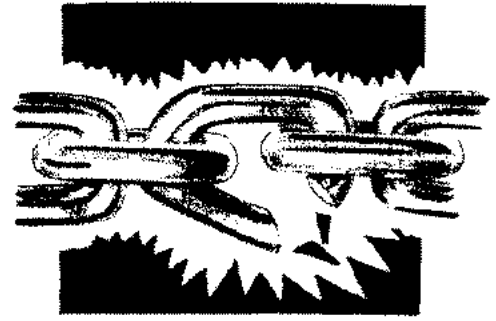




# Voices.Con

## Term-to-Life Prisoners Converse



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www.VoicesDotCon.org

FEBRUARY 2014

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### GOVERNOR SEEKS FURTHER DELAY IN PRISON REDUCTION

Attorneys for the state have refused to agree with any of the options brought forth by plaintiffs in the Plata/Coleman case. These proposed measures on how to reduce California's prison population by April 18th were considered by the parties to the case in response to an order to "meet and confer" issued by the Three-Judge Court. As a result, both parties to the case were then ordered to submit individual proposals which would outline how the state will reduce the population to 137.5% of design capacity. On January 23, 2014, the Three-Judge Court accepted a seven-page filing from state attorneys that proposed a "Request For An Extension of Apr. 18, 2014 Deadline." The court also accepted a four-page filing from plaintiff's attorneys that asked the court to order the state to meet the population cap by a May/2014 deadline.

The plaintiffs have proposed that the state comply by continuing to house prisoners out-of-state at the current rate, as a short-term measure. The state currently has about 8,900 prisoners housed in out-of-state Correctional Corporation of America (CCA) facilities. Plaintiffs also asked the court to appoint a "Compliance Officer" to determine which prisoners should be released early, should the other reduction measures fail to meet future deadlines, and not continue to grant any further requests for an extension of the April/2014 deadline.

The courts have permitted the

state to procrastinate for 24 Yrs. in this case, to date. Meanwhile, the court's own receiver has determined that the overcrowded conditions within California's prisons have caused an average of one unnecessary death per week.

The defendants in this case, Gov. Brown and his many state attorneys, propose a plethora of options to reduce the population, but insist that none will achieve the court mandated numbers unless the court extends the current compliance deadline for several more years. (How many more bodies will that equate to at the rate of one prisoner death per week?)

In the next three years, the state proposes to implement, (1) a 33% good-time credit earning status for prisoners convicted of a non-violent, second-strike offense, (2) a 2-for-1 good-time credit for all fire camp prisoners, (3) parole "eligibility" for all non-violent, second-strike offenders who have already served at least 50% of their term, (4) parole any indeterminately sentenced prisoners who have already been found suitable and given a future parole date, (5) prisoners over 60 years of age and have already served 25 Yrs. of their term, will be "considered" for parole, (6) the state would bring its total number of "Re-entry Hubs" up to 13 (from the current 11) within a one year period, and (7), the state would also like a "Compliance Officer" to be appointed by the court, but would be paid

in prison REDUCTION, cont'd  
by the state (defendants).

It's difficult to imagine that the state would revive these moldy, ineffective ideas again, without any level of insight as to how insulting they are likely to appear before this court, giving the history of this case. The California Department of Corrections and Rehabilitation (CDCR) needs to reduce the population by about 5,000 prisoners, and by the Apr/2014 deadline. Giving a 33% good-time credit to non-violent, second-strike offenders, and 2-for-1 good-time credit to what few prisoners remain in state fire camps (most have already been released under the recent non/non/non offender releases), is not likely to even net 90 releases by the ordered deadline. Parole "eligibility" after serving 50% of a non-violent, second-strike offense is more likely to result in zero releases, as parole eligibility merely subjects the prisoner to a parole board decision that's totally discretionary and places absolutely no obligation upon the state to grant release on parole.

Perhaps the most insulting proposal; paroling any indeterminately sentenced prisoner who has already been granted parole, and given a parole date. —These prisoners are already being released at some point, regardless!

The state also requested the appointment of a Compliance Officer who decides which prisoners to release (should the above options fail), but asked that he/she be paid by the state (or defendants) for some undisclosed reason, and promised to raise the number of re-entry "Hubs" from 11 to 13 within the next year. Calling 2 more prisons a "Hub" is not likely to bring the CDCR population numbers down by even one prisoner, nor has the state shown any significant change in their dismal recidivism rates since the activation of realignment.

During the period between Oct/2011 through Sept/2012, some 60% of parolees released under realignment were arrested with new offenses within one year of leaving prison. These are the so-called non-sex offender, non-serious, non-violent offenders that the CDCR hand picks for release. During this same period, these same (non/non/non) parolees were arrested for property crimes 64% of the time, and arrested for violent crimes 16% of the time, including 41 murders. These are the same prisoners released prior to re-alignment (pre-2011) who consistently had a 65% recidivism rate within 3 years of their release. However, not one prisoner serving

a term-to-life sentence has been released under the state's realignment plan, despite the fact that these prisoners, upon release, have proven to have a recidivism rate of only 1%, as opposed to 60 or 65%, and virtually never return for a violent offense.

It's time the state proposed something that was for the good of the society it serves. Had state attorneys made such conscientious proposals prior to 2011, it is likely that 41 murders would not have occurred, and the state's overcrowded prisons would not continue to experience one unnecessary death with each passing week.

Note: The CA Code of Regulations, Tit.15, § 3042. Penal Code 2933 Credits, already permit most non-violent, non-serious offenders to earn 50% or "day-for-day" good-time credit.

Sources: Defendant's "Proposed Order Granting Defendant's Request For An Extension of Apr. 18, 2014 Deadline" Coleman/Plata #CO1-1351 TEH, filed 1-23-14, Don Thompson, Fresno Bee/1-24-14, Brad Branan, Sacramento Bee/1-12-14, CCR §3042.

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To tell people they may provide for themselves by erecting a new legislative, when by oppression, artifice, or being delivered over to a foreign power, their old one is gone, is only to tell them they may expect relief when it is too late, and the evil is past cure.

This is in effect no more than to bid them first be slaves, and then to take care of their liberty; and when their chains are on tell them they may act like freemen.

This, if barely so, is rather mockery than relief; and men can never be secure from tyranny if there be no means to escape it till they are perfectly under it.

And therefore it is that they have not only a right to get out of it, but to prevent it.

JOHN LOCKE (1689)

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## OUR FUNDAMENTAL BELIEFS

We begin to develop our beliefs as an infant, in determining for ourselves whether we believe we will be fed, changed, or given attention when we cry or act out. Our beliefs continue to develop as we age and as we interact with our parents, other family members, other school children, teachers, doctors, strangers, and our experiences.. to infinity. Every stimulus we encounter helps us to develop, change, or refine the beliefs we have, which we then base our actions on. Every one of our actions and behaviors is a result of the beliefs we hold to be valid in our lives.

The reason we develop our beliefs in the first place is to meet, or satisfy, our basic needs. Theories differ about whether there are three, four, or five basic needs; depending on how they are combined or defined. The point is that every belief we develop is done so, in order to satisfy one or more of our most basic needs. So, let's stick with five basic needs for now, and explore how some can overlap, or are combined, according to differing theories. Our first most basic need is survival, as all theories agree here, we need to eat, drink, breathe, and be warm in order to survive, and we develop beliefs in order to meet this need. An example would be our belief that we must have a source of income in order to purchase food, water, clothing, and a place to sleep.

Our second most basic need is to be loved, to feel as if we belong or are accepted by others.

This need results in our feeling like we are a part of something greater than ourselves; it is our source of spirituality and our source of intimacy. An example of this basic need being met, would be having a belief that we must dress a certain way or look a certain way, or our friends won't like or accept us. This need is probably the one need that many people struggle with due to immaturity, insecurity, and self-doubt. Let's face it, most people learn to survive and care for themselves, and according to Maslow, the next step in our process, after our physiological, safety, and security needs, is the love and belonging that we all need. This can be a difficult need to satisfy.

Our third most basic need is to feel important, to have a sense of self-efficacy, or to be in control of our lives. However, you choose to define it, it comes down to our identity for ourselves, and it must be positive or empowering in some way. An example would be our belief that, as we are responsible in life, or in our job, we should be rewarded with authority, status, or prestige. This need is sometimes an aspect of freedom, meaning being responsible for our own destiny, and having the ability to make our own choices

(Cont'd on page 4)

### PRIVATE PSYCHOLOGICAL EVALUATION FOR LIFERS

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fundamental BELIEFS, cont'd  
in life.

Our fourth most basic need is to be able to enjoy ourselves, to have fun, to be happy, and to experience joy. It is about being able to let go sometimes, to relax, and to do something different, rather than the usual. An example would be our belief that we deserve to play cards on Saturday night, or go on vacation during the summer or the holidays. We satisfy this need through our hobbies and our interests. Our fourth basic need can be separate, or it can be combined with our fifth basic need, which is that of freedom, relief, and escape. Our fifth basic need can also be satisfied by some of the things we do to satisfy our need to feel important, such as physical work, or achievement. An example of our beliefs here would be a choice to skydive, to drink alcohol, to watch movies, and/or to learn something new.

The point in all of this is that we develop our core beliefs in order to satisfy our basic needs. Then we develop further beliefs as a result of our core beliefs, and we develop beliefs from those beliefs, on and on. An example would be having a core belief that violence possesses the ability to solve problems. Having this core belief satisfies our need to survive, especially if we are in a

(Cont'd on page 6)

**\*\* INHERENTLY UNETHICAL \*\***

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| 2) Counterfeit | 14) Injustice    |
| 3) Corrupt     | 15) Lawless      |
| 4) Deception   | 16) Lying        |
| 5) Defraud     | 17) Partiality   |
| 6) Dishonest   | 18) Swindler     |
| 7) Falsehood   | 19) Treachery    |
| 8) Fraudulent  | 20) Unjust       |
| 9) Illegality  | 21) Unlawful     |
| 10) Immoral    | 22) Unprincipled |
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LITTLE KNOWN REASONS TO PAY ATTENTION



According to a morning news report on KPFA, the Federal Receiver over CDCR's medical delivery system, Clark Kelso, recently said that California's prisons still are not taking all of the necessary steps to correct their failed medical delivery system. He was quoted as having said that the CDCR, "still views their medical delivery facilities to be a second class priority." (KPFA-2/6/14)

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California's 33 adult prisons and a new medical facility are designed to hold 81,574 prisoners. The CA Dept. of Corrections & Rehabilitation (CDCR) says that these prisons currently hold 117,497 prisoners. (Don Thompson, AP-1/24/14)

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In 2011, the PEW Center on the States found that California had the second highest parolee recidivism rates in the U.S.. An expert commission convened by correctional officials in 2007 found that California's high recidivism rates were due to a lack of investment in rehabilitative programs within the prisons. In the first year of realignment (2011) state funds were directed to the counties in the amount of \$367 million. This money was for the counties to increase jail space, or increase rehabilitative programs, their choice. \$31.1 million in realignment funding went to Sacramento county in the first year. The county supervisors approved 68% of the money to go to the Sheriff's Department, and 32% of the money went to the Probation Department. No money went to any rehabilitative programs. This has been the common split throughout most counties in the state since realignment began. (Brad Branan, SacBee-1/12/14)

\*\*\*\*\*

"As for more money for rehabilitation..to somehow think this hard-core group of offenders can now be put through a program that is going to make them 'born again felons' is more than optimistic, it's naive." (Co-author of CA 3-Strikes Law, Mike Reynolds-1/18/14)

\*\*\*\*\*

New population projections show that, after having declined over the past six years, the CA prison population is expected to increase by another 10,000 prisoners within the next five years. This is pretty evident in light of the state's unyielding refusal to undertake any efforts toward sentencing reforms, and little sincere progress toward instituting any meaningful rehabilitative programming in address to the high recidivism rates. (Bee News Service, Jan/2014)

\*\*\*\*\*

California currently houses about 8,900 prisoners in CCA private prisons in Arizona, Mississippi, and Oklahoma. The CA Department of Finance estimates it costs the taxpayers about \$30,000 a year for each prisoner housed out of state. Gov. Brown has proposed sending an additional 4,600 prisoners out of state if he is not given another 3 years by the courts to reduce the state prison population. (Don Thompson, AP-1/9/14)

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**fundamental BELIEFS, cont'd**

dangerous situation, such as being mugged in a dark parking lot; we'd probably fight back. Another belief resulting from that same belief might be that war is necessary, that the death penalty is justified, or that you must fight back when being bullied or you will continue to be a victim until you do. One obviously negative belief which might result, would be that to get our way, we can use violence to solve the problem in order to do something that will make us happy, or even to avoid doing without something we want.

The reality is that we develop many beliefs which address different situations, all resulting from our core beliefs and the needs that they satisfy. One really important fact to know is that we can change our beliefs, even core beliefs, if we so choose, and if our basic needs are being met, or will be met by our new belief. The truth is, until we do change specific negative core beliefs, we will continue to behave accordingly to those core beliefs, and continue to suffer the same negative consequences. But if our core beliefs are all healthy and aligned with our values and morality, then the beliefs which follow after, will also be consistently healthy and moral beliefs.

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If you wish to voice your opinion or any other related information regarding the current status of CA's medical delivery system within the state prisons, the Federal Court having jurisdiction over the Plata/Coleman cases can be contacted at:

Hon. Thelton E. Henderson  
Three-Judge Court  
Courtroom 12, Floor 19  
450 Golden Gate Ave.  
San Francisco, CA 94102

The attorneys prosecuting the case on behalf of the prisoner class can be contacted at:

Donald Spector, Attorney  
Prison Law Office  
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The Voices.Con newsletter is written exclusively by term-to-life prisoners, unless otherwise noted, focusing on issues of primary concern to those serving a long-term incarceration. The newsletter is published monthly at the [VoicesDotCon.org](http://VoicesDotCon.org) website. This information has been designed to be of potential benefit in any jurisdiction having term-to-life and long-term prisoners and is made available to any other supportive family and friends as well. No persons affiliated with the Voices.Con newsletter are lawyers. Information provided herein is not intended as a substitute for proper legal advice. All questions or comments on information contained herein should be directed to the Editor at the above E-mail address.

#### ABOUT VOICES.CON

Voices.Con is an excellent source of nuts and bolts information relating to parole preparation, parole related politics, understanding parole law and current rulings and the importance of retaining the proper counsel and psychologists for parole hearings. This information is provided exclusively by long-term prisoners who have been there and are currently experiencing the ups and downs of the parole process. We are sorry to say that we do not have the resources to hire staff lawyers or provide legal documents of any kind. We do maintain a mailing list for paid monthly newsletter subscriptions (\$11 annually.) The Voices.Con newsletter and all past editions, may be downloaded at no cost by any friend or family member at the [VoicesDotCon.org](http://VoicesDotCon.org) website. On occasion, we may have a current or past edition that can be mailed to a prisoner who has nobody else to download it for free. However, this remains completely contingent on the number of donations received at our mailing address. Please include a Self Addressed Stamped Envelope in any correspondence requiring a response.

#### A FEW FACTS TO REMEMBER

- ⇒ Today, more prisoners in U.S. prisons are serving life terms than ever before. With a U.S. prison population of 2.3 million people, 140,610 are serving life terms.
- ⇒ California's prison system peaked at 173,000 prisoners in 2007, making it the largest prison system in the nation. With 34,164 prisoners serving life terms, it also has the most lifers.
- ⇒ In Alabama, California, Massachusetts, Nevada, and New York, at least 1 in 6 prisoners are serving a life term.

#### SUGGESTED GUIDELINES FOR SUBMISSIONS

1. We have only one agenda; advocating on behalf of the term-to-life prisoner and distributing information that will further this cause, enabling the term-to-life prisoner to effectively advocate on his or her own behalf.
2. You may write an essay/article on any related subject or issue of concern to the term-to-life prisoner population.
3. We prefer that all submissions be between 250 and 500 words. Please clearly print or type all submitted material.
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