was senior special agent from 2003 to 2007, acting as a gang interdiction specialist and liaison with federal, state and local law enforcement. Mr. Ruff was a captain at the Deuel Vocational Institute, and a sergeant at San Quentin State Prison from 1994 to 1998, where he was a correctional officer from 1986 to 1994.

**Neil Schneider** was appointed to the Board of Parole Hearings on July 6, 2018. Schneider was an adjunct assistant professor in the Administration of Justice Department at Los Rios Community College since 2018. He served in several positions at the Sacramento Police Department from 1983 to 2017, including captain, lieutenant, sergeant and officer. Schneider earned a Master of Public Policy and Administration degree from California State University, Sacramento.

**Troy Taira** was appointed to the Board of Parole Hearings in 2018. He was a commissioner from 2016 to 2017. He served as special assistant inspector general at the California Office of the Inspector General from 2013 to 2015 and administrative law judge at the California Office of Administrative Hearings, as a prosecutor and staff counsel for the U.S. Coast Guard from 1992 to 2009. Taira served as a defense attorney in the Fresno County Public Defender's Office from 1991 to 1992 and in the U.S. Navy Reserve from 1988 to 1992. Taira earned a Juris Doctor degree from the University of California, Davis School of Law.

**Terri Turner** was appointed to the Board of Parole Hearings by Governor Brown on August 10, 2011. She has served as a retired annuitant Deputy Commissioner with the Board since 2008. Ms. Turner retired as a regional parole administrator for the Division of Adult Parole Operations with the California Department of Corrections and Rehabilitation in 2007 after serving there since 1980.



**SENATE RULES COMMITTEE**

State Capitol, Room 400

Sacramento, CA 95814

**BOARD OF PAROLE HEARINGS**

Board of Parole Hearings

Post Office Box 4036

Sacramento, CA 95812-4036

ATTN: Jennifer Shaffer (issues with commissioners/deputy commissioners)

ATTN: Jennifer Neill (Decision Review)

ATTN: Dr. Cliff Kusaj (contest CRA)

**FIND YOUR STATE LEGISLATORS**

[www.legislature.ca.gov/legislators and districts/your legislator.html](http://www.legislature.ca.gov/legislators_and_districts/your_legislator.html)

[www.findyourrep.ca.gov](http://www.findyourrep.ca.gov)

**NAMES YOU SHOULD KNOW**

Scott Kernan, Secretary of Corrections

Ralph Diaz, Undersecretary, Operations

Kathleen Allison, Director, Division of Adult Institutions

Amy Miller, Director, FOPS (oversees visiting)

Write to them at:

CDCR

## OTHER ADDRESSES AND CONTACTS

### **California Correctional Health Care Services**

(Medical Receiver's Office)

(916) 323-1923

HOTLINE (916) 691-1404

P.O. Box 588500

Elk Grove, CA 95758

### **Office of the Inspector General**

10111 Old Placerville Rd. Suite 110

Sacramento, Ca. 95827

### **Legislative Bill Room** (copy of pending legislation)

State Capitol

10<sup>th</sup> St. Room B32

Sacramento, Ca. 95814

To comment on pending changes in CDCR regulations (be sure to note which regs you're commenting on)

### **CDCR, Regulation and Policy Management Branch**

P.O. Box 942883

Sacramento, CA 94283-0001.

**CONTACT THE OMBUDSMAN**

1515 S Street, Sacramento, CA 95811

**Sara Malone, Chief Ombudsman**

**Sara.Malone@cdcr.ca.gov (916) 327-8467**

California Institution for Women

California State Prison Sacramento\*

Central California Women's Facility

Folsom Women's Facility

**Xina Bolden, Ombudsman**

**Xina.bolden@cdcr.ca.gov (916) 324-6123**

Centinela State Prison

Calipatria State Prison

Duel Vocational Facility

California State Prison Corcoran

California Substance Abuse Treatment Facility (SATF)

**Scott Jacobs, Ombudsman**

**Scott.Jacobs@cdcr.ca.gov (916) 323-2994**

Chuckawalla State Prison

Ironwood State Prison

Pelican Bay State Prison

Sierra Conservation Center

High Desert State Prison

California Correctional Center

**Sara L. Smith, Ombudsman**

**Sara.Smith@cdcr.ca.gov (916) 324-5458**

California Correctional Institution

California Institution for Men

San Quentin

Folsom State Prison

**Tami Falconer, Ombudsman**

**Tami.Falconer@cdcr.ca.gov (916) 324-5448**

Salinas Valley State Prison

Correctional Training Facility

California State Prison, Solano

California Men's Colony

California State Prison-Lancaster

**Larry Cupler**

**Larry.cupler@cdcr.ca.gov (916) 324-3265**

Kern Valley State Prison

North Kern Valley State Prison

Avenal State Prison

Pleasant Valley State Prison

Wasco State Prison

Valley State Prison

**Eric Joe, Ombudsman;**

**Eric.Joe@cdcr.ca.gov (916) 324-1000**

California Health Care Facility

California State Prison, Sacramento

R J Donovan Correctional Facility

Mule Creek State Prison

California Medical Facility



## OTHER ADVOCACY ORGANIZATIONS

*The organizations listed below specialize in assisting those with a claim of actual innocence who are seeking post-conviction relief.*

Advocates for Wrongly Convicted [www.a4wc.org/volunteer\\_opportunities.html](http://www.a4wc.org/volunteer_opportunities.html)

National Center for Reason and Justice [ncrj.org/if-you-see-our-help/](http://ncrj.org/if-you-see-our-help/)

Justice On Trial [www.justiceontrial.org/index.php/resources/](http://www.justiceontrial.org/index.php/resources/)

The Leadership Conference  
1620 L Street NW, Suite 1100  
Washington, DC 20036

The Leadership Conference (202) 466-3311

Spence Forensic Resources [www.spenceforensics.com/organizationsfortheaccused.html](http://www.spenceforensics.com/organizationsfortheaccused.html)

2455 E Missouri Ave Suite A  
Las Cruces, NM 88001 Phone Number: 609-921-0334

Seeking Justice for the Innocent: [www.seekingjusticefortheinnocent.com](http://www.seekingjusticefortheinnocent.com)

Innocence Project California [www.innocenceproject.org](http://www.innocenceproject.org)

California Western School of Law  
225 Cedar Street  
San Diego, CA 92101 619-239-0391

Centurion Ministries <http://www.centurionministries.org/>

1000 Herrontown Road  
Princeton, NJ 08540 609-921-0334

## OTHER ADDRESSES YOU CAN USE

### **California Innocence Project**

225 Cedar St.  
San Diego, Ca. 92101

### **Prison Law Office**

1917 5th St.  
Berkeley, Ca. 94710

### **California Coalition of Women Prisoners**

1540 Market St. #490  
San Francisco, Ca. 54102

### **Jeff Dicks Medical Coalition**

PO Box 343,  
Beechgrove, Tennessee 37018

### **Get Back** (help for incarcerated military veterans)

4200 Rocklin Road #1  
Rocklin, Ca. 95677

## NEWSLETTER SIGNUPS

To sign up for Lifer-Line, the free monthly newsletter sent to you by email, please provide the following:

*\*to help our efforts, consider becoming a volunteer mailer, details on other side.*

NAME \_\_\_\_\_

EMAIL \_\_\_\_\_

PHONE/SECONDARY CONTACT \_\_\_\_\_

(in case your email bounces)

To subscribe to California Lifer Newsletter, a bi-monthly publication sent directly to inmates, please provide the following information:

Inmate name \_\_\_\_\_

CDDR # \_\_\_\_\_ Housing \_\_\_\_\_

Prison \_\_\_\_\_ Address \_\_\_\_\_

City/Zip \_\_\_\_\_

Subscription length \_\_\_\_\_ Funds enclosed \_\_\_\_\_

(1 yr. \$35; 2 yrs. \$60; 3 yrs. \$75)

Your name/address \_\_\_\_\_

# WORKSHOP EVALUATION FORM

Workshop Title: Life Support Alliance: Outlook for Parole, 2018

*For the following areas, please indicate your rating:*

	1	2	3	4
<b>A. Content</b>	Fair ←			→ Excellent
Covered useful material				
Practical to my needs and interests				
Well organized				
Well paced				
Presented at the right level				
Useful visual aids and hand-outs				
Would you recommend this to others				
<b>B. Presentation</b>				
Presenter's knowledge				
Were all areas covered adequately				
Enough time for questions				
Location and accommodation of venue				
Instructor facilitated interactions among participants well				

<b>C. How could this workshop be improved?</b>	
<b>D. Any other comments or suggestions?</b>	

**E. Overall, how would you rate this workshop?**

POOR     
  FAIR     
  GOOD     
  EXCELLENT

## TERMS YOU SHOULD KNOW

ADSEG—lower level SHU, also used for protective purposes

AR—Administrative Review. Review by the BPH legal team of all 3 and 5 year parole denials prior to the end of that denial time to ascertain if the prisoner has done sufficient work to have an advanced hearing.

BPH—The Board of Parole Hearings; at one time called the Board of Prison Terms, consists of 14 members appointed by the Governor.

BASE TERM—The minimum number of years to be served on any term. No matter what the base term, whether or not a lifer is released on parole still depends on being found suitable for parole at a parole hearing; even if the prisoner is many years past the base term calculation, if he remains 'unsuitable' in the eyes of the parole panel, he will not be released. See Butler decision.

CCCMS—Correctional Clinical Case Management System. The medical portion of CDCR that deals with inmates suffering from relatively low level mental health issues.

CDCR—California Department of Corrections and Rehabilitation.

CGA—Criminal Gangs Anonymous. Self-help group aimed at helping those involved in gang activity extricate themselves from that involvement and mind set.

CRA—Comprehensive Risk Assessment, the psychological evaluation given lifers by the Forensic Assessment Division of the BPH. These are done before parole hearings and have a 'shelf life' of 3 years.

DAI—Division of Adult Institutions. The area of CDCR dealing with adult prisons, policies and rules.

DAPO—Division of Adult Parole Operations. Division of CDCR that oversees those inmates, including lifers, who have been released on state supervised parole

DCHC—Division of Correctional Health Care. The medical receiver's office, overseeing health care of California inmates.

DOM—Department Operations Manual. The listing of policies and procedures governing how laws are implemented in the prisons. It does not have the force of law and is subject to Title 15. A DOM supplement is available for specific rules at each prison.

DR—Decision Review. Requested by inmate, attorney, family, even a commissioner or deputy commissioner. The BPH legal staff will review the decision to check that it comports with all laws and levies an appropriate denial length. The team can suggest a new hearing, or, on its own, shorten the denial length. The request MUST be made within 120 days of the hearing.

DRP—Division of Rehabilitative Programming. Division of CDCR responsible for programs and educational opportunities within the prisons

DSL—Determinate Sentence Length. A prison term, regardless of length, that has a court-set end date

EID—Electronic In-home Detention. Ankle monitors.



EN BANC HEARINGS—The Governor can refer the parole grant of inmates convicted of life crimes other than murder to an en banc (Latin for ‘the whole’) hearing, wherein all parole commissioners consider the decision of their fellow commissioner who granted parole. These happen at the monthly BPH business meeting; the inmate is not present but others can speak for or against parole.

EPED—Elderly Parole Eligibility Date. The earliest date a prisoner can qualify for release under elderly parole consideration. It may differ from but will supersede an MEPD or ERPD.

EPRD—Earliest possible release date. The earliest date a prisoner can be released from any prison sentence.

FAD—Forensic Assessment Division, the group of psychologists employed by the BPH to assess lifers’ risk of dangerousness and prepare CRA.

FORM 22—Request for interview, form for inmate or parolee to begin the appeal of disciplinary or rule enforcement application.

IAC—Inmate Advisory Council. At each prison, made of up of inmates from each yard, who meet periodically with prison administration to discuss issues affecting prison life. Also known as the MAC or WAC.

ICE—Immigration and Customs, usually referred to as an “ICE hold,” meaning the inmate will be released to federal immigration authorities for possible deportation.

IFC—Inmate Family Council. Group at each prison made of up of inmate families who meet periodically with prison staff to discuss issues of conditions of custody, visiting and other matters affecting visiting and families of prisoners

ISL—Indeterminate Sentence Length. A life term sentence, for which there is no specific or set end date.

IWF—Inmate Welfare Fund. Monies collected from inmates and families via sales in canteen and other purchases which are supposed to fund items or programs beneficial to all inmates.

LTOPP—Long term offender pilot program. New programming targeting the needs of lifers.

MEPD—Minimum Eligible Parole Date. The earliest date any lifer could be paroled, based on his crime and sentence.

NVPP—Non-violent Offender Parole Process. A review of the file and progress of those in prison for a designated non-violent crime. The review is done by Deputy Commissioners, not an in-person hearing. The inmate must complete the full time for his primary offense before release.

OVSRS—Office of Victims and Survivors Rights and Services. Division of CDCR dealing with victims and relatives of crime victims.

PIA—Prison Industry Authority, provides training and job skills in specific and marketable areas to qualified inmates. These inmates receive payment for their labor.

PIO—Public Information Officer, individual at each prison responsible for releasing information and answering questions. In theory.

POC—Parolee Outpatient Clinic. Available through DAPO for those parolees who need therapy, meds or other support for mental health issues.

PTA—Petition to Advance. Request to advance a parole hearing before the end of the last denial date, done via a CDCR Form 1045A.

R&R—Receiving and Release. The division in each prison that receives new inmates and releases those leaving on parole or release.

RTC—Return to Custody. Finding for those who have violated their parole conditions and are being returned to prison.

RVR—Rules violation report, also known as 115, 128s. These are write ups given when an inmate violates one of the many CDCR rules. 115s are the more serious variety and, depending on the reason for the RVR and the time when it was given, can be one of the reasons to deny parole.

REVERSAL OF PAROLE—For those with a murder conviction the Governor can reverse (or 'take) the parole grant, independent of any other body. This ability has been upheld by the courts.

SB 9—Senate Bill 9, allowed those sentenced to LWOP as a juvenile to petition the sentencing court for a recall of sentence to Life with possibility of parole. Rendered moot by passage of SB 394.

SB 320—Effective Jan. 1, 2016 this bill effectively eliminated matrix calculations for most lifers found suitable for parole.

SB 260/SB 261/AB 1308—Senate Bill 260, YOPH or Youth Offender Parole Hearings. Provides for special consideration at parole hearings for those whose life crime was committed while still a juvenile. SB 260 applied to those under 18 at the time of the crime, SB 261 included those up to age 23 and AB 1308 extended YOPH to those under 26 at the time of the crime.

SB 394—Requires those who received an LWOP sentence for a crime committed before they were 18 years of age receive a parole hearing automatically after their 25<sup>th</sup> year of incarceration.

SB 519—a companion bill to SB 261, this bill, effective January 1, 2016, allows the BPH until the end of 2017 to bring all YOPH eligible life term inmates to a parole hearing and until 2021 for all determinate sentenced inmates eligible for youth hearings to be brought to a parole hearing.

SHU—Security Housing Unit. A disciplinary housing segment in many prisons.

SRA—Supplemental Risk Assessment, was given as an update to the CRA should the prisoner have a new parole hearing before the end of the CRA's shelf life. As of 2016, these are no longer done.

STG—Security Threat Group. Prison gang.

SVP—Sexually Violent Predator.

TITLE 15—The Section of the California Code that deals with prisons and corrections. It is law.

UA—Urine Analysis or MRDT mandatory random drug testing. Testing for drug use while in prison.

VNOK—Victims' next of kin. The relatives of the victim of any crime, primarily used when these individuals are attending parole hearings.

WSPR—Waive, stipulate, postpone and reschedule. Methods available to inmates to put off hearings.

YOPH—Youth Offender Parole Hearing. Parole hearings held for those prisoners who were under 26 years old at the time of the crime, also known as SB 260/261 (Senate Bill 260/261).

YPED—Youth Parole Eligibility Date. The earliest date an inmate falling under SB 260 could be paroled. It may differ from but will supersede an MEPD or ERPD.

187 PC—Section of the penal code dealing with murder, first and second

290 PC—Section of the penal code dealing with sex offences

602—Form for an inmate or parolee to appeal a decision regarding prison rules or policy they believe wrongly applied to them.

1045A—Request to advance a parole hearing; see PTA.

3000.1 Hearings—Parole reconsideration hearings, held when a lifer has been re-incarcerated for a new offense; the BPH can revoke parole and reinstate the life term



# LIFE SUPPORT ALLIANCE



*Public Safety and Fiscal Responsibility*

(916) 743-1654

(916) 402-3750

## VOLUNTEER APPLICATION

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

PHONE#: \_\_\_\_\_ CELL#: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

Hours and Days of Availability (please circle which days and write the times):

Monday    Tuesday    Wednesday    Thursday    Friday    Saturday    Sunday

Do you have any background in criminal justice or advocacy? With what organization, when and where? \_\_\_\_\_

Are you fluent in a language other than English? If so, what language? \_\_\_\_\_

Do you have any experience working with non-profit organizations or volunteering other than covered above? If so, where? Please explain briefly: \_\_\_\_\_

Please check the area(s) that interest you.

- Research (can be done from your home on computer)
- Fundraising
- Administrative Office & Clerical Work (includes answering letters)
- Social Media/technology
- Legislative contacts
- Bill watch

One way you can help us reach more prisoners is to become a volunteer mailer of the 6-page monthly newsletter, *Lifer-Line*.

If you become a volunteer mailer, we ask that you print and mail the newsletters to any number of inmates you are comfortable with helping—2 to 20. We will provide you with the name, CDC number and address of the inmates, your job is to print the newsletter and mail it—using our return address, LSA, PO BOX 277, Rancho Cordova, Ca. 95741.

We require that you use our return address and mail only the newsletter in the envelope and request that you do not engage in any other communication with the assigned prisoners, for a variety of reasons. 'Your' lifer may be uncomfortable with the idea of you being in contact with another prisoner; like it or not, prison politics is real. Using our return address assures that if the prisoners you are mailing to have questions on anything, they will contact us for answers.

And if they are transferred, they will contact us with their new housing information, which we will forward to you. And if you mail add other inmates to your list on your own, please let us know, so that if they contact us for address changes, we'll know who is kind enough to be sending the newsletter to them and can keep you informed of their location.

Many prisoners with no family on the outside to help them are thirsty for contact, and while we want to assist them, we also must be careful of creating problems for them, our volunteers and our organization. For instance: passing along information or messages from any inmate to other individuals outside is considered third party communication, which could be a legal issue for all involved, including LSA. We want to be sure their questions are properly answered and can be sure of that only if we're answering the questions.

Using the volunteer mail tree, we are currently reaching over 500 indigent inmates in the California prison system, men and women who otherwise would not have access to the information and help provided in the newsletters. If you'd like to be part of this program, please so indicate on the volunteer application form.

**LIFE SUPPORT**



**ALLIANCE**

*& California Lifer Newsletter*

*Public Safety and Fiscal Responsibility*

[www.lifesupportalliance.org](http://www.lifesupportalliance.org)

**LIFE SUPPORT ALLIANCE INMATE FAMILY SEMINAR**

**OUTLOOK FOR PAROLE 2018**

Long Beach, September 15, 2018

Chapel of Change

- 8-8:30 REGISTRATION
- 8:30-9 WELCOME AND INTRODUCTIONS
- 9-9:30 ANATOMY OF A HEARING
- a. Basic suitability and hearings
  - b. Specialized Hearings
  - c. Recent laws and court cases
- 9:30-10 THE BIG 5—David Sloane
- 10-10:15 QUESTIONS
- 10:15-10:30 BREAK
- 10:30-11 ESSENCE OF PAROLE—video, Jennifer Shaffer, Executive Director, Board of Parole Hearings
- 11-12 ATTORNEY CONVERSION—Michael Beckman
- 12-12:30 LUNCH
- 12:30-1 OTHER PAROLE CONSIDERATIONS
- a. State appointed attorneys
  - b. The Comprehensive Risk Assessment (CRA)
  - c. Commutation of Sentence
- 1-1:30 THE FAMILY'S PART
- a. Parole and relapse plans



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## LIFER HEARING PAROLE SUITABILITY AND PREPARATION TIPS

Penal Code 3041 states that parole shall normally be granted to life term inmates unless they pose a current “unreasonable risk of danger” if released. This means parole is the rule (at least 50% of lifers who go to hearing should be granted parole). Though things have improved dramatically since Lawrence came down in 2008 -- the grant rate since has risen steadily (from 1990-2008 it was 3%; it is now about 25%, and Governor Brown is reversing fewer of them (about 15%) than his three predecessors (over 75%) -- it is still far less than 50%). The Governor and the Board get away with this because the California Supreme Court rewrote parole law to give them nearly unlimited discretion over parole and by concocting the woefully inadequate, nearly toothless “some evidence” standard for reviewing parole decisions, effectively handcuffing courts from overturning those decisions.

Because it is in this rigged casino that you are trying to win your freedom, you must know the law, how the Board, Governor, and courts apply/misapply it, and make your prison programming/parole plans so excellent and your insight into, responsibility and remorse for (IR&R) the Life Crime so complete and genuine that the Board, Governor, or courts cannot concoct any reasons for denying you parole.

I hope this pamphlet will help you accomplish this. It is derived from my experience representing 1000+ lifers at parole hearings and in writ petitions in court. THIS PAMPHLET IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT MEANT AS LEGAL ADVICE AS TO YOUR PARTICULAR SITUATION.

### A. PRE-CONVICTION FACTORS

#### I. THE LIFE CRIME

Even after Lawrence, the life crime remains a major suitability factor. But except for the worst-of-the-worst aggravated life crimes, it can only be used to deny parole if a “nexus” exists between it and your current dangerousness (i.e., if it was committed while you were drunk and you’ve taken no AA, had 115s for pruno, deny you have a drinking problem, and have no relapse prevention plan for the streets, a nexus exists between a major cause of the life crime (alcohol) and your current dangerousness (a decent likelihood you’ll get drunk and commit crimes if released). To use the life crime to deny parole without a nexus violates your constitutionally protected liberty interest in parole. Since Lawrence and Shaputis I, the Board/Governor find the inmate lacks IR&R for the life crime as the nexus in most parole denials/reversals. Inmates who deny the life crime or whose version of it differs significantly from the so-called “official” version are “minimizing” their responsibility for and lack insight into it. These tactics were blasted in In Re Ryner: “We question whether anyone can ever fully comprehend the myriad

circumstances, feelings... that motivate conduct, let alone past misconduct. We also question whether anyone can ever adequately articulate the complexity and consequences of past misconduct and atone for it to the satisfaction of everyone... In our view... one always remains vulnerable to a charge that he or she lacks sufficient insight into some aspect of past misconduct even after meaningful self-reflection and expressions of remorse... whether a person has or lacks insight is often in the eye of the beholder."

But most of our state courts don't see it this way, so the Board and Governor will likely continue to play the IR&R denial/reversal game. As a result, your IR&R needs to be as strong as possible.

Denying you for claiming innocence (or not admitting to the "official" version of the life crime is illegal per Penal Code Section 5011(b) and Title 15 Section 2236 (Board cannot require you to admit guilt to earn parole). Still the Board and Governor often ignore this law and most of our courts still let them get away with it. In Shaputis II, the court "rewrote" this law by adding its own right-wing wrinkle: the Board can deny you for claiming innocence (or for standing on a version of the life crime different from the "official" version, **UNLESS THE DENIAL (OR YOUR VERSION) IS PLAUSIBLE**.

Of course, how do you show your innocence claim or version is plausible? It would seem you must submit evidence or point to portions of the record that show your claim or version is credible, believable, or reasonable (i.e., affidavits or trial testimony from witnesses who can support your alibi, affidavits from witnesses recanting their prior testimony, favorable autopsy or ballistics reports). This obviously won't be easy and will make your hearing much longer and more complicated, but until the courts start applying the law as written, you may not have any choice.

## **II. INSIGHT, RESPONSIBILITY, & REMORSE (IR&R)**

To earn parole, you must convince the Board (and Governor) you have insight into, accept full responsibility and feel genuine remorse for your life crime. You can show IR&R during your psych evaluation, by writing an insight statement to give/read to the Board/psychologist, and/or a letter of remorse to the victim/VNOKs (even if you have no plans to send it), and/or by expressing it verbally at the hearing.

### **TIPS FOR DISCUSSING IR&R.**

- Do not minimize your role in the life crime, even if it was minimal (i.e. you just drove the car, you weren't the shooter). Accept full responsibility (tell the Board you are just as guilty as the shooter) where appropriate. Let your attorney argue as a matter of law you are less culpable, which is necessary for an effective proportionality argument (below).
- Don't blame external factors, such as abusive family background, drug abuse, poverty.
  - You can say these factors contributed to the life crime, but make clear that you were responsible for your actions (i.e., you chose to get high that day/join the gang).
- To show insight, explain what you've learned in prison about why you committed the life crime and why you won't re-offend if released. If possible, use an example of how you properly handled a recent situation that you would have handled poorly on the streets, based upon what you've learned in prison (i.e., you avoided a fight on the yard

- you would have gotten into years ago by using techniques you learned in anger management).
- Remorse means feeling bad about your crimes as well as understanding the suffering and pain you caused. But it must come from the heart. Don't over-intellectualize remorse.
  - Prepare a letter to the victim/family. CDCR's Office of Victim & Survivor Rights and Services no longer accepts these letters due to budget cuts. So bring a copy to the hearing.
  - A Step 8 list of all the people you've harmed is another great way to show remorse.
  - Performing volunteer/charitable work and/or making contributions to charity are great ways to show remorse by showing you making amends. **Do as much of this as possible!**
  - Know your victim(s) name(s). They are the real victims, not you. Only after showing remorse for them, is it okay to mention how the crime has impacted you/your family.
  - Try to learn as much as you can about the victim and his/her family and how your crime impacted them (but obviously not the kinds of details that would make the Board think you plan to go after them if you are released). The Board may ask you what you know about the victim and how you think your crime has impacted his family and you'd better be prepared with good answers.
  - A written IR&R statement and/or remorse letter can be a powerful way to show IR&R (and to counter in court a finding by the Board or Governor that you lack it.)
    - Before the hearing, give copies to the Panel and DA to review (and quiz you on at the hearing). At the hearing, have them marked as Exhibits/attached to the transcript).
    - the Board now has a 20 page limit on **inmate writings** that may be submitted the day of the hearing. So be sure to submit your parole portfolio to your counselor and/or the prison Lifer Desk well (at least two weeks) before the hearing.
  - Evidence of your IR&R from psych evals/prior hearings should be read into the record.
  - Don't just mouth clichés like "I was young and stupid". Really think about this and dig deep into yourself to find answers (both external – what was going on in your life prior to and at the time of the crime – and internal – what was it about your psychological makeup and mental state at the time that caused you to commit the life crime.
  - In preparing for the hearing, review your prior hearing transcripts, the statement of facts in the POR/appellate opinion, and past psych evaluations and Board reports to see what you've said about your life crime. Be prepared to explain any inconsistencies between prior statements you've made and your present version of the life crime.
  - There is no such thing as an "official" version of the life crime. By law, the appellate opinion sets forth the facts of the crime **MOST FAVORABLE TO THE PROSECUTION** and the POR contains mostly hearsay and unsworn statements (that are often wrong). Yet the Board, Governor, and courts generally treat these documents as gospel truth and will

use significant variances between them and your version of the crime to deny you for minimizing, failing to take full responsibility, or lacking insight.

- Object at the hearing to their use as “official” versions of the crime and to using differences between them and your version to by themselves show that you lack IR&R.

Before Shaputis II I normally advised my clients NOT to discuss the FACTS of the crime. But Shaputis II gives the Board the right if you refuse to discuss the life crime or IR&R at the hearing to use earlier statements you've made about it to deny you parole if those statements were problematic. As a result, unless there exist very good reasons not to, you should discuss the facts of the life crime, or at minimum, inconsistent statements you've made about it or significant differences between the "official" version and your version. You should also discuss IR&R. To not do so could spell disaster.

### **III. PAST CRIMINAL RECORD**

While in denying parole the Board may cite your “escalating pattern of criminality”, as static factors your priors generally are no longer important absent a nexus to current dangerousness. However, the Board will weigh your responses to its questions about your priors to see if you truly accept responsibility for them and, if it believes you are minimizing them, will try to connect that minimization to possible minimizing of the life crime to create the nexus to current dangerousness.

So be prepared. During your Olsen Review check all documents to ensure they are accurate. Prior to the hearing go over your past record (it might be wise to write it down) and make sure you know it cold, including the disposition (i.e., dismissed, sentenced to jail, given probation) of each charge. This will make it easier for you to answer the Board's questions about it and challenge any inaccuracies. Admit priors you did commit. And remember, you are being judged on your credibility. No matter how honest a mistake you make about your priors, it will lessen your credibility with the Board.

Three other things to remember: 1) Use of arrests that did not result in a conviction is improper (although the Board will often ask, especially if you were in a gang, about crimes you committed without being caught); 2) Usually, only crimes of serious violence are relevant to parole suitability; and 3) A minor criminal record is a factor favoring suitability; Make sure you/your attorney cite the law correctly on these points.

### **IV. UNSTABLE SOCIAL HISTORY/SIGNIFICANT STRESS IN YOUR LIFE**

These are hard factors to comprehend. The Board often cites unstable social history (USH) as a basis for denial, even though abuse you suffered at home, hardships you were subjected to, past substance abuse, or an unstable relationship with the victim, are **not by law** evidence of USH. On the other hand, the existence of significant stress in your life at the time of the life crime (i.e., severe family or emotional turmoil) is a factor the Board is required to consider and weigh IN FAVOR of granting you parole.

If this sounds contradictory and confusing, that's because it is. But you need to be aware of the contradiction and (if you speak to the panel about this) answer questions about your social history honestly and completely. Do not try to make your past sound

better or worse than it was, or try to play up or downplay the stress in your life at the time of the life crime, because you do not know whether or not it will help or hurt you.

## **B. POST-CONVICTION FACTORS**

### **I. PRISON DISCIPLINARY RECORD**

Your prison behavior is obviously an important factor in determining your suitability. If you have a recent CDC-115, regardless of what for, the Board will almost certainly deny you. Though not a formal rule, many Board members will automatically give you a denial if you have a 115 within 3 years of your hearing. Others use 5 years.

Most inmates who receive parole have exceptional disciplinary records. Some have no 115s at all. Those who do have none recently. 128(a)s are also viewed negatively by the Board. A recent court case allowed the Board to deny parole solely because the inmate recently received a 128, even though per established case law 128s are not discipline for unsuitability purposes. It was a ridiculous decision, but it is arguably good law (although it would seem that there would need to be a nexus between the conduct that led to the 128 and the conduct that led to the life crime). In any case be very careful.

Even if you are granted parole, for every year you had a 115 you will not be given four months good time credit when the Board calculates your release date. So if you have three years in which you received a 115 you will in essence serve an extra year in prison.

While the Board should differentiate between major 115s (i.e., violence, substance abuse, threatening staff) and minor ones (i.e., out of bounds, reporting late to work) it usually doesn't with recent 115s. This may not be proper (and there are cases saying it isn't), but they do it. Make sure to make the proper objections to this at your hearing.

**STAY AWAY FROM CELL PHONES!!!** The Board takes cell phone 115s very, very seriously and a cell phone 115 could kill your shot at being paroled for years. Also, it is now a crime for an inmate to possess a cell phone, so you could also end up having a consecutive sentence for this tacked on to your prison time. Whatever your reasons for using the cell phone, **IT ABSOLUTELY, POSITIVELY AIN'T WORTH IT!**

### **II. SELF-HELP/THERAPY PROGRAMS**

**SIGN UP AND ATTEND AS MANY PROGRAMS AS ARE AVAILABLE!!!**

(But quality means more than quantity. If you cannot articulate what you've learned from each program you take, all the certificates and chronos in the world won't matter.)

**This is vital.** The Board wants to know that you are working hard to rehabilitate yourself. By attending self-help/therapy programs ("SH/T") you can gain the knowledge to develop IR&R into the crime and in the Board's eyes be rehabilitated. Inmates who receive dates can show the Board years of SH/T, particularly in substance abuse (if you had a substance abuse problem), anger management, and victims awareness. And they will deny you parole if they don't think you've taken enough SH/T or **haven't internalized the programs**. So do SH/T and do it well, and be able to tell the Board (and the psychologists) what you've learned from each program you've taken! If you've taken



AA or NA, you must know the 12 Steps – the Board will test you by asking you to recite them in random order, tell which steps you are working on, or which is your favorite. If you can't answer easily and correctly, they will question your sincerity in attending, giving them an excuse to deny you. **DON'T GIVE IT TO THEM!**

If there is no SH/T available, enroll in a correspondence course, get self-help books from the prison library or have your family order them for you from an on-line bookstore, read and do book reports on them to bring to the hearing. Be prepared to discuss the books with the Board. If you read scriptures, let the Board know which portions you read and what you learned from them.

Keep a journal documenting your self-help attendance and individual studies (it's a great idea to document all of your prison programming and parole plans). Bring copies to the hearing for the Board. It shows diligence and discipline, qualities the Board favors.

SH/T is not always necessary. If your psychological evaluation says you do not need more of it, the Board acts illegally in stating that you do as a basis for denial. Make sure you or your attorney makes the appropriate arguments and objections on the record.

### **III. PSYCHOLOGICAL EVALUATION**

Since Lawrence held evidence of a present serious psychiatric condition and/or lack of insight MAY constitute the nexus necessary to find you currently dangerous, to have a real shot at parole, you want a violence risk rating of "low". Any higher rating, i.e. "moderate", and the Board will often say the psych eval isn't [totally] supportive of release and will cite it as a basis for denial. And it will likely work.

**IN MY OPINION, any rating of "moderate" or lower supports release, especially if the doctor finds that you do not have a major mental illness (i.e., schizophrenia), or a diagnosis of Anti-Social Personality Disorder. Be sure to argue it that way. FAD admits that a "moderate" rating for a lifer is equivalent to a "low" risk for a determinate term inmate. Be sure to argue this as well.**

You must treat the psych eval like a Board hearing: fully discuss the life crime, your past history, and IR&R in detail. A psychologist's opinion that you have good IR&R for the life crime is very helpful. A finding that you lack IR&R is usually devastating.

Getting a favorable rating does not guarantee a parole grant, even though the California Supreme Court has held that the Board acts arbitrarily and capriciously in ignoring a well-reasoned psych evaluation. So, if the evaluation is based upon solid analysis – which is not always the case – and the Board ignores a favorable risk rating, it will give you a fighting chance at winning a writ petition challenging the denial.

Many, but not all, of the Board's psychologists are incompetent and/or biased against you. Further, the Board is not following its own rules for when an error in the evaluation mandates that you be given a new one. But on the bright side, effective January 1, 2016, the Board will be giving you a new comprehensive psych evaluation every three years or prior to your next hearing, whichever comes first. There will be no more updated evals every three years with a full one only every five years. Hopefully, this will improve the quality of the risk assessments.

Given the bias of many of the Board's psychologists, many of the you will have to make a tough decision: attend the evaluation or refuse. Neither option is especially

appealing: if you attend, you stand a strong chance of getting screwed; if you don't attend the Board will hold it against you (and Shaputis II gives them cover for doing so).

The decision is dependent upon the specific facts of your case, so it is imperative that you and your attorney discuss the matter and arrive at a decision how to handle the situation if it arises. And if you do attend and do get screwed, make sure that your attorney makes the proper objections to the evaluation.

Finally, you have the right to attach a rebuttal to the evaluation stating your objections to it, such as bias or factual errors. It is essential that you do this so that the Board, the Governor (and a reviewing court) will have access to your side of it.

If you do receive an unfavorable evaluation, you will need to decide what to do. Some of the issues to consider are: are there enough factual errors or at least one really significant error in the evaluation that you can have it invalidated; do you obtain an independent psychological evaluation to counter the Board's evaluation (if you have the money); and if you can afford one do you have it done right away and go to your hearing as scheduled, or do you waive the hearing for a year or so and have the evaluation done just prior to the rescheduled hearing (so the evaluation is not simply a recent rebuttal to the Board's evaluation, but is also based on at least a year of growth and hopefully good programming). These pros and cons are individualized, so I cannot advise you on it in this pamphlet. Make sure to discuss them with your attorney.

#### **IV. PAROLE PLANS**

While having viable parole plans is a factor showing suitability for parole, LACK OF PAROLE PLANS IS NOT A FACTOR SHOWING UNSUITABILITY. Nevertheless, the Board does deny parole for lack of parole plans and while you could fight this in court, it is in your best interests to have solid parole plans.

##### 1. Support letters and what they contain are important.

- Because documents get lost, they should be addressed to the Board's Lifer Desk at your prison; copies should be sent to you and your lawyer.
- They MUST be DATED, SIGNED and contain the writer's contact information.
- They should be RECENT. Letters over 1 year old should be updated.
- They should state what support the writer is offering you (i.e., financial, spiritual, emotional) to help you become a productive citizen in society
- **They should state (if true) that you have expressed remorse for the crime and empathy for the victim and his/her family.**
- They should state (if true) how the writer has seen you change for the better since incarceration (the more knowledge the letter shows of who you were, are, and what you've been doing in prison (including being able to identify some of your more noteworthy accomplishments) the better.
- They should state (if true) that the writer feels remorse for your crime and empathy for victim/family.

##### 2. Residence

- a. You need a letter offering you a place to live.
- b. You only need one residence offer, but can submit more. But make clear which is primary and which is backup.

c. Residence in your old neighborhood may not be acceptable, especially if you have past gang affiliation or it is too close to the victim/ VNOKs ). In these situations, try to get residence offers outside your old neighborhood.

d. Offers should include assurances their home is alcohol, drug, and weapon free.

e. **YOU DO NOT HAVE TO PAROLE TO THE COUNTY OF COMMITMENT.** By law you can parole to any county in California where you will have the best chance to succeed on parole, which is the county where you will reside, work, and/or where most of your support group reside.

f. You will likely have problems obtaining permission to parole out of state before being given a parole date. As a result, you should obtain a residence in California where you can live until your out-of-state transfer request is processed.

g. Even if you have a residence offer from family/friends, seriously consider (at least for the first few months to a year) residence in a halfway house or sober living home (particularly if you have any past history of substance abuse and/or the risk assessment in your psych eval is contingent upon you remaining drug and alcohol free). This will go a long way towards assuaging the Board's concern that you may relapse upon release.

- Even though the Department of Adult Parole Operations is now assisting lifers in finding transitional housing as their release dates approach, it is much better to have at least one acceptance in writing at the time of your hearing. Ask your counselor or attorney for information. There are plenty of them out there; if you make the effort, you should be able to get an acceptance from at least one.

### 3. Job Offer/Marketable Skills

- a. Having EITHER a job offer or marketable skills satisfies the factor favoring suitability. Object if the Board tries to hold otherwise.
- b. The job can be anything. It can be a business owned by family or friends.
- c. The job offer should be on company letterhead, dated and signed, with the company's address and phone number, expressly offering you a job upon release. It should include a description of your job title, duties, salary or rate of pay, benefits, opportunities for promotions.
- d. One job offer is sufficient, but more than one never hurts.
- e. Your marketable skill can come from a vocation or prison job, or even from a job you had on the street. Object if the Board says otherwise.
- f. Finding a job on the outside is not easy. However, showing the Board that you are trying to find one is easy. Prepare a resume and bring it to show the Board at your hearing. Bring copies of all letters you sent out looking for a job and any responses you've received.
- g. If you get an offer of residence from a halfway house, sober living home, etc., these often include offers of employment, help finding employment, and job training. This will solve two problems at once.

### 4. Relapse Prevention Plan ("RPP"): **THIS IS CRITICAL, ESPECIALLY FOR INMATES WHOSE LIFE CRIMES WERE A RESULT OF SUBSTANCE ABUSE.**

a. The Board wants you to have a RPP and may deny parole if you don't have a solid one. The Board's psychologists are recommending RPPs for inmates with past substance abuse, anger, impulsivity, or gang issues, raising the violence risk rating on

inmates who don't have one, and stating that such inmates can lower their risks of violence ratings by developing one.

Nothing in the suitability regulations requires a RPP. IN MY OPINION, you are better off developing one than fighting about it with the Board or in court. If you do not know how to prepare one talk to your AA instructor or a knowledgeable member about how to do so. And if the psych gave you a bad risk rating because you didn't have a RPP, be sure to argue that the risk rating should be lowered if you later develop one.

b. Do your best to obtain an AA/NA sponsor. Along with a transitional home, he or she will be the primary focus of your RPP.

c. If you plan to attend AA/NA upon release, obtain and bring with you a list and schedule of meetings in the area where you plan to parole.

If you have an active ICE hold you will likely be deported upon release. So you must have viable parole plans for the country to which you will be deported. And the Board CANNOT require that you have parole plans in California.

If you are disabled, elderly, and unable to work, if you can show you have income from Social Security, Disability, Medicare, Medi-cal, a pension from the VA or old job, an inheritance, or your support network will cover your living expenses, by law you have adequate parole plans. But be sure to provide adequate proof of this income (with the caveat that you might not want to reveal a large sum of money if the Victim or Next of Kin might try to sue you for it after you parole. Discuss this with your lawyer).

### **C. PAROLE HEARING AND PREPARATION DOS AND DONTs.**

1. **ALWAYS DO YOUR OLSEN REVIEW.** Ensure your C-file contains everything it should and nothing it shouldn't.

- if you have a GED, High School, or College Diploma, make sure it's in there; make sure all your laudatory chronos, certificates, work reports are in there.

- make sure the disciplinary record is complete and accurate. If you were given a 115 and had it dismissed, make sure it has been removed from your C-file.

Documents often don't make it into your C-file. Documents that should be deleted from your C-file often aren't. The Board accepts everything in your C-file as true, and assumes that anything not in your C-file does not exist. These are ridiculous assumptions, but it's not something you should normally ever have to deal with if you follow through with your responsibility to make sure your C-file is up-to-date and accurate.

2. **ALWAYS attend your PSYCHOLOGICAL EVALUATION** and cooperate fully with the doctor (except as discussed earlier).

3. **DO NOT cite law to the Board.** That is your attorney's job. If you do they may think you've spent more time learning law than programming and hold that against you.

4. **DO NOT argue with the Board or D.A. or challenge statements they make.** That is your attorney's job. Make sure he or she does.

5. DO NOT over-sell yourself. The Board does not often like salesmen types. They like meek, modest, soft-spoken, polite, and remorseful inmates. Be one.

- Answer the questions the Board asks you, not the ones you want them to ask (i.e., do not answer a question about your disciplinary history by telling the Board you have IR&R for the life crime). The Board will slam you for having your own agenda.
- **Do not tell the Board (or the psychologist) how easy it will be for you to go back out into society or they will think you are underestimating the difficulties facing you on parole and will use it to deny you parole.**

6. Be aware of your body language, facial expressions, and tone of voice. The Board will be watching and judging you on everything. They may fire hard questions at you simply to see how you handle them. Be sure not to lose your temper.

7. The regs limit the DA's role at the hearing to opining on your suitability for parole and asking "clarifying" questions OF THE PANEL. The D.A. may not question you, either directly or indirectly, may not object to anything, and MAY NOT GIVE THE PANEL LEGAL ADVICE. However, the Board often allows the D.A. to do so. Discuss with your lawyer how to best keep the D.A. in line and make sure he/she does so.

8. The regs require that if the D.A. submits documents not in the C-file they must be submitted at least 10 days before the hearing or the Board **may** deny their use. Object to the introduction of late documents. (Contrary to popular belief there is no 10-day rule for inmates. You can submit documents any time, even at the hearing, subject to the Board's new 20 page limit on inmate generated documents, discussed earlier).

9. DO ask your lawyer questions make sure he or she explains everything about the hearing process to you. If you don't understand something, ASK! And during the hearing, **NEVER TRY TO ANSWER A QUESTION YOU DON'T UNDERSTAND!**

10. DON'T let your lawyer bully you into doing something you don't want to do. You are the client and have the final say on all important issues, such as what you will or will not discuss at the hearing. If you and your attorney cannot agree on how to proceed, request a new lawyer. If you can only get one by postponing the hearing, do so.

11. On the other hand, DO listen to and consider your lawyer's advice and recommendations. To ignore them without weighing them carefully is not wise.

12. FESS UP WHEN APPROPRIATE.

- If you were in a gang admit it. Don't say things like "I just hung out with them, but I wasn't jumped in", or "I hung out but didn't commit crimes with them". The Board will think you are minimizing your past gang involvement. Just say you were in the gang, then explain the extent of your participation.

- Admit the scope and duration of your substance abuse history.

- Admit to the priors you committed and the 115s you were guilty of.

**SHOWING IR&R FOR YOUR PAST MISTAKES WORKS IN YOUR FAVOR.**



13. Submitting a parole packet is an excellent idea. It should contain a **summary of your prison program** and parole plans and copies of all support letters, your Insight Statement, remorse letters, Step 8 list, Relapse Prevention Plan, book reports, and "attaboy" laudatory chronos from correctional officers and free staff.

IN MY OPINION, rather than including all of your chronos and certificates in the packet, just put in the written summary (bring the chronos/certificates to the hearing as prove if needed). I suggest doing two lists: one covering your accomplishments since your last parole hearing, the other covering your accomplishments prior to that hearing. This will make it easier for the Board, already swamped with reading material, to read your packet. A parole packets thick with chronos/certificates will only be skimmed.

14. Hope for the best, but expect the worst. The Board wants to deny you parole and will look for reasons to do so. Parole is a more a marathon than a sprint. Many lifers who have deserved a date for years are still waiting. And even where the Board gives a date, the Governor may still reverse it. But don't lose hope. The grant rate is much higher than it was just a few years ago, and the Commissioners and some courts are getting better. This horrible system is changing for the better. So keep doing your best to put yourself in the best position possible to be the beneficiary of these changes.

#### **D. WAIVERS AND STIPULATIONS TO UNSUITABILITY**

Since you may waive your hearing up to three times in a row, there is little reason ever to stipulate. If you request a waiver at least 45 days prior to your hearing the Board must almost always grant it. If there were good reasons why you couldn't request it at least 45 days before the hearing (i.e. your lawyer met with less than 45 days before the hearing) the Board should but often doesn't grant it. If this happens, you'll have to decide whether to stipulate. Whether to waive/stipulate depends on the circumstances.

IN MY OPINION, you should only do so when the Board will likely give you a multi-year denial (i.e., where you have a recent 115 or a recent unfavorable psych eval) if you go to hearing (especially with Prop 9 in effect), and you don't have valid grounds for a postponement, such as illness or you're appealing a recent 115.

In these situations you **MIGHT** be better off waiving for 1-5 years than receiving a lengthy denial at the hearing. But there may be good reasons to go to hearing, even if you know you'll get a multi-year denial. What's important is that you know your options and discuss them with your lawyer. You are doing the time, you are the client, and the decision whether to waive, stipulate, or go to hearing is yours alone.

If you do decide to waive or stipulate, the reasons why must be clearly and narrowly stated/worded to your best advantage. This can mitigate the damage of stipulating.

**NEVER SIGN ANY WAIVER/STIP/POSTPONEMENT BEFORE READING IT AND ENSURING IT IS CORRECT. AND NEVER SIGN A BLANK FORM!**

#### **E. PROP 9 (MARSY'S LAW)/1045 PETITIONS TO ADVANCE HEARING**

As I expected, the California Supreme Court upheld Prop 9 in Vicks. But to my surprise, the federal district court held in Gilman that Prop 9, as applied by the Board,



violates the ex post facto clause of the U.S. Constitution. The ruling was appealed to the 9th Circuit Court of Appeal, where its fate should be decided soon. If I had to hazard a guess, I'd say that the 9th Circuit upholds Marsy's Law. Stay tuned.

The California Supreme Court made two potentially helpful rulings in Vicks: 1) the passage of time MIGHT be the change in circumstances necessary to entitle you to advance your hearing, and 2) the Board can and should review denials on its own to determine whether an earlier hearing should be given.

As a result, the Board has been granting many more 1045 Petitions to Advance, and now automatically reviews all 3 Year Denials a year after the hearing (this is called a "Sua Sponte" review) and may be reviewing some 5 Year Denials two years after the hearing). As a result, you should almost always try to advance your hearing if you have any legitimate basis for doing so (you can apply once every 3 years). However, if you received a 3 Year Denial, you should probably wait until after the Board's automatic review of the decision, and file your 1045 a few months after if the review does not result in your hearing being advanced.

#### **F. GOVERNOR'S POWER TO REVIEW PAROLE DECISIONS (PROP 89)**

The Gilman federal judge also held that Prop 89 violates the ex post facto clause. This ruling was also appealed. But if it is upheld, potentially every lifer convicted prior to Prop 89 passing, who has been granted parole and had the grant reversed by the Governor or the Board after the Governor referred it en banc and is still incarcerated, could be ordered to be immediately released. I think this stands a better chance of remaining struck down than Marsy's Law. Stay tuned.

#### **G. CONFIDENTIAL INFORMATION.**

More and more, the Board and Governor are using confidential information to deny parole/reverse a grant, the substance of which they will not disclose. Usually it will be information that did not result in you receiving a 115 or prosecuted criminally. This is beyond horrible and if our courts were fair and impartial would be blatantly illegal. But they aren't. I am litigating this matter, so far without success, but I will keep trying.

In the meantime, get a copy of your 810 (list of confidential documents) and 1030 (summary of confidential document) for each document listed on your 810 before your hearing and make sure you object to the Board using confidential information without first giving you and your attorney access to it and sufficient time to defend against it. The objection will be overruled, but make it anyway to protect your rights.

#### **H. SWARTHOUT v. COOKE (Shutting the Door to Federal Court)**

In 2011 the U.S. Supreme Court stated that inmates have no federal constitutional right to parole, so the federal courts cannot tell California how to apply its parole laws. It is a horrible decision. We are trying to get lifers back into federal court, but it will be an uphill battle. The most promising scenarios involve challenging blatant PROCEDURAL due process violations, such as using confidential information to deny you parole.

#### **I. In Re Butler/Term Setting/Proportionality.**

The Board now sets your base term at your initial hearing (or your next hearing if you've already had a hearing) even if you are denied parole. Previously, the Board only set the base term upon finding the inmate suitable. This is an important change, as you will now know how much time you likely will have to serve at your initial/next hearing, allowing you to plan your program accordingly. It is not certain how much input you and your attorney will be allowed into the calculation, but I suggest trying to give as much input as you can, especially if there is an issue as to which matrix should be used, or whether you should be given extra good time credits.

Understand, however, that Butler does not change the suitability requirements or require the Board to grant you parole once you've exceeded your base term. But the second Butler decision of May 2015 could render the calculation exceedingly important.

In In Re Dannenberg, the California Supreme Court stated, "no prisoner can be held for a period grossly disproportionate to his individual culpability for the commitment offense. Such excessive confinement violates the Cruel & Unusual punishment clause of the Cal Constit. Thus, we acknowledge that section 3041(a) cannot authorize such an inmate's retention, EVEN FOR REASONS OF PUBLIC SAFETY, beyond this constitutional maximum period of confinement."

Unfortunately, until Butler, no court has applied this holding to have a lifer released for having served way too long, given his role in the life crime. But Butler held that the base term set by the Board using its matrices **MAY** show that a lifer is serving a constitutionally excessive sentence. "the base and adjusted base terms relate to proportionality" as well as uniformity", in sentencing, "and can serve as useful indicators of whether denial of parole will result in constitutionally excessive punishment", because "the base and adjusted base terms represent an approximation of the punishment the Board deems proportionate to the particular prisoner's offense"

What this seems to mean is if you have served **many years beyond the base term** the Board established at your hearing, you might have a chance to be released by a court because your sentence is unconstitutionally excessive. We will see.

#### **J. SB 260/261 (YOUTHFUL OFFENDER PAROLE HEARINGS ("YOPH"s))**

If you were under 23 (SB261 just became law raising the age from 18 to 23) at the time of the life crime (you do not qualify if you have LWOP or death penalty), and have not committed certain serious crimes after turning 23, your next and all future hearings will be YOPHs, at which, great weight must be given **"to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity"** in determining your parole suitability. This is a very new process, and there have not yet been any court decisions analyzing it, so what follows will necessarily be general.

i. If you are serving a determinate sentence you will be eligible for a YOPH once you have served 15 years (including CYA or county jail time).

ii. If you are serving a life sentence of less than 25-life (concurrent/consecutive sentences and enhancements do not stack to push you to 25-life or more), you will be eligible for a YOPH once you've served 20 years (including CYA or county jail time).

iii. If you are serving a life sentence of 25 or more-life, you will be eligible for a YOPH once you've served 25 years (including CYA or county jail time).

**But if you are already eligible for a initial parole hearing, or you have already had a regular parole hearing and are past your MEDP, your next hearing will be held as a YOPH, even if you haven't served the requisite number of years (15, 20, or 25). And if you are found suitable, generally there will be no base term calculation and you would be eligible for immediate release (subject to the Governor's review).**

iv. Prior to your YOPH you will be given a new or updated psychological evaluation by the Board at which the doctor is required to accord great weight to your age and circumstances at the time of the life crime.

v. **The suitability requirements in Penal Code Section 3041 and Title 15 Section II still apply to YOPHs.** But the hallmarks of your youth at the time of the life crime must be given "great weight" as well. Because no court has ruled on what "great weight" means, no one yet knows what it means, but for sure your prison program, including your disciplinary record, as well as your IR&R for the life crime, will still be significant factors at your YOPH.

vi. "Hallmarks of youth" include immaturity, impulsivity, recklessness, lessened responsibility, lessened ability to anticipate and appreciate consequences, imperviousness to punishment, susceptibility to negative family/peer influences, and lessened capacity to overcome/escape dysfunctional home environments or crime-producing settings

vi. People who knew you at or before the life crime (i.e., teachers, doctors, counselors, family members) and/or people who have known you since the life crime may submit letters at which they discuss your hallmarks of youth before and leading up to the time of the life crime and/or your growth since the life crime.

- These letters will be critical tools to help you show that your hallmarks of youth should lessen your responsibility for the life crime, and how you've changed since then. It will obviously be difficult to obtain letters from many people who might in a position to comment on how you were many years ago, so as soon as you know you are eligible for a YOPH, start trying to get these letters together.

- Try to have these letters in your C-file prior to your new psych eval, as they will help the doctor understand your hallmarks of youth at the time of the life crime.

vii. Your court records could contain a wealth of relevant information on your hallmarks of youth. If you were sent to CYA for an Amenability Determination, it was made after you had a psychiatric and social worker evaluation. Those evaluations and the actual Amenability Determination should be in your C-file. Make sure they are.

- other valuable sources of information could be contained in your Probation Report (and possibly a supplemental POR done after the Amenability Determination), your sentencing transcript, and your plea transcript (if you pled out).

**MAKE SURE YOU AND YOUR ATTORNEY EMPHASIZE YOUR AGE AND CIRCUMSTANCES AT THE TIME OF THE LIFE CRIME AND CONTRAST THAT WITH HOW YOU'VE CHANGED. IF THE PSYCH EVALUATION DOES NOT DISCUSS IN-DEPTH YOUR HALLMARKS OF YOUTH AND DOESN'T REFERENCE YOUR LETTERS AND RELEVANT OLDER COURT DOCUMENTS, OBJECT TO IT (UNLESS IT CAME OUT VERY FAVORABLE).**  
**K. SB 9 AND MILLER V. ALABAMA (JUVENILE LWOP) RESENTENCING**

This situation is beyond the scope of this pamphlet. I do represent inmates who received LWOPs for crimes they committed before turning 18 on petitions to be resentenced to life with the possibility of parole and will be happy to discuss representing you. Feel free to contact me or have your family contact me to discuss your case.

**L. THE ELDERLY PAROLE PROCESS ("25/60 HEARING").**

As part of the price for being given two additional years to comply with court-ordered prison population cap, the Board was obliged to set up a new parole process for inmates who are over 60 years old and have served at least 25 years of their sentence (both lifers and determinately-sentenced inmates. 25/60 Hearings began in October 2014.

There are no clear guidelines for how these hearings work, but the Board is supposed to give added weight to your age, health, and effects of long-term incarceration at the hearing, and you will be given a new or updated psychological evaluation that will focus on these issues. But so far, there are no court decisions interpreting these hearings, so exactly how much weight the Board is required to give is still not known. Stay tuned.

**M. INMATES GRANTED PAROLE WITH DATES IN THE FUTURE**

As with 25/60 Hearings, to get the two-year extension, the Board was ordered to identify inmates granted parole but with dates in the future to determine if they can be safely released immediately. Getting information from the Board as to how they are implementing has been ridiculously difficult, but it looks like the Board is looking at every eligible inmate (you are eligible unless you received an additional consecutively-run prison term while incarcerated for the life crime) in the order they are presently eligible for release to see if they can be released immediately. Slowly and surely, these inmates are being released earlier than their base terms dictate. So it is working.

**N. DEVELOP AN EXIT STRATEGY.**

You need to develop and implement a plan to get paroled as quickly as possible (if you hire an attorney it should hopefully be to work together not just for one hearing -- unless you are clearly ready to be paroled at the upcoming hearing -- but to develop and implement this plan). Ideally you've been formulating, fine-tuning, and implementing your plan since you first came to prison, but if not, you'd better get started right away.

First, you must try to **accurately** assess how close you are to being a viable candidate for parole. This requires brutal honesty -- as opposed to wishful or delusional thinking -- in gauging your historical factors (life crime, priors, social history), the strength of your IR&R, psychological evaluations, and prison program your entire time incarcerated (and since the last hearing) by analyzing them under existing law, Board

policies, and politics (which hopefully this pamphlet has given you a better understanding of) to determine how close you are to being in the ballpark for receiving parole at your next hearing.

If, after having performed this analysis, you believe you are close, your task is to develop and implement your strategy for getting a parole grant at your next hearing.

If however, after having performed this analysis, you recognize that you are not yet there, you will need to figure out what you need to do and how long it will take to get there, and develop and implement an exit strategy to get you paroled at the earliest possible date. This may be a short term plan, a medium term plan, or a long term plan, and might include deciding whether to go forward with your upcoming hearing and "face the music" of a recent 115 or a poor psychological evaluation, or waiving it for a year or more until through hard work and solid programming you are better ready to face the Board (even if you will likely be denied at that hearing).

Obviously, I cannot in this pamphlet advise you on how to analyze your situation or how to develop and implement an exit strategy to fit it. That will be for you (and hopefully your lawyer) to do. But it is critical that you perform this analysis honestly, and develop an appropriate and viable exit strategy. You will be lost without it.



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## WORKING TOWARD PAROLE

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### Actions Lifers and Families Can Take to Assist in Winning Parole Dates

*\*These suggested actions are culled from many sources and offered for consideration in conjunction with your attorney. Life Support Alliance is not a law office and in no way represents these suggestions as legal advice or guarantees their success. Your attorney is always the best source of legal advice, representation and action. \**

The California Lifer parole process is complex, heavily discretionally and very often frustrating to both prisoners and their families. Families want to be supportive and helpful but often can't understand why their prisoner isn't coming home, despite exemplary institutional behavior, letters of support and years, even decades, in prison.

The good news: the battle of being granted a date by the Board of Parole Hearings, and then successfully weathering a governor's review, has become an increasingly winnable battle, as more grants are being given and Governor Brown has intervened in far fewer lifer parole grants than his predecessors. For clarification, the Governor's ability to reverse (or 'take') a lifer's date is limited only to those prisoners convicted of a 187PC violation, first or second degree murder.

Life term prisoners who have not been convicted of a 187 PC violation cannot have their parole date summarily taken by the governor, but the decision can be sent for review by the entire 14-member parole board, an en banc hearing. In 2015 Brown had reversed approximately 10% of those parole dates for which he had the last word. LSA has also identified a list of triggers, or aspects of the crime, that seem to be the prime reasons Brown reverses a grant.

And while securing a date from a parole panel remains an uphill battle, the overall grant rate for the past several years is just over 30%. While not at the level we feel it should be, this is by far an improvement over the 5-8% grant rate of just a few years ago. However, with Marsy's Law still in effect the possible length of denials can be much harsher; a minimum of 3 years and a maximum of 15 years between hearings.

For clarification, in February, 2016, Marsy's Law and the Governor's ability to reverse dates for any inmate with a 187 conviction, regardless of whether or not the crime occurred prior to the enactment, was upheld by the State Supreme Court via the Gilman

decision. While one appellate court weighed in early in 2015 and declared both Marsy's and gubernatorial reversals used for inmates who were sentenced prior to those laws being enacted, the lower court ruling was overturned by the Supreme Court. Marsy's Law denial lengths and the Governor's ability to reverse dates are applicable to all lifers.

There are no sure fire answers to how to be found suitable, but there are some actions both lifers and their families can take to make the chances of receiving a date from the board more favorable. The following suggestions are culled from a variety of lifer parole attorneys' suggestions and practices, discussions LSA has had with the Board of Parole Hearings, research into nearly 1000 parole transcripts and our own conclusions, reached as observers at more than 100 parole hearings.

The two most important points for any lifer and their family are these:

Don't give up hope. Parole is possible and in more and more cases, it is happening. This is an important, new time for lifers, as the doors to parole and freedom are beginning to open.

Be realistic about the time and work needed to successfully gain a date. You probably won't get a date on your first, second or maybe even third hearing, nor can you simply stay discipline free and just do your time. There is work involved, and it's up to the lifer to get it done. The family can't do it for him/her and no attorney, no matter how good, will be the ultimate reason for grant.

Since most lifers already know the things they must do within the institutional process to prepare themselves for parole, such as no write-ups, self-help classes, positive chronos and the like, we won't repeat the obvious. What we will try to offer are suggestions lifers and family members can work on in conjunction with these institutional goals and in cooperation with each other, as well as some insights, if you will, into the board and parole process.

Although every board attorney we spoke with felt the chances of attaining a date increased with good legal representation at the hearing they also realize it is not always financially possible and pro bono (no fee) representation is difficult to find. There are some very good state-appointed attorneys in the system, but it is the luck of the draw for any individual lifer on which attorney is appointed to represent them at a hearing. So, if you and your family can afford to hire an attorney, strongly consider it. If not, do every single thing you can find and think of to show the board your suitability.

The only standard in the law to be granted parole is to show the prisoner is not a CURRENT danger to society. However, the path to that finding is left largely to the "discretion" of the parole board commissioners. By in large the commissioners look to a short list of items they feel show suitability or lack thereof.

1. The life crime. Although the board, by court decision (In RE: Lawrence), can no longer use the crime alone as the sole or primary reason for denial, nearly all denial decisions mention the "heinous" or "cold" or "cruel" nature of the crime. Even grants get the same treatment.
2. Lack of "remorse" and/or "insight" into how the prisoner came to commit the crime. This finding is often in part based on the psychological evaluation given to all lifers.
3. Failure to accept responsibility for the crime, even if the prisoner before the hearing was only part of a group committing the offense.
4. Lack of sufficient self-help or rehabilitative programming.
5. Insufficient or incomplete parole plans.
6. Confidential information, something often neither the prisoner nor attorney know about and/or disciplinary write ups (115 and 128).

These items are used, often in varying combinations, as a reason to find prisoners are still an unreasonable danger to society and thus deny parole. The courts have held that a "modicum," or smallest, of provable deficiency in any of these areas is enough for the board to be allowed to find a prisoner unsuitable. So each area must be addressed and dealt with.

For lifers, the following tactics might be helpful:

### The Crime

1. Many attorneys used to advise their clients not to discuss the life crime at the hearing, but to stipulate to the facts on the record. There is no requirement to discuss the crime with the board. However, after a court decision a couple of years ago (Swarthout) that largely closed the door to prisoners seeking federal help most attorneys now suggest prisoners be ready and willing to discuss all aspects of their crime. And the Board will ask. They want to hear about the crime and circumstances from the prisoner.
2. If you do make the decision to discuss the life crime at the hearing, practice doing so ahead of time, so it is not unfamiliar territory on hearing day. As with most things, practice always helps.
3. Be prepared to discuss any prior criminal history or record prior to the life crime. Juvenile incidents are fair game for the hearing board and little if anything is ever really expunged from the record.

4. In all things, discuss this and every other decision with your attorney during your consultation.

### Insight, remorse, responsibility

1. Insight, the board's latest buzz word, has two parts: contributing factors and responsibility. If substance abuse or anger issues figured in the life crime you must admit to the contributing factors but stress it was not drugs/alcohol/anger that caused the crime, but your decision to indulge in these behaviors. Whatever the contributing factors, the ultimate responsibility for the crime lies with the inmate and must be accepted.

LSA has several handouts a workshop we present to prisoners on discovering the 'causative factors' of the crime and developing insight; Connecting the Dots. We are currently taking this program to any inmate self-help group that wants to invite us. Expressions of remorse or amends must be genuine. These need to be in your own words, not stock phrases and words memorized from self-help programs or books.

2. Letters of remorse and amends should be written to the victim(s) and/or families, whether they are ever received or not. CDCR's Victims Services division no longer accepts apology letters, but these can be included in your parole packet and presented at the hearing. Be aware, a letter simply saying "I'm sorry" is not sufficient, and DO NOT send to the victims' family.

LSA offers a course in writing amends letters, offered in various institutions through self-help or ILTAG groups, free of charge. Please write to the Amends Project for more information.

3. Write out your closing statement for the board, and don't be afraid to read it. You lose no points for reading rather than memorizing the statement and reading it will insure you cover all the issues you want to in the way you want to.

### Self-help

1. If you have not already started participating in any and all self-help programs available, START NOW. AA and NA programs are helpful not only for substance issues but can be used by all prisoners to show serious dedication



to rehabilitation. Use the 12 steps to show how you deal with issues other than substance abuse. Document your progress through the steps; try to find a sponsor, even an inmate who has already been through the steps.

2. Go beyond GED; correspondence courses, if possible, use self-study books on all subjects, books on how to write resumes, social skills, parenting, relationship building.

3. Do book reports on books read, but not your high school book report. These should be meaningful reports showing how the steps or lessons in the books relate to your situation and how you will use and apply them in your life. Books on victims' experiences and recovery can be used to understand and exhibit empathy.

Be prepared to discuss what you gained from the books read and how you can apply these lessons to life. If you need book suggestions, write to us for a suggested reading list.

4. The causative factors were present in the life crime (addictions, anger) the board will consider those factors are still present and will want to see how you have learned to deal with them. If your response is to simply say you won't let that happen again, that is insufficient. Everyone experiences anger and the board will want to know how you will deal with this and other such issues.

5. Repair fractured relationships. Part of making amends and insight is to reach out to family and friends who may have been hurt by your past behaviors and initiate repair of those relationships. Be sure to address how the crime impacted others in your family and the community at large.

## Parole Plans

1. While a confirmed job is not a legal requirement to be found suitable and may in fact not be attainable for some lifers, show due diligence in seeking employment. Prepare a resume, show research into likely jobs in your parole area. Letters of intent from employers are very useful, even offers of employment in your family's business. The board is interested in seeing you have a plan for providing yourself with the funds needed for living.

2. Have a relapse prevention plan. This is crucial if substance abuse was a factor in your previous life and crime. Know where and when support groups meet in your parole area, who to contact for help with emergency finances,



housing, and counseling. A sponsor from AA/NA to carry over from prison into outside life is good.

3. Have short term and long term plans; to show the board you realize reintegration is a process, not just getting out of prison. Short term plans can include obtaining identity cards, Social Security cards, and enrolling in school.

4. Don't marry to help your parole plans, but if that event is in your plans anyway a spouse can provide evidence of a stable relationship and support on the outside.

5. Be sure your parole plans are solid and realistic. The board can and does sometimes check on letters of support and offers of assistance. Don't allow your plans to be discounted because they are vague or not verifiable.

6. Update support letters before each hearing. Letters one or more years old are not considered valid by the board and may cause you problems. You won't require a mass of letters, especially if they are not real or written by friends of your family who do not know you. A few, real and meaningful letters are sufficient.

7. If you have an ICE hold, it would be wise to prepare parole plans for your home country, as well as California; if you are not deported, the board will want to be sure you have plans to succeed here.

### The Extra Effort

1. Re-read your past transcripts, with an eye to how you are perceived by the board and others. Ask family members to review them also to help you with perspective. As one former lifer said "Read your transcripts without fear, for therein lies your freedom."

2. Body language is important. Read up on this, observe others and take a close look at yourself. If you are denied, don't allow your disappointment to turn into visible anger; you'll have to address that at the next hearing.

3. Your attorney will be the best guide on how to handle and relate to victims and/or their relatives, if they appear at your hearing (known as VNOK hearing). Many commissioners will remind inmates that during the VNOK presentation the prisoner should keep his gaze focused on the parole panel, not the VNOK.

This prevents glances from the inmates from being misinterpreted by VNOK as threatening. No matter what ugly things the victims may say about you, know

these are not as impactful to the parole board as they might seem. You will not be denied parole simply because the VNOK oppose your release.

4. If you are denied, begin the process of appeal right away; this can be in the form of a Decision Review request, a writ or plans to submit a Petition to Advance. Also begin right away to plan for your next hearing.

#### Tasks for families:

1. You will be your prisoner's confidante, legal aide, research assistant, material supplier and financial backer. You must be supportive, persistent and resourceful. And real—don't allow your prisoner to tell you getting a write up is not a big deal—115s are parole killers. Hold your loved one accountable, because the board will.

2. The most important thing you can do is maintain contact with and support and love for your prisoner. Solid family backing and support as well as assistance in developing parole plans are the best help you can be.

3. Letters of support are vital and will be addressed in a separate section. It is crucial the letters be updated for each hearing and be original, signed documents. Don't expect petitions signed by anyone you could convince to be helpful—support letters are to be from those who really know the inmate.

4. Hiring an attorney and/or psychologist for a private evaluation should be considered, if at all possible. Our experience has been that while private attorneys are usually quite helpful, the expense of a private psychologist is often not worth the results, but your attorney is the best guide for this.

5. You will be the prisoner's eyes and ears on the outside, helping with finding job offers, locations of self-help rehabilitative groups (AA/NA) and when they meet.

6. Help find and provide books on self-help, correspondence education courses, even books for book reports as addressed above.

7. Help with short and long term parole plans, education enrollment, finding and securing medical assistance and any benefits the prisoner may be entitled to on release, these can include VA benefits, SS payments and documentation. Check with the California Controller's unclaimed funds website; a surprising number of inmates have monies owned them being held by the Controller's unclaimed funds division. While these funds can't be sent to someone in prison, they can be accessed once a prisoner is released and can often be several hundred dollars. These funds are from unclaimed checks, wages, bank accounts, insurance

settlements and the like the prisoner may have been owed but not collected prior to incarceration.

8. Read transcripts with an unbiased eye and communicate your feeling to your prisoner. Prisoners would do well to exude sincerity and maturity, not cockiness and attitude.

9. Contact, contact, contact. Letters, phone calls, visits are the best way of demonstrating to the board and your prisoner that you will be there to support them.

### Support Letters

- Letters of support from friends and family are a vitally important part of a prisoner's parole packet. However, these need to be carefully crafted, meet certain requirements and be sent to specific locations. This is not the time to plead to let Jimmy or Janey come home and promise they will never be in trouble again. As one parole commissioner said, this is the same family the prisoner had when he/she got in trouble, so just saying they want the prisoner home is not a sign of support.
- Letters sent to the board must be originals, signed, dated and with contact information. If not signed they may not be considered valid.
- Send all letters, as well as confirmation of other support, such as job offers, to the lifer desk at the prison housing the lifer (not to the BPH in Sacramento), with copies to the prisoner, to the attorney and to the prisoner's counselor at the prison.
- Form letters, petitions or letters from those who don't really know the prisoner are of little use. The board will often call the letter writers to be sure they did, indeed, write the letter and know something about the inmate. Bogus letters are worse than no letters.
- Try to keep letters to one page and specific as to what support you can offer and for how long you are prepared to offer that support, bullet point for clarity.
- Your letter should address your relationship with the prisoner, how he/she has grown as a person, what impact he/she has had on your life mean much in terms of rehabilitation and non-recidivism.

### What you can offer in support:

- Financial support, specific if possible as to amount and time duration
- Help in obtaining Driver's Licenses, Social Security cards, cars, living arrangements

- Help in securing a job and transportation.
- If the prisoner is eligible to be included on your health insurance policy or if an older prisoner/spouse can receive Social Security spousal benefits from your account.
- Participation with the paroled prisoner in support groups or counseling sessions.

Under new laws passed in the last few years there are several specialized hearings available to inmates, however, the basic question, is this person safe to release into society, remains the same. Regardless if an inmate has a Youth Offender Parole Hearing, an Elderly Parole Hearing or a medical hearing, even LWOP inmates who were juveniles at the time of their crime, that basic question is the one that must be answered. There is no free pass or automatic out.

If you would like more information on these specialized hearing and how they are being implemented, please write, call or email LSA for information on the hearings. Release via parole is now available to those long-sentenced determinate inmates as well, those who have received impossibly long sentences with no “to life” designation. Those who were given 40, 50 even 100 or more years straight time, without the “to life” designation may now be seen in parole hearings, an eventuality they never felt existed.

Many of the determinate sentenced inmates (DSL) and LWOP (Life without Parole) have no idea how to prepare for a parole hearing—the answer is, whether your inmate is a lifer, LWOP or a DSL, the requirements to be found suitable are the same. The same work is involved, the same questions must be answered. Everything that has applied to lifers in terms of parole readiness now applies to those DSL inmates who may be called to hearings under new legislation.

One more tip for families--become active in the prison/parole reform movement. Be involved, become knowledgeable and work for change. There are many prison reform groups, Life Support Alliance among them. Some ask for membership fee or solicit donations; some do not. Look into some groups and find one you can support and be involved in. Know who your state legislators are; knowing your US Senator or Congressman won't help you with California CDCR issues; these are state issues, addressed at the state level. Be involved, become an advocate, not only for your prisoner, but for change in the prison and parole system in general. Any positive changes we can bring about will be helpful to all prisoners, including the one you love.

For more information, call or write Life Support Alliance. PO Box 277, Rancho Cordova, Ca. 95741, 916-402-3750 or email us at: [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com)

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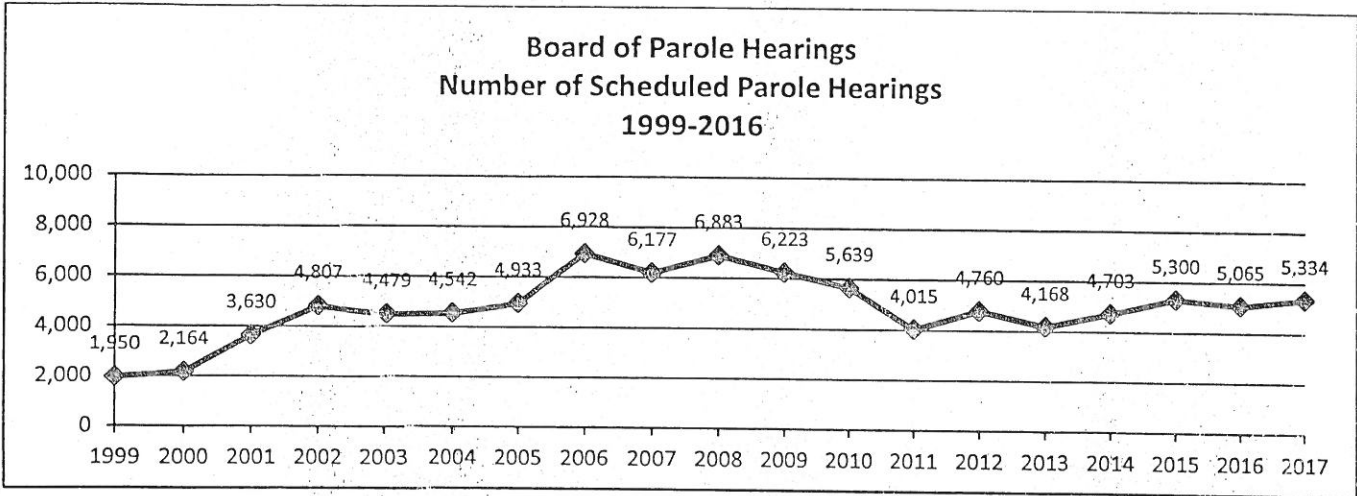
YEAR	#HRGS	#GRANTS	SOURCE
1978	1	1	Historical
1979	1	1	Historical
1980	2	0	Historical
1981	321	31	Historical
1982	776	29	Historical
1983	839	45	Historical
1984	707	59	Historical
1985	823	64	Historical
1986	942	49	Historical
1987	877	40	Historical
1988	1,017	28	Historical
1989	1,138	24	Historical
1990	1,817	74	Historical
1991	1,729	49	Historical
1992	1,743	16	Historical
1993	1,613	19	Historical
1994	1,970	12	Historical
1995	2,128	8	Historical
1996	2,287	10	Historical
1997	2,274	16	Historical
1998	2,172	27	Historical
1999	1,950	13	Historical
2000	2,164	52	Historical
2001	3,630	83	Historical
2002	4,807	168	Historical
2003	4,479	168	Historical
2004	4,542	214	Historical

YEAR	#HRGS	#GRANTS	SOURCE
2005	4,933	161	Historical
2006	6,928	241	Historical
2007	6,177	119	Historical/LSTS
2008	6,883	293	LSTS
2009	7,121	542	LSTS
2010	5,639	494	LSTS
*2011	4,014	463	LSTS
*2012	4,760	670	LSTS
*2013	4171	590	LSTS
*2014	4705	902	LSTS
*2015	4886	886	LSTS
*2016	4834	808	LSTS
*2017	5128	902	LSTS

\*Brown/Shaffer era

Board of Parole Hearings Statistics  
February 2018  
Handout A

Chart 3



**Chart 3** shows the total number of scheduled hearings from 1999 through 2016. In 2008, the Supreme Court rendered its landmark case of *In re Lawrence*, which changed the board's standard to "current unreasonable risk of danger to the public." As a result, hearings now take longer, as commissioners concentrate on who the inmate is today. In addition, 2009 was also the first year Marsy's Law was in effect. As a result, the board's minimum denial length went from one year to three years, and the maximum denial length went from five years to 15 years. This is one of the reasons why the number of scheduled hearings dropped significantly from 2009 to 2011. Many inmates who previously had annual hearings were denied parole for three years. The number of scheduled hearings has started trending up since 2014 as youth offenders and inmates eligible for elderly parole have been scheduled for hearings.

**Board of Parole Hearings Statistics  
February 2018  
Handout A**

Chart 1

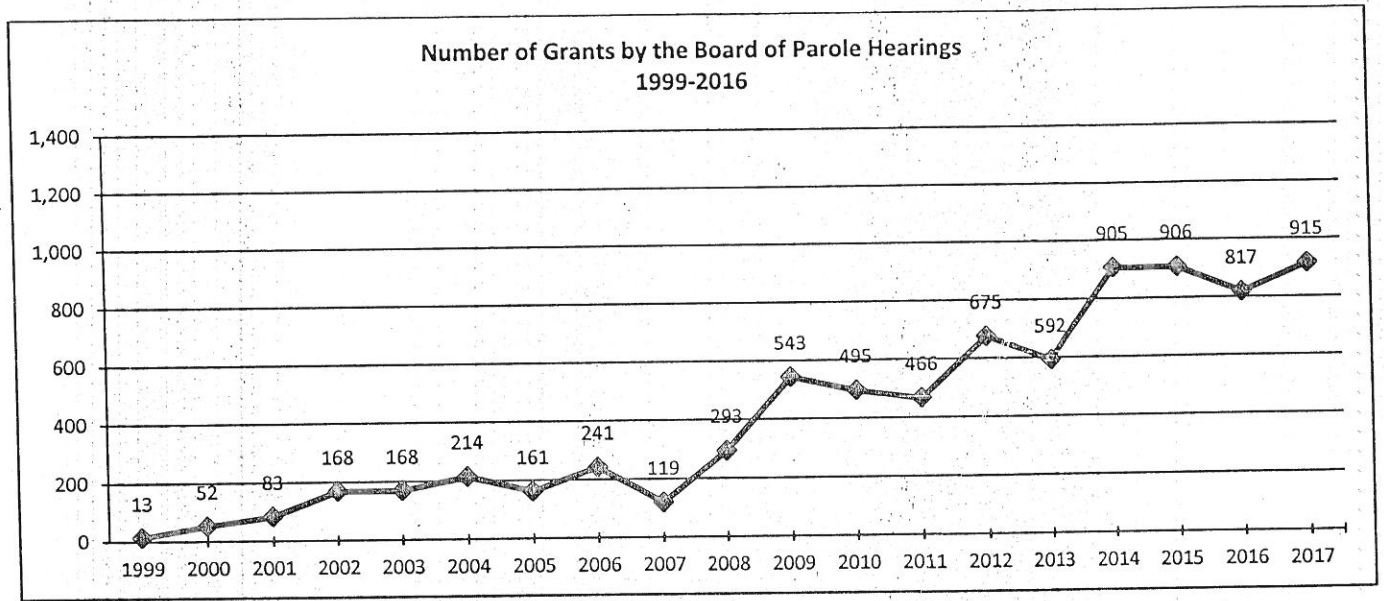


Chart 1 shows the total number of grants issued by the board each year since 1999.

Chart 2

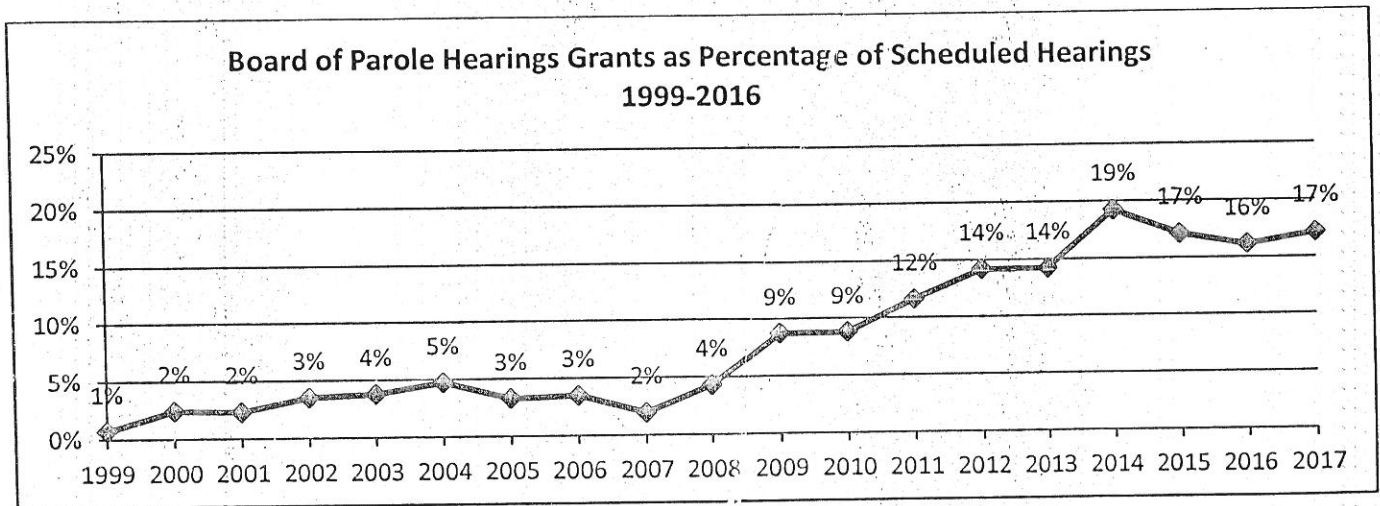


Chart 2 shows grants as a percentage of all scheduled hearings (including hearings that are postponed, waived, continued, cancelled, or that result in a denial or stipulation to unsuitability). Inmates may voluntarily waive their hearing for a period of 1 to 5 years for any reason if the request is submitted to the board at least 45 days prior to the scheduled hearing date. Hearings may be postponed for a variety of reasons, including the unavailability of essential documents, illness of inmate, commissioner, deputy commissioner, or inmate counsel, institutional quarantines or lockdowns, severe weather, electrical outages, etc.



## THE BIG 5: WHAT THE PAROLE BOARD NEEDS TO SEE

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### INSIGHT

Evidence that the prisoner has looked into his life history to discover how it got to be okay to commit his/her crime. Often this progression begins in childhood or adolescence, some event or series of events that cause the individual to become distrustful of authority and develop the feeling that he/she has to do everything to protect themselves. Figuring out what caused this mind shift and how it affected your outlook and actions leads to understanding of the causative factors of crime, which is the key to the next step, insight.

### UNDERSTANDING

Having pondered the far-reaching effects the crime has had on the victims/victim family; own family; neighborhood; community; society at large. Actions taken do not only affect the persons involved but ripple throughout a community, a family. When you recognize the changes your actions have brought on many levels you can begin to have understanding of the impact you had and the damage done.

### RESPONSIBILITY/REMORSE

Taking full responsibility for and expressing genuine deep sorrow for the damage created as evidenced in the hearing as well as other actions which were previously taken. Even if the victim was in some way involved in the events that led up to the crime, you can never blame anyone else. Remorse means you must acknowledge that even if you did not intend to kill someone, the actions you undertook and the bad decisions you made led to that event. Whatever else happened, whoever else was involved, your participation helped create the event and the damage, and you are therefore responsible.

### CHANGE

What have you put in place, in your life, to make sure something like this will never happen again? This is where you talk about the things you've learned in self-help. How will you deal with anger in the free world? It does no good to say you will never let yourself become angry—everyone gets angry but it's how you deal with it that matters. How will you deal with frustration? With hurt? With disrespect and fear? You must be able to articulate to the board the emotional tools you have learned to maintain a peaceful existence

### PAROLE/RELAPSE PREVENTION PLANS

This is where you talk about your support network, churches and A.A. groups, community and family connections. This is where family and friend can be so important—the parolee doesn't have to have a firm promise of a job, but he does need people, organizations and groups he can turn to for emotional support and help. Financial plans are important, but knowing where and how to get counseling, help, assistance is what the board looks for. Do you know where and when the AA groups in the area meet? Are you connected with community sponsors or family who will help out? Where do you plan to live and do you have a skill or trade that will enable you to financially support yourself, and/or do you have friends and family who will help with that support until you can find a job.





## IDENTIFYING AND CONNECTING YOUR DOTS

Inmates appearing before the BPH in suitability hearings are expected to know, understand and be able to discuss certain aspects of their past lives and behaviors, both in relation to their actions at the time of the crime and what their actions might be in similar circumstances now. It's important to not only understand, but be able to explain, or articulate, how those factors contributed to the criminal act.

You can't begin to understand the "causative factors of your crime" until you go back to what caused your thinking, your feelings, to be outside lines of society. Because the events of your life caused your feelings, which led to your thinking, which developed your belief system, which rationalized your actions as the best course you could take in any given situation. What you think you believe, and what you believe, you act on.

Knowing how the dots connect and knowing how that pattern of dots connected to create such an ugly picture will help you re-draw those connections into a picture of someone able to cope with emotions we all feel; stress, anger, fear, without resorting to violence. Someone who is no longer an unreasonable risk of danger to society. Someone suitable for parole.

Take a hard and realistic look at your childhood, adolescence, even young adult years. No one has a perfect upbringing, but some families have more issues than others. Were your parents abusive? Did that abuse lead to a distrust of authority, a feeling of not fitting in, of being inferior, humiliation and never being able to do anything right?

Those childhood feelings can translate into anger that is sometimes transferred to authority figures other than parents, leading some youths to act out in school, in the community and often in crime, defying that ultimate authority figure, police. Some often 'live up to expectations,' allowing themselves to prove to society that they're just as bad, or worse, than society seems to think they are.

Was a parent absent from your life? Abandonment issues are prevalent, even in children who were adopted into loving families. Youngsters often interpret a parent's absence as meaning they (the child) were not worth staying around for, leading to feeling of inferiority and resultant actions in trying to prove their importance, to 'be somebody.'

Was there violence in your household growing up? Early and frequent exposure to violent surrounding often fosters the belief that violence is normal, so that it becomes an acceptable part of behavior.

If stability was lacking, either through frequent moves, repeated relocations, or never knowing where or with whom you would be living, perhaps you failed to make or stopped making friends and connections, so that you wouldn't have to leave them again and again. Those with such 'loner' tendencies often think they must solve every problem themselves, by whatever means available, even violence.

Gangs can often become a substitute for family, appearing to provide a way to 'belong' and find acceptance. Until those involved ultimately realize, often too late, that gangs are not family and don't have any one individual's best interests at heart.

If substance abuse was commonplace in your family or friends, that, too can become normalized and just what 'everyone' is doing. Allowing your thinking to become clouded and your behavior uncontrolled through substances, while a causative factor, is not an excuse for criminal behavior. It may help explain why you did what you did, but it doesn't give you pass. Substances often remove any remaining inhibitions on behavior and, while they may expedite extreme actions, they aren't the root cause.

And these are just some of the events that can impact decision making, especially in the young years of development. Beliefs, those life-standards, often created at a young age and without proper understanding, can become firmly rooted into maturity, still affecting actions. It takes intensive and through reflection and self-examination to identify and understand these, and other, 'causative factors' in any individual's life and work through the changes necessary to understand that these sorts of beliefs, and the actions they can encourage, are misguided.

Whatever 'dots' caused your thinking, your value system to become distorted and outside the norm, once you identify them you can study and understand their effects on your actions. More importantly, you can develop tools to help you deal with the feelings that first caused these faulty beliefs, so that you don't resort to the sort of anti-social, criminal activities that once appeared to provide at least temporary solace for those uneasy, unpleasant feelings.

Finding, understanding and knowing how to use those tools will enable you to relieve your 'criminogenic needs,' the latest pseudo-term dreamed up by CDCR. Knowing how to deal with those criminogenic needs means you no longer engage in 'criminogenic thinking,' another step in the right direction.

A cautionary word; just because you can identify the root causes of your anti-social actions doesn't mean you get the brass ring in the form of a parole grant. You still must understand and explain how those factors affected you and shaped your beliefs, how those distorted beliefs lead to your actions and how you've changed those beliefs, and through your new mindset and rehabilitation tools, changed your behaviors.

The work has just begun.

## SPECIAL HEARINGS BULLET POINTS

*No special consideration hearing is an automatic grant of parole; the standard of public safety must be met.*

### YOUTH OFFENDER PAROLE HEARINGS (YOPH)

- o Long term determinate also included. Certain crimes excluded
- o SB 260 <18, SB 261 <23, AB1308, <26 years of age
- o DSL, hearing @ 15 years; juvenile LWOP after 25 years
- o ISL (lifers), sentenced of <15 to life, after 20 7 years, sentence of >25 to life, after 25 years

### ELDERLY PAROLE

- o First established the 3 judges (3JP), codified by AB 1448
- o 60 years and older, 25 years in—BOTH benchmarks must be met
- o AB 1448 excluded 3 Strikers, but they will be included under the 3JP

### MEDICAL PAROLE AND COMPASSIONATE RELEASE

- o Both considerations must be referred to BPH by medical staff at the institution but review can be initiated by family
- o Basic concerns of public safety remain paramount
- o Medical: must have chronic illnesses that interfere with activities of daily life, bathing, dressing, eating
- o If medical parole granted usually paroled to skilled nursing facility, not family
- o Can be revoked if condition improves or degenerates,
- o Compassionate release: must be within 6 months of death
- o If compassionate relief granted by the BPH the decision is referred to sentencing court for final dispensation
- o Typically granted less than 50% of the time



## SPECIALIZED BOARD HEARINGS

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YOPH HEARINGS: affects those individuals, both determinate sentenced and life sentenced (DSL and ISL respectively) who were under 26 at the time their crime was committed. Prisoners may be disqualified, however, if: 1) another crime was committed after the age of 18 that involves malice aforethought or results in an additional life term; 2) those sentenced to an LWOP term; 3) the controlling offense is a result of a 3 strikes conviction. If disqualified there is an appeal process.

Time requirements are: 1) for DSL inmates sentenced to more than 15 years, hearings will be held in the 15th year of incarceration; 2) life term <25 years, in the 20th year in prison, and 3) life term 25>, in the 25th year of prison time. The parole panels are required to give "great weight" to the inability of youthful offenders, due to lack of brain development inherent in their young age, to make sound decisions and anticipate and fully consider consequences of their actions.

The Comprehensive Risk Assessment is required also consider these factors in reaching a risk assessment. Youth hearing also relieve those granted parole under SB 261 from minimum term requirements.

ELDERLY PAROLE: the board will give special consideration to those inmates who are 1) over 60 years of age and 2) have served 25 or more years in prison. While all parole suitability requirements must be met, the panels have been instructed in the minimal recidivism and violence potential for inmates in this category. Qualifying inmates may be either lifers or DSL prisoners, but the process excludes LWOP and condemned.

Those not currently in the BPH hearing cycle (DSL and those who have not yet had an initial hearing) will be scheduled as they are identified. Risk assessments will be performed or revised to reflect the applicable standards regarding risk of elderly inmates reoffending. Both DSL and ISL inmates found suitable for parole at elder parole hearings will be released when the review process of their grants is completed.

EXPANDED MEDICAL PAROLE: For those inmates, excluding LWOP and condemned, who:

- Suffer from a significant and permanent medical condition that results in cognitive or physical debilitation or incapacitation
- Qualify for placement in a licensed health care facility
- Do not pose an unreasonable risk of danger to the community

Additional conditions, including periodic medical evaluations and other monitoring requirements, may be imposed. This is not parole to home or family, but to a licensed care facility. Consideration for expanded medical parole may be instigated by the prisoner, a medical professional at the prison or family and begins at the institutional level.

These will be in-person hearings, held wherever the inmate is housed, including hospitals and care facilities; all hearing rights are intact, including representation by counsel and the ability of DA offices and any registered victims to attend, pending authorization, or submit statements.



Due to HIPPA concerns the individuals authorized to attend these hearings in person may be limited.

SECOND STRIKE: California inmates serving second strike terms for non-violent, non-sexual offenses will be considered by the BPH for possible release if they have served 50% of their sentence or will be within 12 months of that point at the time of a scheduled hearing. Unless disqualified by the following:

- Currently or within the last 5 years served a SHU term
- Serious RVR, Division A-1 or A-2, within the last 5 years
- Placement in Work Group C during the past year
- Received two or more serious rules violations within the last year
- Found guilty of drug-related offense or refused to provide a UA sample in the last year

Eligibility for consideration will be made by classification units at each prison and those found eligible will have their cases referred to the BPH for consideration by a Deputy Commissioner (DC). No in-person hearing will be held; all the review is done by a DC based on the information available in the prisoner's file. Once referred the prisoner will have 30 days to submit any written statement to the board, if he/she wishes. Prisoners may request to review their C-file prior the classification hearing or before preparing any statement.

Other stakeholders, including DA offices and any registered victims, will also be noticed and may submit written statements regarding the inmate's suitability for parole. Again, no in person-hearings and no counsel will be appointed.

The determination of eligibility for NVSS will be made at the inmate's annual classification hearing; if eligible they will be referred to the BPH. Within 50 days of referral from the classification unit an Administrative Review will be held at the BPH, where all relevant information will be considered and a determination made as to whether or not the inmate would pose a danger if released. The institution, and thus the prisoner, will be notified of the decision by (yet another) form, BPH Form 1047C, Non-Violent Second Striker Decision Form.

If granted release, the prisoner will be released to supervision of state parole or post community release supervision, depending on the statutory requirements for his offense, and this will happen no less than 50 days after the decision to release has been made.

THIRD STRIKERS: The process for parole hearings for third strikers not impacted by Prop. 36 or other legislation will be much the same as regular parole hearings; the definitive question will be whether or not the prisoner is judged to be no longer a danger to society. Toward that end, third strikers should emulate traditional lifers in their programming and disciplinary goals

## CURRENT LEGISLATION

*Bills introduced in either house, Assembly or Senate, must pass various committees in it's house of origin before a vote on the floor of that house. If the bill passes its house of origin, it must go through the same process in the other house: committees, then floor vote. If successfully passed by both houses, it will be forwarded to the Governor, who can sign or veto the bill. If signed by the Governor, most new laws go into effect on January 1 of the following year. Those bills noted as stalled or failed will not be acted on this legislative session.*

**AB 665**—This bill authorizes any person who was sentenced for a felony conviction prior to January 1, 2015, and who is, or was, a member of the United States military and who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service, to petition for a recall of sentence under specified conditions. The bill would require the court to determine whether the person satisfies the specified criteria and authorizes the court, in its discretion, to resentence the person following a resentencing hearing. This bill is stalled in the Senate Appropriations Committee Suspense file.

**AB 1940**—This bill would effectively create an earned discharge program which would allow those on parole to earn credits toward their parole discharge date through accomplishment of various educational, vocational and public service activities. Lifers, subject to possible lifetime parole, could earn credits toward their discharge review date via the same activities. Parolees could earn as much as 12 months credit toward their discharge or discharge review date in a 12-month period, as well as an increase in the distance they are allowed to travel without written permission from their parole agent. This bill died, failing to get out of the Appropriations committee on a 45-45 vote.

**AB 2550**—prevents male officers from performing pat down searches of female inmates or entering areas where female inmates are likely to be undressed, unless there is imminent danger of harm to the inmate or others, or unless a female officer is not available. Only CIW was originally mentioned, but the bill has now been amended to address, generally, female prisoners and male officers. This bill passed, was chaptered and signed into law.

**SB 1242**—This would add language requiring additional conditions to granting parole be codified, including demonstration of remorse and insight, reasonable time free of disciplinary, realistic post release plans, all of which are already part of parole consideration, though not in legal terms. This bill as been amended to remove the original prohibition in the bill that would have excluded from YOPH consideration those prisoners whose victim was a peace officer. This bill is stalled in the Assembly Public Safety Committee.

**SB 1391**—This bill would amend Prop. 57, as allowed in the language and consistent with and in furtherance of the intent that proposition, regarding the authority of the District Attorney relative to juvenile offenders. Currently the DA is allowed to transfer a minor from juvenile court to an adult court cases where the minor is alleged to have committed a felony when he or she was 16 years of age or older or in a case in which a specific offense is alleged to have been committed by a minor when he or she was 14 or 15 years of age. This bill would repeal the authority of a district attorney to make a motion to transfer a minor from juvenile court to adult court for those minors alleged to have committed specified serious offenses when he or she was 14 or 15 years of age. thereby amending Proposition 57. This bill passed and awaits the Governor's signature.

**SB 1437**—proposed change to the felony murder rule, through legal language that would remove malice from consideration in a crime unless the individual charged personally committed the homicidal act, acted with premeditated intent to aid and abet that act where in death occurred or the person was a major participant in the underlying felony and acted in reckless indifference to human life. It would also be retrospective, providing a method of resentencing those convicted of first or second-degree murder under the felony murder rule or the natural and probable consequences doctrine. This bill passed and currently awaits the Governor's signature.

1/1/19

## FATE OF LIFER-IMPACTING BALLOT PROPOSITIONS

**FAILED:** (these proposed initiatives will NOT be on the November ballot)

"Elderly Inmate Parole Initiative," which would have brought to parole consideration inmates who are 80 years and older and had served 10 years of their sentence, either a life sentence or a determinate sentence. Currently, elderly parole is viable under two proceedings, an agreement between the BPH and the three-federal judge panel, and under AB 1448, passed last legislative session.

"Second Chance for Youth Second Strikers," latest version of the second chance initiative. A simple explanation of which is that it would require parole hearings for "any prisoner who was under 23 years of age at the time of his or her controlling offense."

"Voter Restoration and Democracy Act of 2018," sponsored by Initiate Justice, would have amended the state Constitution to allow those individuals currently in prison or on parole for a felony conviction to register and vote in elections.

"The People's Fair Sentencing and Public Safety Act of 2018," sponsored by We the People. This initiative would change penal code to move "nonviolent" property offender prisoners who the initiative labels "dangerous criminals." This is an interesting and complex proposal, with language that is troubling in its divisiveness, comparing inmates to one another in a manner that appears to cast lifers as more dangerous than other prisoners, notwithstanding their exemplary record on parole (thus proving they are less a danger to the public on release) and proposing to create a complex financial system to benefit schools. This initiative must reach the 366,000-signature level by July 17, 2018.

**This proposition gathered the required signatures, but not in time for verification to appear on the November, 2018 ballot. It is expected to be on the 2020 ballot.**

"Reducing Crime and Keeping California Safe Act of 2018," the proposed ballot initiative is put forth by a coalition of police and DAs masquerading as the California Public Safety Partnership.

Well-funded and with well-organized support, if passed, this debacle would reverse many of the gains achieved in the past few years through laws from AB 109 through Props. 36 and 47. Changes would include adding more than a dozen crimes to the list of violent offenses that would preclude early release and mandates parole revocation for anyone tabbed for a parole violation 3 times, among other adverse provisions.



## FRUITS OF THE 2016-17 LEGISLATIVE SESSION

Now that the legislative actions of 2016-17 are done deals, we can report the final results, relative to bills and new laws directly impacting lifers, LWOP and other long-term inmates. On the whole, bills passed this session impacting prisoners were gainful for inmates, providing extension of some legislative relief to a greater segment of the inmate population, codifying important policies and providing needed sentencing changes going forward.

How these changes will affect the scheduling of parole hearings has yet to be determined. When that information is available, we will publish the details. For more information on the impact of this new legislation on both elderly parole and fire arm sentence enhancements, please see articles elsewhere in this issue.

**AB 1308** requires a youth offender parole hearings for offenders sentenced to state prison for specified crimes committed when they were 25 years of age or younger, thus extending YOPH from the current 23-year-old limit up to the age of 26. Hearings are to be completed by January 1, 2020, all youth offender parole hearings for individuals who were sentenced to indeterminate life terms who become entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the bill.

It also requires all youth offender parole hearings for individuals who were sentenced to determinate terms who become entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the bill by January 1, 2022, and would require the board, for these individuals, to conduct a specified consultation before January 1, 2019.

**AB 1448** establishes the Elderly Parole Program, to review the parole suitability of inmates who are 60 years of age or older and who have served a minimum of 25 years of continuous incarceration. This bill codified the current elderly parole process in place at BPH under an agreement between the state and the 3 Judge Panel, however, as amended before passage, the bill would exempt from Elderly Parole Program eligibility third strikers, those sentenced to life in prison without the possibility of parole or condemned, and a person who was convicted of the first-degree murder of a peace officer or a person who had been a peace officer. For more on the actual impact this proposed change may have on the elderly parole program please see article elsewhere in this issue.

**SB 394** makes a person convicted of a controlling offense that was committed before the person had attained 18 years of age and for which a life sentence without the possibility of parole (LWOP) has been imposed eligible for parole consideration by the board during his or her 25th year of incarceration at a youth offender parole hearing. Requires the board to complete, by July 1, 2020, all hearings for individuals who are or will be entitled to have their parole suitability considered at a youth offender parole hearing by these provisions before July 1, 2020.

While this does not change the age stipulation enacted under SB 9 a few years ago, which provided the first, partial relief to LWOP, it does make the parole process automatic for those who qualify, thus providing relief to those from counties where courts routinely and repeatedly deny petitions for resentencing under SB 9. It may also provide a base, in future legislative sessions, to extend this automatic parole review to those inmates who fall under current YOPH guidelines.

**SB421/384** commencing January 1, 2021, establishes 3 tiers of registration for sex offenses based on specified criteria, for periods of at least 10 years, at least 20 years, and life, respectively, for a conviction of specified sex offenses, and 5 years and 10 years for tiers one and two, respectively, for an adjudication as a ward of the juvenile court for specified sex offenses, as specified. Commencing July 1, 2021, establishes procedures for termination from the sex offender registry for a registered sex offender who is a tier one or tier two offender and who completes his or her mandated minimum registration period under specified conditions.

The bill requires the offender to file a petition at the expiration of his or her minimum registration period and would authorize the district attorney to request a hearing on the petition if the petitioner has not fulfilled the requirement of successful tier completion, as specified. The bill would establish procedures for a person required to register as a tier three offender based solely on his or her risk level to petition the court for termination from the registry after 20 years from release of custody, if certain criteria are met. The bill would also, commencing January 1, 2022, revise the criteria for exclusion from the Internet Web site.

**SB 620**, resurrected from the dust bin and passed quickly in the waning days of the session (passed on Sept. 13; the last day for passage of bills was Sept. 15) this bill allows a court, at the time of sentencing or resentencing, to strike or dismiss an enhancement otherwise required to be imposed by the above provisions of law regarding enhancements to sentences for use of a gun. This bill is not retroactive and will not automatically apply to those currently incarcerated. For more information on this bill and possible impact please see additional article elsewhere in this issue.

## **A TRIO OF RECENT LIFER COURT DECISIONS**

**IN RE: TREJO; JENSON; WILLIAMS:** In April, 2017, the First Appellate District of the California Court of appeals held that a youthful offender, found suitable for parole, but facing additional incarceration time for a separate sentence resulting from a crime committed in prison (Thompson term), when he was still under the YOPH umbrella, need not serve that additional time. The California court's decision is founded on recent US Supreme Court decision noting the "children are constitutionally different from adults for purposes of sentencing," and noted the California legislature, via SB 260 and 261, had made changes in state laws to bring them in line with the high court.

The court agreed with Trejo's argument (presented by his attorney, Tracy Lum) that the legislature's wording of Section 3051, demonstrates the Legislature intended a youth offender to be released from prison if granted parole after serving the term specified in section 3051 for the controlling offense, notwithstanding any other sentence. The Court also found that Trejo's young age both at the time of his life crime and his subsequent in-prison offense spared him further incarceration time.

Trejo's petition further asked for relief in the form of credit against his parole tail for the time he had served on the Thompson term since his finding of suitability, and the court agreed he was entitled to that credit. The court ordered Trejo's release and credit applied to his parole length.

Subsequent decisions, Jenson and Williams, extended the relief from Thompson terms for YOPH inmates to ANY Thompson term, whether or not gained before the inmate was 26 years of age. Thus, if a prisoner qualifies for YOPH consideration and is granted parole, he need not serve any additional time under Thompson terms, regardless of his age at the time of those separate convictions.

Williams, a determinate sentenced inmate, was granted application of his time of 'excessive incarceration' caused by the Thompson term to his time on parole. However, the same relief will not be available to lifers in similar positions, unless those lifers began their incarceration at a time when determinate parole times were set. Currently, lifers are subject to potential life time parole, thus there is not definite discharge date from which any 'excessive incarceration time' can be deducted.

### **OTHER CASES**

**IN RE: PALMER:** In July 2017, the Fifth Appellate District of the California Court of Appeals ordered a new hearing for an inmate given a 5 year denial when the court felt the prisoner, a YOPH qualified inmate, had not received sufficient consideration and the board failed to set a base term, as required by the Butler decision. Palmer's hearing occurred during a roughly year long period in which the Board declined to set base terms for YOPH or elderly parole inmates, holding those two programs effectively set a base term for those who qualified. Several months after that decision the BPH began



setting terms for everyone, and retroactively set base terms for those for whom they had previously not done so via a miscellaneous decision rendered by the BPH legal division, with prisoners notified of that term via memo.

Because the court felt the 5 year denial handed down was excessive, given his base term, it ordered the new hearing on that basis but did not address the 'some evidence' issue. The justices did, however, express considerable skepticism regarding the conclusions expressed in the CRA and noted by the parole panel as supportive of their decision to deny.

**IN RE LONDON** exhibits the importance of comportment during hearings, no matter the outcome and/or comments. The aforementioned Dannenberg often speaks to the need for parole candidates to establish a 'warm and fuzzy' interaction with the panel. The wisdom of doing so, thus providing the panel members with additional assurance that those they release are demonstrably able to refrain from anti-social actions, is exhibited in the London case. The First Appellate Court upheld London's 2014 denial, wherein the paroled panel found London did in fact pose risk to public safety based on his performance at his hearing.

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Specifically, the commissioner noted "Your behavior was 100 percent inappropriate for a parole hearing. I don't think I've ever, and I've been doing this for a long time, ever seen anybody decompress like that." The panel noted the inmate's obvious anger, manifested by "[y]our arms were moving around. Your face was red. Your voice was elevated. You were leaning forward. You were angry. [Y]ou attack those that you consider a threat, and that makes you dangerous." Similar behavior was noted in London's recent CRA, also helped substantiate the court's decision that the "Board highlighted petitioner's lack of insight and credibility throughout the hearing, as well as his anger, during the hearing as probative on the issue of current dangerousness. This is some evidence sufficient to support the denial of parole."



## KNOWING YOUR TRIGGERS

Among the questions often asked by commissioners at hearings is "What are your triggers?" But they don't stop there. They want to know what are your internal and external triggers, do you know the difference and do you know how to deal with them.

How do you decide what's an internal trigger and what qualifies as an external provocation, because that's what triggers are; things that provoke you to act or react in some manner. The easy answer is in the words internal and external; in and out.

Internal triggers are those things that come from within you, typically feelings or emotions. Some internal triggers are stress, loneliness, fear, insecurity, embarrassment, even happiness and surprise. In the past, if you've dealt with these emotions by striking out, say, even committing a crime, the board is going to want to know that you recognize that when you feel stressed or embarrassed, you can react in an anti-social way. And that you know how to recognize not only that feeling, but what it can lead to and how to head off those events.

External emotions can be things in your surroundings; the smell of certain substances, being in some surroundings or places. And while external triggers may seem easier to identify and control (don't go to a bar if you get stupid when you drink, don't hang around smokers if you're trying to stop, don't go back to the old neighborhood if you're trying to break from the gang), those same external triggers can, in turn, set in motion some of your internal triggers.

Being in a bar can make you miss the camaraderie of your old drinking buddies (happiness), being in unfamiliar surroundings can make you feel alone and insecure (fear). Sounds like and can be a vicious circle, which makes it more important that you can identify, discuss and deal with both your internal and external triggers.

In addition to being able to identify and discuss your triggers, you'll have to know your coping mechanisms and strategies as well. How will you deal with anger, when it arises (and it will)? What do you do to relieve stress brought on by events, even good events? How can you get yourself away from an external trigger and at the same time deal with any internal emotions and urges it might cause?

As complicated as it sounds, it just means knowing who you are now, what your vulnerabilities and how to deal with them. It's part of your change, growth and rehabilitation, and part of you're going home.

## A LITTLE INSIGHT INTO INSIGHT

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Among the most often cited reasons for denial of parole is a "lack of insight" into the causative factors of the crime, the impact of the crime and often, it seems, into life and behavior in general. Just what is insight? We've speculated, not entirely in jest, that it falls somewhere between hindsight and second sight. There is little dispute, however, that the accomplishment of insight is a highly subjective measure of suitability.

By simple definition insight is: "the true virtue of a thing especially through intuitive understanding; penetrating mental vision or discernment, facility of seeing into inner character or underlying truth." It is perhaps that last definition that is most applicable to parole...recognizing the underlying truth and inner character of who you were and why you did what you did at the time of your crime.

Psychologists, who rarely speak in a direct manner, define insight as "the recognition of sources of emotional difficulty" and "an understanding of the motivational factors behind one's actions, thoughts or behavior." In short, what caused you to believe your best option was to commit a crime; what happened in your life that changed your thought process to believe breaking the law was the right path.

And perhaps more telling, psychologists equate insight with self-knowledge, and an understanding of cause and effect based on identifying relationships and behaviors in any given situation. Understanding those relationships sheds light on, and helps solve, problems.

So if you have insight, you've been able to identify events in your life that caused you to be who you were when you committed a crime. That isn't as simple as losing a job and needing money. When you have insight you have a feeling, an emotion or a thought that helps you know and understand something essential about yourself.

It may come gradually, as the result of a long period of thought and reflection or in a flash, as an epiphany or sudden understanding. But once you've achieved insight, you'll understand the reasons, the motivations behind your behaviors and, with understanding, comes the ability to change those attitudes and actions.

## TIPS FROM A HEARING

Don't let the little things trip you up. Every parole hearing is a stressful event and you're bound to be nervous. But there are some basic strategies you can use to help calm those nerves and assist you in making your best presentation possible to the parole panel. Here's a baker's dozen of small things you can do to help yourself.

1. Read the transcript of your last hearing; note what the commissioners told you to work on and be sure you can show progress in those areas.
2. Be sure to speak when answering questions; the transcriber can't hear a nod of the head.
3. Don't interrupt the panel members; they'll let you know when they've finished their questions and want your response.
4. Don't use 'bad decisions' as the reason for your crime; bad decisions lead to wearing brown socks with a black suit, not committing a crime
5. If AA is a part of your recovery, know the 12 steps. If you can't memorize all of them, know which one is the most important to you and why.
6. Ask your attorney what questions he's likely to ask you—you don't want any surprises there.
7. Don't say you'll deal with anger and stress by never getting mad or letting yourself get stressed. Reality check—it will happen, but it's how you deal with it that matters.
8. If you have victims at your hearing, keep your eye focused on the panel during their statements. The commissioners understand this and the better ones will tell you to do so.
9. Wait for the commissioner to paraphrase or repeat clarifying questions from the DA and then answer the commissioner. The DAs are not to question you directly and the commissioners sometimes decide some questions are irrelevant and don't require you to answer.
10. If you start to feel stressed and overcome, don't be afraid to ask for a short break. Chances are the panel members could use one, too.
11. Don't try to impress anyone with your vocabulary. Even if you know what that 11-letter word means and when to use it (and chances are pretty good you only think you know) this is the place to keep it humble and simple
12. If you are denied, don't become angry. Look at it as a temporary setback and read your transcript for what areas you need to work on and improve. Showing your anger at a disappointment is proof to the panel that you might be dangerous.
13. Be honest. Don't take the blame for something you did not do and don't try to make yourself look good. Honest works, and it's much easier to deal with in the long run.

## SUGGESTED READING LIST

### ANGER

*Freeing the Angry Mind*, Peter Bankart

*The Anger Trap*, Les Carter

*Transforming Anger*, Doc Lew Childre

*Anger Among Angels*, William Defoore

*Healing Rage, Women Making Inner Peace Possible*, Ruth King

*Letting go of Anger*, Ronald and Pat Potter-Efron

*Surprising Purpose of Anger*, Marshall Rosenberg

*Honor Your Anger*, Beverly Engel

*Beyond Anger*, Thomas Harbin

### FAMILY/PARENTING

*Houses of Healing*, Robin Cassarjian

*Toxic Parents*, Susan Forward

*Lost Fathers*, Laraine Herring

*Parenting from Your Heart*, Marshall Rosenberg

*An Adult Child's Guide to What's Normal*, Friel & Friel

### SUBSTANCE ABUSE

*Staying Sober*, Terence Gorski

*Understanding the 12 Steps*, Terence Gorski

*The Addiction Workbook*, Patrick Fanning

*Get Up: 12 Step Guide to Recovery*, Bucky Sinister

*Overcoming Meth Addiction*, Steven J. Lee



## SELF AND RELATIONSHIPS

*Codependent No More*, Melody Beattie

*Personhood: the Art of Being Fully Human*, Leo Buscaglia

*The Verbally Abusive Relationship*, Patricia Evans

*Overcoming Passive-Aggression*, Oberlin & Murphy

*Confusing Love with Obsession*, John D. Moore

*Emotional Sobriety: From Relationship Trauma to Resilience and Balance*, Tian Dayton

*Why Can't You Read My Mind?*, Bernstein & Magee

*Why Does He Do That?*, Lundy Bancroft

*The New Codependency*, Melody Beattie

*Overcoming Passive-Aggression*, Oberlin & Murphy

*Courage to Be Yourself*, Sue Patton Thoele

*I Got Tired of Pretending*, Bob Earll

*Houses of Healing*, Robin Casarjian

## SEXUAL/GENDER ISSUES

*Male Brain, Breakthrough Understanding of How Men and Boys Think*, Louann Brizendine

*Healing Violent Men*, David Livingston

*The Macho Paradox*, Jackson Katz

*The Sexual Healing Journey*, Wendy Maltz

*Women Who Love Too Much*, Robin Norwood

*Out of the Shadows; Understanding Sexual Addiction*, Pat Carnes

*Understanding Sexual Violence*, Diana Scully

*The White Book; Sexaholics Anonymous*

## COMMUNICATION/FORGIVENESS

*Non-violent Communication*, Marshall Rosenberg

*Connecting Across Differences*, Marshall Rosenberg

*I Thought We'd Never Speak Again*, Laura Davis

*Radical Forgiveness*, Colin Tipping

*Forgiveness is a Choice*, Robert Enright

*Getting Past the Pain Between Us*, Marshall Rosenberg

*The 5 Love Languages*, Dr. Gary Chapman

*Urban Empathy*, Marshall Rosenberg

## MINDFULLNESS

*Reconciliation*, Thich Nhat Hanh

*Taming the Tiger Within*, Thich Nhat Hanh

*Spiritual Counsel*, Paramahansa Yogananda

*Inner Peace*, Paramahansa Yoganada

*The Purpose Driven Life*, Rick Warren

### Support Letters

- Letters of support from friends and family are a vitally important part of a prisoner's parole packet. However, these need to be carefully crafted, meet certain requirements and be sent to specific locations. This is not the time to plead to let Jimmy or Janey come home and promise they will never be in trouble again. As one parole commissioner said, this is the same family the prisoner had when he/she got in trouble, so just saying they want the prisoner home is not a sign of support.
- Letters sent to the board must be originals, signed, dated and with contact information. If not signed they may not be considered valid.
- Send all letters, as well as confirmation of other support, such as job offers, to the lifer desk at the prison housing the lifer, with copies to the prisoner, to the attorney and to the prisoner's counselor at the prison.
- Form letters, petitions or letters from those who don't really know the prisoner are of little use. The board will often call the letter writers to be sure they did; indeed, write the letter and know something about the inmate. Bogus letters are worse than no letters.
- Try to keep letters to one page and specific as to what support you can offer and for how long you are prepared to offer that support, bullet point for clarity.
- Your letter should address your relationship with the prisoner, how he/she has grown as a person, what impact he/she has had on your life means much in terms of rehabilitation and non-recidivism.
- If the letter is written in a language other than English, provide a translation, but include the original letter also.
- Letters should be written no longer than one year before the parole hearing date.

### What you can offer in support:

- Financial support, specific if possible as to amount and time duration
- Help in obtaining Driver's Licenses, Social Security cards, cars, living arrangements
- Help in securing a job and transportation.
- If the prisoner is eligible to be included on your health insurance policy or if an older prisoner/spouse can receive Social Security spousal benefits from your account.
- Participation with the paroled prisoner in support groups or counseling sessions.

Under new laws passed in the last few years there are several specialized hearings available to inmates, however, the basic question, is this person safe to release into society, remains the same. Regardless if an inmate has a Youth Offender Parole Hearing, an Elderly Parole Hearing or a medical hearing, that basic question is the one that must be answered. There is no free pass or automatic out.

YOUR NAME  
CONTACT INFORMATION

Date:

RE: John Doe A12345

(Dear) Commissioners:

I am writing in support of parole for \_\_\_\_\_ #\_\_\_\_\_. John is my (husband, fiancé, brother, son, etc.) and is an important member of our family. (I have known John for \_\_\_\_\_ years and have always considered him a friend. I came to know John through (describe how you met)

I have seen John grow in his understanding of his life and circumstances in the years of his incarceration and believe he has made great progress in confronting his past bad decisions and actions and is now able and anxious to live a productive and giving life. His commitment to his new outlook is shown in his participation in the self-help programs while in prison and his changed outlook on decision making.

Though he has been in prison for many years we have stayed in contact by (visits, letters, phone calls, whatever applies [do NOT say via cell phone]). Through this contact I have been seen his understanding of the results of his past actions deepen and his emotional growth and maturity have increased.

I am able to offer support and assistance in (finding employment, housing, financial support [say how much, for how long and for what purpose] help with transportation, participating in on-going rehabilitative efforts such as AA) as well as the emotional help and support of a friend. (if you are related and the prisoner can be added to your insurance, say so).

I believe John is ready to become a productive citizen and has the tools to do so. I would be happy to welcome him into my home and community. I hope you will consider the many positive changes in John Smith and grant him a parole date, so that he can rejoin his (family or community) and be a positive asset.

Sincerely,

Type and sign your name

(Letters will not be considered valid without a signature and recent (9 months or less) date)



## TIPS ON WRITING A SUPPORT LETTER

Always include the name and CDCR number of the inmate, as well as your name and complete contact information. Support letters should be current—if you did one for an inmate at his/her last hearing, one or more years ago, do a fresh letter, even if nothing has changed. The board looks at the date on letters and is less likely to consider 'stale' documents.

Be specific in the support you can offer: if money, how much and for long; if housing, for how long, if a job, how much the pay will be, full time or part time; if you can help with transportation and/or getting to and from job searches or self-help (AA, etc) meetings.

Speak to the growth and change in mind-set you have seen in the prisoner; the maturity and good decision making now being evidenced. Don't appeal to emotions: "Please let Johnny come home, I know he'll never do anything bad again" is a useless letter.

Explain how you met the inmate; the board wants to be sure you know this person and aren't just writing a letter because someone asked you to. Commissioners can and do stop hearings to go call the person who wrote a support letter, to be sure it actually came from them, that's why your contact information on the letter is important, as it adds authenticity to the letter.

Don't discuss the victims; you can say you've seen the great remorse the prisoner now has for what his actions did, but don't say you know how the victims must feel or that they should forgive. And don't minimize the inmate's crime; if he can face what he did, and he must, to be found suitable, you can face it as well.

It's the quality of the support letters that matters, not the number. Don't ask everyone you know to write a support letter unless they can truly speak to the change in the inmate and have something to offer. A few good letters are better than numerous vague and unsubstantiated ones. And don't do petitions—those are meaningless to the board.

If the letter is in Spanish or a language other than English try to have a translation also—most of the board members are not fluent in Spanish and certainly not in other languages.

If you're writing a letter for a prisoner under SB 261, the Youth Opportunity Parole Hearings, and you knew the person at the time of the crime, speak to your knowledge of what was going on in their life at the time of the crime, and how this affected their young decision making process.

Mail 3 copies of the letter: to the Lifer Desk at the prison where the prisoner is housed; to the prisoner and to his lawyer, if you know the name of the lawyer (inmates usually know who will be representing them). Do not mail to the Parole Board. Leave plenty of time for the letters to be received, processed and included in his file. The copies you mail to the prisoner and the attorney are back-up copies.

## PREPARING PAROLE PLANS

One factor parole panels examine in determining parole suitability is the appropriateness and pragmatic nature of any parole plan offered up by the prisoner in question. If your inmate within a year of a parole hearing, you should be finalizing those parole plans now.

Adequate parole plans don't have to be complicated or presented in an elaborate manner, but they do need to be comprehensive, covering the areas the board is concerned about, and providing a realistic and verifiable plan of action. The board is concerned with the basics: shelter, sustenance and support. Where the returning prisoner will live, make a living and who will be there to help.

Where will you live?

- Transitional housing (preferred by the board)
- With family (also possible)
- Is the proposed location acceptable to likely parole conditions (if you have a 290, there are restrictions)?
- Is there verification of that residence (a letter of support or acceptance from a transitional facility)?

Do you have an ICE hold?

- If so, make plans for California (in he/she aren't deported) as well as your home country.
- Same categories apply: home, job, support.

How will the parolee support himself (legally)?

- Does he have a marketable skill (a vocation) and an idea where to look for work?
- Are there sufficient funds and/or promise of financial support to live for the first 6-12 months?
- It isn't necessary to have a firm job offer

What support do you have?

- Support letters from family, friends, organizations
- How that support is going to assist in reentry into society—what specifically is being offered?

What does the parolee plan to do?

- What are the long term and short-term goals?
- Goals should be realistic—no one aren't going to be able to support themselves right away on a business started after release, so have a stop-gap plan.
- What support groups will the parolee to continue to attend, pro-social activities does he/she plan to engage in?

## Relapse prevention plan

- Not just for substance abuse, but for other trigger issues such as anger, low self-esteem, co-dependency.
- Know where meetings/resources are to address these issues, and commit to taking advantage of the help available.
- Know the things that trigger individual issues in these areas.

Plans don't need to be memorialized in a fancy binder, tabbed and annotated. A simple summary, with supporting documentation (letters of acceptance from transitional housing, a list of your vocations, possibly companies where you might seek employment, support letters) is sufficient. It's less about the presentation than about the facts: what's real here, that the parole panel can reasonably believe will happen and what could be pie-in-the-sky wishful and self-aggrandized.

Don't over-think or complicate the process. The board is less concerned about how many bedrooms the eventual home will have and more concerned that there is a place to stay and support to help navigate reentry.

While some prisoners are simply released at the end of their term, lifers, in this and many other areas, are held to a higher standard and must know where they are headed. Don't just assume you can go home; be sure not only that it works for the family, but that it's appropriate for the parole conditions likely to be imposed by either the board or DAPO.

## WHO NEEDS A RELAPSE PREVENTION PLAN AND WHAT IS IT?

Short answer: everyone. While those who have been subject to substance abuse issues know and understand the importance of a relapse plan, with steps to acknowledge triggers and methods and contacts of dealing with those triggers, the same criteria can be applied to any situation of concern.

Parole commissioners often query prisoners in parole hearings if they know their internal and external triggers and how they'll deal with those situations and individuals that pull those triggers. That self-knowledge is the basis of a relapse prevention plan.

For those without a history of substance abuse, a relapse prevention plan is still a good idea, and something the board is likely to ask about at the hearing. The same plan, knowing your triggers and how to deal with them, works for individuals with anger issues, hair-trigger reactions, self-esteem problems, basically any sort of anti-social trigger or concern.

Knowing what triggers your issues and how you can best deal with them is part of the plan. Another aspect is where help is available and who you can turn to for assistance. For many parolees that might be the Parole Outpatient Clinic at their parole office, a counseling center or religious organization.

Put that information in your relapse prevention plan, for instance, where are AA meetings in your area? When do they meet and how will you get there? Do you have a friend or mentor who can be your first contact and assist you in getting the advice and counsel you need?

For those lifers who may be in the psychotropic medications, the board has said this situation alone will not be the cause of a parole denial. But the commissioners like to know potential parolees in this situation show intent to remain on their medication, know where to obtain those meds and who to reach out to for additional assistance. If your current protocol of treatment is working, the board wants to be sure you plan to stay on it and know how to make that happen.

Each relapse prevention plan, like each parole plan itself, must be personalized to fit the specific needs and factors of the individual involved. The structure, however, is the same: know your triggers, know how to manage them, know where to get help in that management process and know who you can ask for assistance.

Your family can help you gather that information and can be your first source of advice and support. But it will take more than just reliance on family members to provide a complete and adequate relapse plan. Nor should you simply plan on pushing through on your own; the challenges faced by lifers reentering the world are numerous, subtle and complex.

Don't leave yourself open to concern from commissioners that you may not have the support you need to be successful on parole. Give your relapse prevention plan as much thought as any part of your parole plans.



## PERSONALITY DISORDERS FROM FAD REPORTS

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Risk assessments from the BPH stable of psychologists, the Forensic Assessment Division (FAD) commonly diagnose prisoners with a variety of personality disorders which may contribute to the board's decision to deny parole. The following is a collection of the more commonly mentioned personality problems, and why those individuals exhibiting these issues could be considered dangerous. Understanding what these traits mean may help inmates address those issues.

At the time of their life crime many lifers probably suffered from several issues, perhaps among them, personality disorders. Whether those problems persist, often after decades of imprisonment, self-help and rehabilitation, is the subject of debate and difference of opinion among clinicians of the FAD and other, less custody-minded professionals.

Antisocial Personality Disorder: characterized by the following traits: a disregard for needs/feelings of others; persistent lying, stealing, conning behavior; repeated violations of rights of others; impulsive and irresponsible behavior. This is not the same as 'a-social,' or a loner who simply doesn't interact readily with society. This type of personality engages in behavior truly damaging to the rest of society, including aggressive, violent actions, disregard for the safety of others; lack of remorse for that behavior and, (un) surprisingly, recurring problems with the law.

Borderline Personality Disorder: sufferers exhibit impulsive and risky behavior (unsafe sex, gambling, carrying and displaying of weapons); frequent and intense displays of anger; up and down moods and a fragile self-image. They may experience intense/unstable relationships; intense fear of being alone/abandoned and feelings of emptiness. These fears can result in secondary anger and sometimes rash action. They may also display suicidal behavior and threats and stress-related paranoia. The intensity and length of the emotions and behavior tends to be the qualifying factor. Impulse control is a big factor with the board.

Narcissistic personality disorder: a belief that you are special and more important than others; exaggeration of achievements/talents, power and success including attractiveness; expectation of constant praise and admiration from others. Those with this disorder display arrogance, often take advantage of others and display envy or a belief that others envy them. When these aspects become the controlling component of behavior trouble usually follows; I'm entitled to do things others can't because I'm special, so rules don't apply to me.

Dependent Personality Disorders: produce a clinging dependence on others, a tolerance of abusive behavior and intense need to start a new relationship immediately when one ends. These are the 'followers' the board continually worries about—dependent personalities can follow someone into a disastrous situation, cannot make decisions on their own and will follow others regardless of circumstances or consequences.

Obsessive/Compulsive Personality Disorder: are preoccupied with details and perfection, leading to a desire to control people and events. Those exhibiting this personality disorder, (not to be confused with obsessive/compulsive disorder, a type of anxiety disorder) are rigid, stubborn and inflexible about their views on morality, ethics or values. Things must be their way or those not following the strict protocol are wrong and therefore worth less.

If the CRA includes assessment of one of the above referenced personality disorders, this must be addressed prior to the next hearing, whether through intense self-help or CCCMS. The option to retain a private psychologist to meet with the inmate for therapy is also available, though the cost is often substantial.

Prisoners are often advised to 'seek therapy' for these and other issues; however, the only way to really receive therapy is via enrollment in the CCCMS system (Correctional Clinical Case Management System), part of the mental health system. Many inmates are loath to do so, for fear of the stigma that has traditionally been attached to 'mental health' treatment, fearing such action might make the board worry about their stability and deny parole. As with many aspects of parole, this has changed in recent years and many prisoners seek and receive therapy under the canopy of CCCMS without resorting to medication.

Participation in CCCMS at some time during their prison time and profiting from the treatment, does not seem to have an adverse effect on parole decisions, so long as the issues that caused enrollment in CCCMS have been addressed. Many inmates seek such help for depression, one-on-one therapy for many issues, including insight and understanding. Many may successfully receive therapy and be discharged from the CCCMS program prior to a hearing.

Whether or not to formally seek therapy via this route is an individual decision. Similar help can often be gained through self-help programs and groups, but the desire to recognize, and address, behavior problems is necessary before any change can be accomplished either through such formally organized sessions as CCCMS or self-help.

If the inmate has a history of mental health issues and/or is currently engaged in mental health treatment, and indicates his/her willingness and intent to continue such treatment on released, indicate that in parole plans, including how and where the treatment can be accessed. Commissioners actually consider this a sign of understanding and responsibility. Whatever treatment is/was appropriate in an individual's situation, whether medications, counseling, both, either, in the past or currently, the Board wants inmates to know such treatments are not, in and of themselves, a sign of automatic dangerousness and a reason to deny parole.

Commissioners have expressed their concern that they often see inmates who end their mental health treatment either by ceasing to take prescribed medications or leaving therapy provided via CCCMS in the months before a parole hearing in the hope that being able to say they are not participating in the mental health treatment system will give them a better chance at suitability. Often, however, the opposite is true.

Appropriate medications for treating such on-going issues as bi-polar concerns or depression can in fact be stabilizing and those prisoners who exhibit this understanding and express their intent to continue this regimen often make a favorable impression on the parole panel. The message from commissioners is clear: whatever is working, continue doing it. If your treatment regimen is proving beneficial and you recognize those benefits and plan to continue what's working, that fact should be a positive indicator for parole suitability.



## WHAT TO EXPECT FROM A STATE APPOINTED ATTORNEY

State appointed attorneys have largely been given a bad rap, certainly there are highly competent, dedicated and passionate individuals in that cohort. In fact, many of the best now exclusively privately retained attorneys began their parole hearing career as appointed counsel. However, no attorney, no matter how competent or incompetent, how highly or modestly paid, can win a parole hearing for an unprepared inmate, nor lose a grant for a prisoner who is ready to parole.

Can they help? Of course. And understanding what sort of help they can offer and how much is crucially important. The primary duty of any attorney is to be sure his/her clients' rights are recognized and met, but the training provided now to commissioners, coupled with an in-house BPH review process and a legal team more committed to following, rather than circumventing the law (a practice driven from the Executive officer down), there are less glaring examples of parole panels blatantly going their own way.

If you find yourself deciding on using the services of the state-appointed attorney provided by the BPH, there are some limitations you should be aware of, before deciding your attorney was a 'dump truck,' and some actions you have a right to expect as their client. And remember, no matter who is paying the bill, it is the inmate who is the client, not the family.

Keep in mind, state-appointed parole attorneys are very experienced in parole hearings and can often provide you with better representation in that venue than an attorney unfamiliar with parole proceedings. As you wouldn't use a podiatrist if you needed an optometrist, don't expect a criminal defense attorney to understand the nuances of parole hearings. And we won't even mention the cases who've woefully lamented to us about their error in using mom's real estate attorney, their former divorce attorney or cousin John who just hung out his shingle, at their hearings because they offered 'a good deal.'

If you plan, through preference or finances, to utilize a state-appointed attorney there are some basic tasks both you and the BPH expect from them. Among those:

- Meet with their client at least 45 days before the hearing, in a confidential setting
- Have reviewed the C-file and hearing packet prior to the meeting
- Make sure that any potential communications problems (i.e. language, cognitive issues or hearing) have been identified and remedies applied for both the meeting and hearing
- Bring CDCR Form 1003 (to stip or waive the hearing or change attorneys) with them and see that it is filed, if necessary
- Identify issues or documentation of possible concern at the hearing
- Inform the prisoner of his rights and what to expect at the hearing
- They should also respond to client (and family's) letters or calls in a timely manner

- Oh, and did we mention actually showing up at the hearing (yeah, that's been an issue) and actively advocating for the inmate's rights.

Never let any attorney pressure your inmate into a stipulation if that isn't what he/she wants to do. There's a difference between advice and pressure; one is allowed and expected, the other is unethical. While prisoners should listen to and consider an attorney's advice, the ultimate decision is his/hers. As mentioned before, it's the prisoner, not the attorney who is being assessed by the parole panel, and while an attorney can help a lot or hinder some, the ultimate decision of suitability does not rest on the attorney's performance.



## AFTER A GRANT: GOVERNOR'S REVIEW

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After parole is granted the BPH has up to 120 days to review the grant to make sure there were no errors of law and the term calculation was correct. Once that review by the BPH legal team is complete, for those with a PC 187 (murder, first or second) conviction, the Governor then has up to 30 days to either take no action on the grant, which in effect will allow release, or to reverse or "take" the parole date. The Governor has this power only for 187 convictions and he has wielded this option in about 18% of PC187 cases he has reviewed. Thus the entire review process, BPH and Governor, can take up 150 days and usually does, as the Governor usually waits until the last day to announce his decision.

There are several things that seem to trigger the Governor to reverse a date. In short, the factor most often contributing to these reversals is the nature of the victim: was the victim vulnerable in some way, such as a female, child, elderly, etc. And yes, victims' and families can indeed write to the Governor and ask him to reverse the date. These letters are simply sent to the Governor's office.

Family and friends of potential parolees can also write letters urging the Governor to allow a parole grant to go through, again, using the same address. These letters should be sent to the Governor at the beginning of his 30 day review period. There are two schools of thought on whether to write the Governor or not, and only each prisoner and his/her supporters, possibly in conjunction with an attorney, can make that decision.

If the crime involved specifics that seem to trigger the Governor to reverse then letters in support can be helpful. And, if the victims and family will be writing letters it might be advisable to have countering letters reach the Governor as well. However, those support letters should be somewhat different than the support letters written for a parole hearing.

The Governor will reverse based on what he sees are insufficiently answered concerns at a hearing. The best option is often to review decision pages of the hearing transcript, identify the reasons the panel granted parole. These will be clearly spelled out—the panel will say they looked at the psych eval, that they considered various factors of the crime and why they decided the inmate had overcome any concerns. Have family and friends read the decision pages also, so they can refer to the same careful consideration of facts made by the parole panel.

The prisoner may also write the Governor, expressing sincere remorse, the change of heart and mind set and plans to live a peaceful and giving life. These letters should also speak of how each inmate has been able to change through counseling/self-help.

The support letters to the Governor should focus on this: that the panel has carefully considered all factors of the crime and found the inmate had dealt with all issues that led to that time and place, where violence became an acceptable option. The letters should also spell out the change in that supporters have seen over the years. Copies of transcript are available from the BPH, or if there are problems in obtaining them email us at: [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com) and request help in obtaining the transcripts.

Once you near the end of the 30 day Governor Review period, there are a couple of ways that you can find out what the Governor has decided to do. Once he has made his decision, he will send a letter to the BPH announcing that decision and, under a new policy started this year, the

BPH will notify by email your attorney of record, even if it was a state-appointed attorney. That attorney is then expected to call the institution and have them allow you to contact him/her for the decision.

However, like much in CDC, this process doesn't always work the way it was envisioned. Friends or supporters may contact the Governor's office at the following email, giving the inmate's name, CDC # and date of the expected decision and should get an email back once the Governor has finalized a decision.

You can write to the Governor at:

Governor Edmund Brown  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814  
Attn: Legal Affairs

To find out about his decision family can email to: [govlegalaffairs@gov.ca.gov](mailto:govlegalaffairs@gov.ca.gov) near the end of the 30 days. This does not always work, but it's worth a try.

As to chances of a reversal, that depends largely on the particulars of the crime. But please continue to be positive and supportive. Most grants are going through, and the prospect for success are much greater now than even 5 years ago.

## AFTER A DENIAL: OPTIONS

Passed in 2008, Marsy's Law gave VNOK certain rights in hearings, but of most impact to lifers, changed the denial schedule from 1 to 5 years to 3, 5, 7, 10 and 15 years with 15 as the default. Commissioners must justify on the record denial lengths of less than 15.

Most inmates receive a 3-year denial at hearings, it is rare to get a 10 or 15-year denial. Marsy's law was held to be constitutional and not ex post facto under the In RE: Vicks court decision, because of the safety valves of Administrative Review and PTA, discussed below.

The same Vicks decision confirmed the Governor's ability to reverse grants for all inmates, even those who were in prison prior to that ability being given to the Gov by vote in 2008. Those two concepts, long denials and the Gov's reversal, are now settled law.

Marsy's Law is a constitutional amendment passed by the voters, so changing any part of what it allowed means going back to the voters and doing a state-wide ballot effort again. That's not practical resource or finances-wise. There are some possible ways to change who Marsy's Law is implemented, via regulations, administrative directives and the like and those we continue to work on.

Marsy's Law is much like an octopus, it has tentacles in dozens of areas of the penal and judicial codes and changing one area means changing all of them to be in compliance with each other. And you can be sure the victim groups will be fighting tooth and nail, as they consider this their biggest victory to date.

### ADMINISTRATIVE REMEDIES:

The safety valves the courts have decided are of enough help to inmates given long sentences that they overcome the ex post facto appearance of Marsy's Law

**DECISION REVIEW**—This is a review of a parole denial by the BPH legal team, looking for legal errors and inconsistencies. Anyone can request this action, but it must be done within 120 days of the decision, the time frame the BPH has to review and finalize decisions. It's best to wait for the transcript before asking for this, as you'll want to refer to specific pages and lines in the transcript where you think legal errors are recorded. Not just that the decision wasn't fair—but legal errors were made.

Anyone can ask for this, including inmates. There is no cost, and it can't hurt—the review cannot make a denial longer—but a successful review can do one of two things: 1) recommend the grant be vacated and a new hearing held or 2) reduce the denial length, if the attorneys feel the denial length can't be legally supported.

This is accomplished by writing directly to the BPH legal department, address in your packet, noting on the envelope it should go to the LEGAL DIVISION and asking directly for a Decision Review. And most importantly, within 120 days of the decision.

**ADMINISTRATIVE REVIEW**—This process is done sua sponte, or on the own idea of the BPH. It is automatically done in those cases where there was a 3-year denial. About 11-12 months after a denial of 3 years a Deputy Commissioner will do a paper review—look over the inmates' file and last hearing transcript decision portion.



They will look to see if the inmate has remained disciplinary free since the hearing and if he/she has done any work/programming in the areas the last parole panel outlined as needing attention. If so, they can recommend that the inmate's hearing be advanced, to be held earlier than the 3-year date.

About 70% of these are recommended for advancement of the hearing, and Jennifer says the resultant hearings are among the most successful of any group. There is nothing the inmate can do to prepare for the review, as it's done entirely on paper. It's still possible to get an advancement and get denied parole, the board says it's the difference between 'paper' and 'person.' If granted advancement under the AR process the inmate will be back in front of a parole panel within 18 months of the last hearing.

**PETITION TO ADVANCE**—This one works best with long denials, and it is up to the prisoner to initiate this. CDCR Form 1045A is used and sent directly to the BPH (address in the packet). One the form the inmate request his hearing date be advanced, and lays out why. What the BPH is looking for is a 'change in circumstance.'

This can be everything from the passage of a new law or policy (the extension of YOPH or elder considerations to more prisoners are examples) and/or increased and intensive programming by the prisoner in areas of concern, or new events, such as a college degree, etc. Those things that would tend to show more rehabilitation.

The PTA is reviewed by a DC and can be either granted or denied. If granted, the inmate will usually be back on the hearing calendar with 6 months of the granting of the PTA. But there are a couple of caveats—at PTA can only be filed once every 3 calendar years; doesn't matter if there is a hearing and denial in that time, if you file a PTA, whether granted or not, you can't file another for 3 years.

So it would behoove those contemplating this to make sure they do some work before asking for a PTA. It isn't a good idea to file a PTA 6 months after a 5-year denial, as probably not enough time as passed to really make a difference, and then the blackout period of 3 years means the next time frame you could file another one would be really close to the hearing date anyway.

If you get a 5-year denial, we recommend you wait 18-24 months to file; a 7 year at least 2 years and a 10 year at least 2 years. The form is available from counselors, or we have them as well. And, you can still have a PTA granted and hearing advanced and get a denial— 'paper' vs. 'people' again.

**WRIT**—filed in court after a hearing, challenging the decision of the board, hoping the court will provide relief. This used to be the only avenue for relief available and was, 10 or so years ago, often successful. But, changes in law and policy have made the success rate of writs much lower, and they can be expensive to do, if you need help from an attorney or paralegal. They can also take some time to wind their way through the courts, so if you have a relatively short denial, it could take almost as much time to get a decision on a grant as it does for a PTA or AR.

In past times when courts would grant a writ they would either order the prisoner released or vacate the denial and order a new hearing. Now they almost always just order a new hearing with 180 days of the writ judgement.



## TRANSITIONAL HOUSING

*Please keep in mind this list is only a partial list and subject to change (constantly!), as we struggle to follow the bouncing ball. No promise or endorsement is made by CLN/LSA. We encourage you to write...touch base with the organizations to explore their programs and availability. Once you commit to a program it is difficult to change. Help is also available through the Community Transitions Program (CTP) at each prison-part of the Division of Adult Parole Operations (DAPO). Inmates can request, via their counselors, that provide them with information on transitional housing in their area of parole. STOP notations on this indicate these facilities are eligible to receive state funding for parolees accepted; no cost to parolee.*

### SOUTHERN CALIFORNIA

The Francisco Homes, Sister Teresa Groth,  
P.O. Box 7190  
Los Angeles, CA 90007

Delancey Street  
400 N. Vermont Ave.  
Los Angeles, CA. 90004  
(2 yr. program, no cost)

The Martin Home, Sister Mary Sean  
2514 Crenshaw  
Los Angeles, CA 90016

East Country Transitional Living Center  
1527 East Main St.  
El Cajon, California 92021

PREP-Partnership for Reentry  
1224 W. 40th Pl.  
Los Angeles, Ca. 90037

Phoenix House  
503 Oceanfront Walk  
Venice, Ca. 90291  
(STOP)

Human Potential Consultants  
550 E. Carson Plaza Dr. Suite 127  
Carson, CA 90746

Serenity Castle Ranch  
18654 Cajon Blvd.  
San Bernadino, Ca. 92407

Bradley's Assisted Living  
1575 E. 46th St. Los Angeles, CA 90011  
(GPS & 290 availability- have 5 houses)

Victory Outreach  
4160 Eagle Rock  
Los Angeles, Ca. 90065

Love Lifted Me  
PO Box 10966  
Marina Del Rey, CA 90295

Bible Tabernacle  
16301 W. Sierra Highway  
Canyon Country, CA 9135  
(Christian, no cost)

Timelist Group- Yusef Wiley  
3808 Somerset Dr.  
Los Angeles, CA 90008  
(created by former lifers)

The Lighthouse  
542 14<sup>th</sup> ST.  
San Diego, Ca 92101  
(STOP)

San Diego Parolee Stabilization Center  
650 11th Avenue  
San Diego, California 92101(male, no cost, refer  
by PA)

### NORTHERN CALIFORNIA

#### Sacramento

Restoration House (Christian)  
4141 Soledad Ave  
Sacramento, CA 95820

Freedom Through Education  
3281 35<sup>th</sup> St.  
Sacramento, Ca. 95824

Turner House  
3600 Turner Dr.  
No. Highlands, CA 95660

Freedom Through Education  
3281 35th Avenue, Suite 2,  
Sacramento, CA 95824  
(916) 216-5721

Cache Creek  
435 Aspen ST  
Woodland, Ca. 9569  
(STOP)

Hope, Help, Healing  
11960 Heritage Oak Pl.  
Auburn, Ca. 95603

#### Redding

Visions of the Cross  
3648 El Portal  
Redding, CA 96002

Empire

1237 California St

Redding, CA 96001

BAY AREA

Homeless Veterans Emergency Housing

795 Will Rd Bldg. 323 B

Menlo Park 94025

Swords to Plowshares

1060 Howard St.

San Francisco, Ca. 94103

(veterans only)

Men of Valor Academy

6118 International Blvd

Oakland 94621

DeLancy Street

600 Embarcadero

SF 94107

(2 yr. program, no cost)

California Reentry Program

PO Box 483

San Quentin, Ca. 94967

(San Quentin only)

CENTRAL VALLEY

Fresno First

2550 W. Clinton Ave

Fresno 93750

Modesto Gospel Mission

1400 Yosemite

Modesto 95354

Isaiah's Recovery Services

1904 Clarendon ST

Bakersfield 93307

WOMEN'S FACILITIES

Crossroads

P.O. Box 15

Claremont, CA 91711

(No cost)

A New Way of Life

PO Box 875288

Los Angeles, CA 90087

FOTEP

Fresno, SF, LA

Riverside, DS

(Contact CDCR offender Community and

Reentry Services; no cost

*Others include Amity, Healthright 360 and GEO, available in the metropolitan areas (addresses below), all state-funded and offering more traditional substance abuse treatment and maintenance. In our experience, they are less well-suited for lifers, but are still available, accepted by DAPO and the BPH and—state funded. Be sure to ask about black-out periods, restrictions on leaving the facility and required length of stay.*

*Amity*

*3750 S. Grand Ave.*

*Los Angeles, Ca. 90007*

*Healthright 360*

*2307 W. 6<sup>th</sup> St.*

*Los Angeles, CA. 90057*

*520 Townsend St.*

*San Francisco, Ca. 94103*



# **LIFERS** & *Wifers*

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1. Communication is foundational
  - a. How we communicate
  - b. Conflicting perceptions and lifestyles
  - c. Social skills and cues
2. Impact of prison experience on communication and expectations
  - a. Growing up in prison, reentering society as an adult
  - b. What needs to be jettisoned from past lives
3. Adjusting to the new normal of parole
  - a. Blended and extended families and acceptance
  - b. Understanding restrictions, impact and consequences
  - c. Setting realistic goals and time frames
  - d. Patience and slowing down
4. "Me Time" vs "We Time"
  - a. Recharge your batteries with "Me Time"
  - b. Invest in your relationship with "We Time"
  - c. Relationships evolve