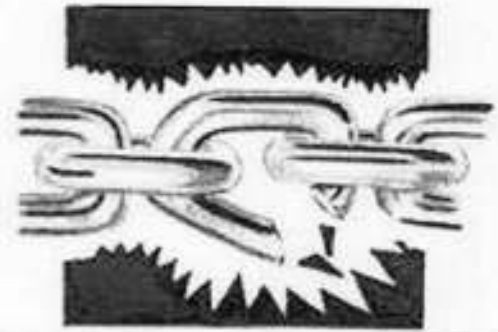




# Voices.Con

## Term-to-Life Prisoners Converse



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We are pleased to report another positive development this month. A good friend and fellow term-to-life prisoner, who we will call "Drew," was released from prison on August 29, 2014, after having served nearly 25 years toward his term-to-life sentence. This was Drew's second time at being found suitable by California's parole board and, on the 152nd day following the parole hearing, he was told that the Governor's office had declined to review the Board's decision. Therefore, he was released 4 days later.

There is no small history behind Drew's case. From the very beginning, he had experienced aggressive opposition to his release on parole. The District Attorney from the county of his commitment offense, and representatives of the victim in his case, appeared at his parole hearings and stated their opposition to his release. They even solicited others to stage protests in front of the prison on the day of his parole hearing.

It is estimated that nearly a 1/3 of all term-to-life prisoners in California experience victim representatives, accompanied by a Deputy District Attorney, who actively and vocally voice their opposition to release during the parole hearing. A study published by Stanford found that prisoners

who have their parole hearings prejudiced by these kinds of circumstances, are about three and a half times more likely to be denied parole. When one considers the fact that the CA parole board currently only grants parole about 14% of the time, his being granted a parole date was quite an outstanding achievement. Drew was ably represented at his parole hearing, and throughout the Governor's review process, by Charles Carbone, of the Law Offices of Charles Carbone located in San Francisco.

This case is of particular interest to the ever growing percentage of term-to-life prisoners who regularly come away from their parole hearings with a seemingly inexplicable parole denial, but all seem to have one commonality; victim representatives present at their hearing. This case represents a new level of courage, on both the Board's part and the Governor's part, to see past the hateful politics of vengeance and retribution, and begin looking at the actual person before them today. This is by no means to suggest that the problem of unethical, unsubstantiated denials of parole due to a wink and a nod to the victim representatives in attendance, is "cured." But these kinds of cases do set a new trend in California's politics of parole

politics of PAROLE, cont'd  
that seem to have positive implications.

The California Governor's office has also had a long-standing policy of reversing grants of parole at the behest of victim opposition. Even under Jerry Brown's administration this has remained within his criteria for reversal, even though (for years) the courts have declared that it's an illegal criteria for either parole denial or a parole reversal.

One might say it's a little difficult to thank an elected or appointed official for choosing to do as the law suggests, but Drew has the remainder of his life back, and we applaud those who are responsible for that.

## REACHING LEVEL GROUND

As term-to-life prisoners, who may have lived our lives as criminals, gang-members, or addicts, we may not fully understand and appreciate the daily struggle and sacrifice that goes along with living within society. We may have chosen to take a "shortcut to success" because we assumed, or believed, that we weren't capable of living a correct lifestyle, or maybe we believed that it was too difficult to do so. Or, it might be possible that we did live that lifestyle for a period of time, but something happened in our lives and we now consider ourselves as having failed, when we came to prison instead of continuing to live our lives outside in society. Either way, whether we "tried" or not, we chose what we believed was an easier way, and failed to experience living a pro-social lifestyle successfully.

In addition, it is possible that as we go through the process of change and rehabilitation, that we get caught up into believing that we are doing all of the hard work now, and that after being released, we will be able to relax and things will be easier for us. This couldn't be further from the truth! Yes, it is very difficult to change ourselves and become suitable for parole, and it takes a lot of time to do so, but this work is directed at digging ourselves out of the hole we dug for ourselves, when we committed whatever crime we committed. This effort is bringing us "back to even" so to speak. Then we are on par with all of the people who have been living their lives, within society, in a correct and pro-social manner, while we have been separated from society inside of prison.

Release is where the work begins, not ends, because living within society requires us to be responsible for ourselves, maybe for the first time. While inside of prison we learn to be responsible for ourselves in a very minor way. Most of our responsibilities are removed from our lives, and then we are incarcerated for decades of time. So we begin to believe, and be confident in, our ability to be responsible for ourselves. But do we really know what that means? It is important that we realize how limited we have become, and prepare for a much greater level of responsibility once released. We need to understand the truth

---

### OUR JOURNEY

We have not even to risk  
the adventure alone,  
for the heroes of all time  
have gone before us;  
the labyrinth is thoroughly known:  
we have only to follow  
the thread of the hero path.  
And where we had thought  
to find an abomination,  
we shall find a god:  
where we had thought to slay another,  
we shall slay ourselves;  
where we had thought to travel outward,  
we shall come to the center  
of our own existence;  
and where we had thought to be alone,  
we shall be with all the world.

JOSEPH CAMPBELL

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### \* STATE AMENDS OLSON REVIEW \*

Per Administrative Bulletin 14-06, the CDCR has revised the Department Operations Manual (DOM), Chapter 1, Article 15, Sections 13030.16 through 13030.22. This revision is effective April 11, 2014.

These changes will impact how your Correctional Counselor will conduct your next review of your Central File, also known as the "Olson Review." The paper C-Files have been disposed of, and presumably transferred to what they now call the Strategic Offender Management System (SOMS), a web-based computer program. -See Pg. 5 for more details.



level GROUND, cont'd

about what being responsible means, and be prepared for that. It is at that time we realize the hard work and sacrifice which awaits us upon release.

So, after serving what may have been decades, and being much older than we would like, we face a society that may not be willing to give us a second chance. And we look back on our own lives and see all the struggle and sacrifice it took to get to this point and we must remember that it was our "hole" we just dug ourselves out of. We shouldn't be angry or resentful at society, believe that society owes us anything, or feel entitled to anything that we didn't earn on our own. Release is our chance to be responsible, and that means we struggle and sacrifice along with everybody else. It means we aren't special, and that any disadvantage comes as a result of our prior choices. Humility is key in our lives at this point and as long as we are willing to do the work, and we carry that humility with us, there will be people and opportunities which present themselves in our lives. Either way, the responsibility remains ours and we must be up to the task if we are to succeed outside of prison.

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\* PLATA STATUS REPORT \*

On August 15, 2014, the Defendants in the Plata case (CDCR) filed their monthly Status Report with the Three-Judge Court. August 31st was the first of three benchmarks that CA prisons must meet in their mandated population reduction. The August benchmark required the CDCR population to drop below 143% of design capacity. Here are a few facts taken from the recent report:

- \* As of July 21st, the Plata Receiver permitted the CDCR to re-open the new medical facility (CHCF) in Stockton, which has a design capacity of 2,951.
- \* CDCR design capacity is now 82,707.
- \* As of August 13th, the population in the CDCR's 34 adult prisons was 115,972 (140.2%). -About 3% lower than required.
- \* There is currently 8,803 prisoners contracted to out-of-state prisons.
- \* 6,436 prisoners have been contracted to new in-state prison facilities.

## WHERE ARE THE CHAMPIONS OF JUSTICE?

It has become evident that the motives behind the stated decisions of parole denials from the California Board of Parole Hearings are nefarious at best. Term-to-life prisoners, as a class, are failing to experience any sincere consideration of parole suitability on an ongoing basis, and it is not limited to one governmental body or individual, it is complicity on a wide scale.

Injustice and exploitation are nothing new to humanity. Atrocities between humans range throughout history. Much like crime itself, the only thing that is new in our situation is the inventive ways the Board (or their legal staff) find to try to skirt the law. They do this with impunity because they are insulated (as individuals) from prosecution. Where else but the government could one find a job that pays in excess of \$112,000 a year, and where one can do or say anything they please, and violate the rights of others?

When we behave and program in good faith for decades only to be told time and time again that we are dangerous to the public (with no evidence to back up that assertion), we begin to see that we are being denied parole for reasons other than public safety. Those reasons are never stated, but we know that they must exist because the reasons they give us are usually a pathetic attempt to establish some kind of nexus between our behavior at the time of the crime and our present-day behavior. That whole premise turns on the "nexus," which is found only in recent case law, as is "insight," their new talisman for parole denial, but nowhere are these terms found in the State's Penal Code. Curious.

Another puzzling trend is that of being found suitable by the Board, but then the Governor reverses the finding; with the next hearing the Board finds for unsuitability, claiming a lack of insight. How can someone lose insight? The very idea is ludicrous.

So, let's recap. We are held to a standard that requires us to be literate in the law, but the Board and Governor can break the law with impunity. We are expected to somehow navigate the extremely dysfunctional, unconstitutionally overcrowded (and therefore inept) prison

(Cont'd on page 4)

champions of JUSTICE?, cont'd

system and somehow become functional, while in the last 20 years self-help has dwindled to almost nothing, other than that which the prisoners generate for themselves.

Where can we find a class that truly teaches every aspect of "insight" and how to get it, or even to learn what it is to everyone's satisfaction? How many people can even explain what a nexus is?

But the questions run much deeper. Why does the parole board use such technical legal terms when they render their final decision? Why is there so much litigation in the California court system over the Board of Parole Hearings, their questionable and often nefariously stated reasons for parole denial, and the language that governs parole decisions? Why has case law come to be as pertinent a concern to the Board (as well as the prisoner) as the Penal Code is in determining suitability for parole? Why does the Board have no oversight? To what extent do the Board and governor's office communicate and collaborate on parole decisions? Why, under the Freedom of Information Act, are we not allowed to witness that interaction, or have a right to those documents? If a psychologist deems that someone has insight, how can a non-professional, lay-person find that insight is lacking?

These kinds of questions are nearly endless. The problem is not that we can't see what's wrong, or that we lack ideas on how it could be improved to be more equitable and reliable process, or even more successful. The problem is that we have a set of people who belong to a "Good ol' Boy" club, but it's not divided along racial or gender lines, so it's camouflaged enough to fool the casual observer. The rest either don't care or are too busy trying to hold it down out there in a tough economy.

Morgan Freeman nailed it in his role as the tough old lifer in "The Shawshank Redemption." He said, "Rehabilitation. It's just a word so that a young feller like you can have a nice job, wear a suit and tie, and feel like you're on the side of good."

What we need is a voice and a champion. Someone with credibility and charisma, to tell our story. What we must not do is allow hatred or bitterness to motivate us, for if we do we stand to lose our very souls. We cannot project evil upon people, for that is no different a process than the one that got us here in the first place, and continues to keep us here as well. Evil does not overcome,

**\*\* CIVILIZED \*\***

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| 1) Advanced    | 13) Orderly    |
| 2) Conditioned | 14) Organized  |
| 3) Cooperative | 15) Polite     |
| 4) Correlation | 16) Refined    |
| 5) Courteous   | 17) Settled    |
| 6) Cultivate   | 18) Society    |
| 7) Cultured    | 19) Structured |
| 8) Developed   | 20) Tame       |
| 9) Enrich      | 21) Tolerant   |
| 10) Formulated | 22) Unity      |
| 11) Harmony    | 23) Uniformity |
| 12) Humanized  | 24) Uplift     |

it limits. The same goes for hate, or any other negative emotion. Let's be clear: our motives must be pure, transparent, pro-social, and healing. This is a test of reason, not a battle of wits carried out with violence for the purpose of counter-punishment.

Every major philosophy or system of religious belief recognizes that negativity cannot be overcome with negativity. The laws of nature just don't work that way. The faster we figure that out, just that much faster can we heal the injustices of the Board and the Governor.

**GOVERNOR DENIES PAROLE TO DAVIS**

Mr. Bruce Davis, 71, was found suitable for the third time, back in March. He has now served over 43 years in prison for the double murder of Gary Hinman and Donald Shea. Although he was a follower of Charles Manson back in 1969, his crime was not related to the notorious slaying of actress Sharon Tate. Governor Brown reversed the grant of parole for lack of remorse reasons.





## LITTLE KNOWN REASONS TO PAY ATTENTION



Below is a summary of changes to the CDCR Department Operations Manual (DOM), Sections 13030.16 through 13030.22 of Chapter 1, Article 15, Information Practices. These revisions have been effective since 4/11/2014, and the Notice of Change was signed by Timothy Lockwood, Chief of the Regulation and Policy Management Branch. These are the rules that will govern the next Olson review of your Central File as taken from Administrative Bulletin 14-06:

- \* The individual shall be permitted to inspect and obtain an exact copy of all or any portion of any nonexempt personal information about themselves even when it might be kept under the name of another person, entity, event, or date or among other record systems.
  - \* Upon written request, the office with the individuals record shall furnish the requester a copy of CDCR's procedures to be followed to gain access to or amend a record. The information contained in this form shall include the following: (1) The name, title, and address of the person to contact for each record system and to whom to appeal if all, or any part, of the request is denied, (2) Where and when records may be inspected in person, (3) Any fees to be charged for photocopying information, (4) Example(s) of information likely to be exempt from access, (5) Approximate time frames in which CDCR shall respond to a request for inspection, respond to a request for copies, respond to a request to amend a record, and respond to an appeal of a refusal to amend a record.
  - \* Requests are usually received and facilitated by Counselors, Lit. Coordinators, and CRM's. Previous to electronic offender records, the paper C-Files were reviewed onsite or photocopies of the C-File were made. With the implementation of the Strategic Offender System (SOMS) and the Electronic Records Management System (ERMS), the location of where information resides and the process for gathering and providing offender information has changed significantly. All existing Departmental policies and regulations, Memoranda, Legal Affairs opinions, and state and federal laws currently in place for releasing offender information as well as redaction of specific information still apply.
  - \* Each section of the ERMS version of the Olson/Inmate Attorney will contain a category of the File similar to the current paper C-File format. The ERMS Olson or Attorney Review CD or PDF file will contain all scanned documents for an inmate that are stored in the ERMS database not considered confidential.
  - \* DOM § 13030.19, is revised to read: The CDCR is not required to disclose personal information to the individual about whom the information pertains, if the information meets any of the following criteria: Is compiled for the purpose of identifying criminal offenders and alleged offenders and consists only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status. (Beware, many Counselors interpret this to mean Probation Reports & Sentencing Trans.)
  - \* If an entire document is classified as exempt, the originator of the document or the person designating it as confidential shall date and sign the designation of confidential, note the document in the C-File on CDCR Form 810, and replace the document with a completed CDCR Form 811, then immediately scan the document into the Confidential Section of the ERMS file.
  - \* If a document contains a mixture of exempt and nonexempt information, the originator or the person designating it as confidential shall cover the exempt portions and make a photocopy which shall be included in the nonexempt portion of the C-File to be disclosed, immediately scan the document into the Confidential Section of the ERMS file, and note the exempt information on the CDCR Form 810.
- Administrative Bulletin 14-06, dated 4/11/2014, is a total of 7 pages and should be available in any law library. We urge our readers to review it in its entirety.

## CA YOUTH OFFENDER HEARINGS

(August/2014)

During the month of August, Board of Parole Hearings conducted 328 parole hearings. Of those hearings, 23 were conducted as Youth Offender hearings for those with crimes committed prior to the age of 18 years. These are the results:

- \* Paroles Granted: 12
- \* Paroles Denied: 8
- \* Hearings Postponed: 3

## CA ADULT PAROLE HEARINGS

During the month of August, there were 305 adult parole hearings conducted. These are the results:

- \* Paroles Granted: 53
- \* Paroles Denied: 132
- \* Postpone/Waive/Stip: 120

-Per the August Status Report filed in the Plata case, prisoners granted parole prior to the expiration of their Minimum Parole Date (MEPD) must wait until the MEPD has lapsed before being released.

## WHY ADVERTISE IN VOICES.CON?

Voices.Con readers include parole law attorneys, journalists, paralegals, psychologists, academics, human rights activists, prison and parole reformists, family and friends of prisoners, and state and federal prisoners. The Voices.Con monthly newsletter has been in circulation continuously since Jan/2006. Our website was first launched in August/2006. We estimate that as of February 2013, our newsletter has been globally seen by 273,605 readers since our launch in 2006, with annual download rates as high as 32,400 printed copies.

We believe you will find very positive advertising results considering our targeted readership. If you would like to advertise with us, or have any questions, contact us at your earliest convenience by E-mail at: [Janet@VoicesDotCon.org](mailto:Janet@VoicesDotCon.org). If you prefer, you may write to us at our mailing address: Voices.Con, P.O. Box 361, King City, CA 93930. Donations are also accepted and greatly appreciated.

## PRIVATE PSYCHOLOGICAL EVALUATION FOR LIFERS

Many lifers are receiving CDCR/BPH FAD psychological evaluations indicating a moderate or high risk that they do not deserve, based upon the misuse of actuarial measures. This will result in a BPH lengthy denial and many more years of suffering.

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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 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 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 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, 159,520 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 35,759 prisoners serving life terms, it also has the most lifers.
- ⇒ In Florida, California, New York, Texas, Georgia and Ohio, at least 85,800 prisoners are now serving some type of 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.
4. We also accept and encourage all submissions of topical artwork. Please include a Self Addressed Stamped Envelope with any submissions of artwork or written material where a return has been requested.

**OTHER AVAILABLE MATERIAL PUBLISHED AT VOICES.CON WEBSITE:**

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