



# Voices.Con

## Term-to-Life Prisoners Converse

Vol. 13, No. 1

www.VoicesDotCon.org

SPRING 2015

### IN THIS ISSUE...

Secondary psychological evaluations are considered

.....Page 1

Integrity won't come until the manipulation stops

.....Page 2

A reader provides his view on CA's revolving door

.....Page 3

Some simple techniques for the impulsive

.....Page 4

Making do without professional help not made easy

.....Page 4

The April/2015 Plata Status Report and a few bills of interest

.....Page 5

All about Voices.Con and publishing Info

.....Page 8

### SOMETIMES A SECOND OPINION IS THE ORDER OF THE DAY

One of the most crucial questions we face, beyond the need to retain private counsel for an impending parole hearing, is whether or not it has become necessary to retain an independent psychological evaluation. With funds often being limited due to the many years of incarceration, it's likely that the supportive families of the incarcerated term-to-life prisoner will be suffering a significant strain of resources at this point. This means that a focus on the question of "need" will be understandably critical.

Psychological evaluations are generally provided by the State's prison system, or in States such as California, by the parole board itself. Such evaluations shall normally be prepared within the preceding months of each parole hearing. In most States, the prisoner will have the option to have an independent psych evaluation prepared at his/her own expense.

Many variables come into play when considering whether an independent evaluation has become necessary. The prisoner's psychological history (if any) must always be addressed in any current reports. If the prisoner is approaching his/her initial parole hearing, and the State's psych evaluation has not addressed any known historical psych issues, this would be a

good time to consider having an independent evaluation prepared. If the prisoner has been assessed by a parole board contracted psychologist as having a high "risk for future violence," and it appears this conclusion was frivolous in nature, then this would also be an obvious need for an independent psych evaluation. (Whether it's an initial parole hearing or a subsequent)

In California, the parole board's "Forensic Assessment Division" (FAD) is instructed to evaluate each prisoner as having either a low, moderate, or high risk for future violence if released to the community. When approaching each of the many subsequent parole hearings, the FAD will prepare a report that will either revisit or reassign one of the three mentioned risk factors. Frequently, term-to-life prisoners will have a long history of psych evaluations that rated them as having a "low risk" of future violence. If a recent psych evaluation were to suddenly elevate your risk factor to moderate or high, a prisoner should definitely consider having a secondary psych evaluation, as the Board will almost certainly focus on it.

In addition to recently elevated risk of violence assessments, many Board generated

## order of THE DAY, cont'd

psych evaluations may exhibit diagnostics that are confused with seemingly contradictory conclusions, or factually based on a circular logic that just doesn't make any sense. Sometimes, the prisoner will find that the report refers to some other prisoner's name throughout the evaluation, which suggests that the State is not even providing an individualized analysis. More likely, the paragraphs contained in the reports are being downloaded from a computer program, utilized by the Board psychologists while preparing other prisoners reports simultaneously.

These have all been a few good reasons to consider seeking an independent psych evaluation, although there are obviously many others not mentioned here. Considering the fact that so many parole boards these days are so completely focused on matters of insight into the underlying causes of the crime, and one's current propensity toward violent behavior, many parole decisions are heavily based on matters assessed within the psych report.

This being the current standard, it would be wise to give some thorough and objective consideration to the psychological analysis reported in your case over the years, and whether it now represents a reasonably consistent pattern of improvement. If not, it may be time for a second opinion. Good luck.

---

## CONQUEST

The conqueror, indeed, will be apt to think himself master;  
and it is the very condition of the subdued not to be able to dispute their right. But if that be all, it gives no other title than what bare force gives to the stronger over the weaker, and, by this same reason, he that is strongest will have a right to whatever he pleases to seize on.  
Over those then that joined with him in the war, and over those of the subdued country that opposed him not, and the posterity even of those that did, the conqueror, even in a just war, hath by his conquest no right of dominion; they are free from any subjection to him, and, if their former government be dissolved, they are at liberty to begin and erect another to themselves.

The conqueror, it is true, usually, by the force he has over them, compels them, with a sword at their breasts, to stoop to his conditions, and submit to such a government as he pleases to afford them; but the inquiry is:

What right he has to do so?

If it be said they submit by their own consent, then this allows their own consent to be necessary to give the conqueror a title to rule over them.

JOHN LOCKE (1689)

---

## STRIVE TO SUCCEED!

All prisoners, and particularly term-to-life prisoners, must finally reach a point where they become unwilling to continue their past negative behaviors, if they desire to succeed outside in society, and wish to ever be found suitable for parole. These behaviors can be ingrained into our character and extremely difficult to perceive as something we need to change, in order to succeed at reforming ourselves completely. Many times an individual will adopt the perspective that as long as they are not receiving negative consequences, and their intentions and motivations are all positive and pure, that somehow they are justified and even correct in continuing the behavior in question.

Let's look at an example of this in order to gain some perspective. Manipulation has been something that all of us have been guilty of in the past, especially within the gang lifestyle or with addiction. Manipulation helped us to gain what we wanted from people, regardless of how they might have felt. Today, one might believe that if they aren't using people, that they aren't hurting anybody, and that they are working to achieve a positive goal or purpose, then it's okay to continue to manipulate others, "but in a good way." This is a complete lie they are telling themselves, and to whoever else accepts it. The truth is that manipulation is wrong, and if they were manipulating others as a gang member, for example, then they are merely soothing their conscience when they manipulate others in the present.

Another big aspect of this issue is that manipulation, to continue our example,  
(Cont'd on page 3)

can also be a trigger to further negative behaviors from our past, and so for this reason, something to completely separate ourselves from by removing it from our lives. We risk our recovery when we rationalize and hang on to old behaviors, and won't progress beyond a certain point in our recovery. We will be stuck until we choose to move beyond those behaviors. We also jeopardize the gains we have made. Even more importantly, we continue to live in denial to the truth of our behavior, and as long as we do that, then we are capable of hurting others with our decisions.

Returning to the point, our objective is to succeed outside in society, not "run a good program" while still inside a prison. The point is, that as long as we are thinking and behaving like a criminal, we will be a criminal, and we will have a greatly reduced risk of being found suitable for parole, or for succeeding out in free society. So, if you are an individual who is still manipulating others, being aggressive or violent, are intimidating or bullying others to get your way, using people, or whatever, then are probably destined to remain inside of prison until you decide that you are ready to change yourself into someone else, and let those behaviors go.

This is the challenge for all of us. If you want this life of prison, distrust, and everything that goes with it, you can have it! The reality is, we need to be willing to give up all of the positive things that go with our old behaviors, but really aren't positive at all. We need to give up the lie that we tell ourselves when we believe that it is okay, as long as our motives are positive. We need to be ready to live a life of integrity and honesty, where we may have to struggle at things to succeed, and we may not get everything we desire. Some things we may even fail at. It will be okay.

But the rewards we receive are that we can love ourselves, because we aren't hurting others, and we are being our true selves. We place ourselves in a position to live up to our full potential outside these walls, with our families and those who love us, and those whom we love. So give up the old prison behaviors and become a truly pro-social person in thought and action. Let those who desire to stay stuck in their cycle of criminality have all the prison "garbage," and be comforted

by the fact that you have grown beyond your old self, and now have a brighter future outside in society. Identify your priorities in life, and don't hold back when striving to reach your goals.

---

## THE REVOLVING DOOR

As I sit here I begin to ask myself what is truly the CDCR's mission, what is their vision? Then it hit me; a revolving door. I am a fellow brother in arms, and for the last decade have been a firm believer that having insight, remorse and understanding into the issues that led you to commit your crime, and having authentic empathy, is where recovery is at its best. It only comes through giving freely to others what was once freely given to you. For me, that was someone coming along and allowing me to see that change is possible. To this day I do not understand why the Department of Corrections even uses the 'R' for Rehabilitation? They could care less about the healing process and recovery, because at the end of the day, it's all about the revolving door. That door is about money to them. Everything that is needed for us prisoners, not just those serving a term-to-life sentence such as myself, but any person who commits a crime, is driven by the grips of addiction.

Instead of the CDCR enforcing programs and policies to suit the needs of their prison population, they look down on us who try to encourage a pro-social way of living, and they do this through their anti-social tactics which only serve to fuel their agenda based on the revolving door principle. The more ignorant you keep the prison population, the higher the recidivism rate, the more money flows in through the revolving door.

I am thankful for the spirited Voices.Con newsletter, and its devotion to expression and education. It is also a means for us to continue to renew our vow of change by knowing that we are not alone, we have a moral obligation to assist each other in our ability to improve the quality of our lives, while recognizing the impact that our reckless, selfish, and destructive actions have on all victims.

It also reminds us of the need to repair the web of relationships between all those affected by crime, our victims, communities, society, as well as the prison community.

(Cont'd on page 4)

## revolving DOOR, cont'd

To me, making amends and restitution is about not just a life sentence and 30 years later receiving a 15 year denial of parole.

So, we must attack the revolving door by understanding freedom doesn't come easy. Changing our thinking and actions through the voices of all term-to-lifers is where we start. I say that a journey of a thousand miles starts with a single step. If you are serious about freedom, then recovery must come first! Now that's shutting the revolving door.

Editor's note: This letter was recently received at our P.O. Box in King City. We encourage our readers to submit any written material. We also greatly appreciate all who contribute to this seemingly endless effort.

### PAUSE, RELAX, REFLECT, DECIDE

At some point, everyone has experienced being impulsive and has suffered the consequences of their impulsivity. Feelings of regret, sorrow, confusion, frustration, and helplessness can follow these behaviors, and the person is then left wondering why they continue to make such bad decisions (which seem so good at the time). The answer lies in the emotion of the situation and the satisfaction that immediately follows our impulse; but then quickly leaves, once the emotion passes.

There are a number of ways to combat our impulsivity. One way, which gives us some definition to the process of choice and decision while providing help in gaining some control over being impulsive, is the Pause, Relax, Reflect, Decide technique. The first step is to pause before making any decisions. This requires us to remain silent, immobile, and take no action, even when we believe it will be the correct action. The idea is to prevent any immediate or impulsive action. The next step is to relax. This means that we take a deep breath, count to ten, repeat the serenity prayer, or some other measure which relaxes us.

The third step is to reflect. This means that we consider what action we were about to take and consider the possible consequences if we were to do so. We must also attempt to reflect on other courses of action, and their potential consequences. Finally, our last step is to decide. This means that we make the best decision possible, according to everything we have considered. The end result of using this technique should be a lot more satisfaction and success in our lives, and a lot less impulsivity. In the beginning it might be

### \*\* DISPROPORTIONATE TERMS \*\*

Q	A	U	D	Y	D	J	P	D	E	H	S	I	M	E	L	B
U	I	E	V	I	T	A	R	A	P	M	O	C	N	V	P	O
N	U	N	S	Q	S	K	D	E	U	N	F	A	I	R	Y	A
V	T	N	D	A	U	C	R	I	M	F	I	X	E	D	Q	I
O	A	C	R	E	I	E	R	V	S	R	V	J	X	N	U	E
N	N	R	M	E	L	B	O	E	A	H	U	T	I	J	T	G
E	O	X	I	A	G	P	U	T	T	D	O	N	C	A	S	E
Y	S	P	T	A	I	U	I	E	I	C	N	N	I	H	C	
S	T	I	A	N	B	R	L	C	C	O	O	I	E	L	J	I
U	O	I	I	R	O	L	E	A	N	N	M	N	A	S	U	T
N	U	O	L	H	T	F	E	S	T	I	A	M	A	S	T	S
E	N	V	T	A	A	I	I	J	R	E	R	L	V	R	X	U
Q	L	U	Y	V	U	S	A	C	W	O	D	P	A	E	Y	J
U	A	N	O	U	T	Q	S	L	N	U	L	R	N	B	U	N
A	I	R	D	A	E	I	E	B	I	P	Y	S	G	U	M	I
L	X	R	N	O	D	R	A	N	F	T	U	X	U	Q	R	I
D	E	T	N	A	L	S	Q	U	I	N	Y	A	I	R	O	Y

- |     |                      |     |                     |
|-----|----------------------|-----|---------------------|
| 1)  | <b>Abnormal</b>      | 13) | <b>Inequality</b>   |
| 2)  | <b>Authoritarian</b> | 14) | <b>Injustice</b>    |
| 3)  | <b>Bias</b>          | 15) | <b>Opinion</b>      |
| 4)  | <b>Blemished</b>     | 16) | <b>Partiality</b>   |
| 5)  | <b>Comparative</b>   | 17) | <b>Prejudice</b>    |
| 6)  | <b>Discretionary</b> | 18) | <b>Relation</b>     |
| 7)  | <b>Discriminate</b>  | 19) | <b>Slanted</b>      |
| 8)  | <b>Dishonest</b>     | 20) | <b>Unequal</b>      |
| 9)  | <b>Favor</b>         | 21) | <b>Unfair</b>       |
| 10) | <b>Fixed</b>         | 22) | <b>Unregulated</b>  |
| 11) | <b>Imbalance</b>     | 23) | <b>Unprincipled</b> |
| 12) | <b>Inconsistent</b>  | 24) | <b>Variable</b>     |

awkward and even difficult, but as with anything else, as you continue to practice this technique, it will begin to work for you and you will gain more control over your behavior.

### EFFECTIVELY CHANGING OUR VIEW

In measuring a term-to-life prisoner's suitability for parole, the Board is guided by the penal code and various administrative regulations, which contain several touchstones that each prisoner is required to meet. One of these is responsibility.

Most of us see the sense in this requirement, but few of us have followed what this points to, and also away from. It points away from denial, either partial or whole, and it points toward acceptance.

We find acceptance a hard battle, some of us. Because we have no real therapy anymore, we have no professional help or guidance to uncover our thought habits. It becomes easy to minimize, or fool ourselves that what we did "wasn't that bad."

(Cont'd on page 6)



## LITTLE KNOWN REASONS TO PAY ATTENTION



The following information was taken from California's "Status Report" filed on April 15, 2015, in the Plata case. This is the case where California was ordered to reduce its prison population down to below 137.5% of design capacity by February 28, 2016.

- \* As of 4/15/15, the State's 34 adult prisons confined a total population of 111,863 (135.3%). California prisoners being confined in out-of-state private prisons total: 8,394.
- \* Between Jan/2014 to Mar/2015, the CA Board of Parole Hearings (BPH) has conducted 534 SB 260 Hearings for offenders whose crime was committed prior to age 18. Of those hearings, 158 paroles were granted.
- \* Between Nov/2012 to Apr/2015, the total number of Three Strikes prisoners released under Prop. 36 was 2,056. That's up from 1,924 in Nov/2014.
- \* Between Feb/2014 to Mar/2015, the BPH has conducted 577 parole hearings for elderly prisoners over the age of 60 years. Of these hearings, 166 paroles were granted.
- \* During the previous 30 days, there were 8 additional prisoners released who had been deemed suitable for parole by the BPH, but had unexpired future release dates.
- \* Between Nov/2014 to Apr/2015, the total number of prisoners released under Prop. 47 was 3,473.

////////

////////

////////

The 2015-2016 legislative session in California is considering a few bills of interest to the term-to-life prisoners population. The current status of these bills and a short digest follows:

SB 224: This bill was introduced to the Senate on Feb. 13, 2015, by Senators Carol Liu (LA) and Mark Leno (SF). The bill, "Elderly Parole Program" creates a new Penal Code § 3055, which will require the BPH to conduct early parole hearings for those who have served at least 15 years, and are over 50 years old. So far, this bill has been passing through all committees.

SB 261: This bill is a follow-up to SB 260 which was introduced by Senator Loni Hancock back in February of 2013, and was signed into law. The new SB 261 will permit the same Youth Offender hearings currently provided to only those whose offense happened prior to their 18th birthday, to also be conducted for those whose offense took place prior to their 23rd birthday. So far, this bill has also passed through each committee.

SB 124: This bill was introduced by Senator Mark Leno, and prohibits the use of solitary confinement as punishment for youthful offenders, and permits its use in other circumstances but for only very short durations. This bill has also been passing through each committee successfully.

\*\*\* Family and friends can stay abreast of the status of these and other bills by going to the FCLCA Website ([www.fclca.org](http://www.fclca.org)) and may also sign up for FCLCA Action Alerts. If you would like a copy of any proposed bill mailed to you, send the request and bill number to: Legislative Bill Room, State Capitol, 10th St., Rm. B-32, Sacramento, CA 95814.

## changing our VIEW, cont'd

But that path is what we used to call "half-steppin." We tell partial truths.

The reason why we do this is simply because most of us just can't learn to carry the burden of all the guilt and shame, all at once. We have to keep our sanity and our ability to function normally, and to keep these intact we must construct for ourselves a reality that we can bear. As we begin to gather more strength (think of a weightlifter), we can add to our load slowly.

This crucible has several benefits. It crushes who we were and forces us to learn how to be very empathetic to all of the suffering we forced on others. It focuses our current and future purposes, effectively changing our view of who we are and what we might accomplish as a human being. It teaches us that taking responsibility is only a gateway to plumbing the depths of our feelings, guilt and shame being the strongest of those feelings.

The Board wants to see this because their stated theory is that if they can be sure we feel as bad as anyone can over our crimes, then they can feel assured that we will not repeat our crimes. The reasoning is sound, if imperfect, as human souls always are.

We must learn how to navigate in this mire of ugly, awful feelings, and not only must we learn to live with them, but to live in them in a perpetual state of readiness. This means we must also learn how to deal with the feelings being ever-present without being overcome by them, no mean feat. And all this is somehow supposed to materialize in our lives with no professional help.

We do have self-help groups, and a great number of us attend them regularly. What we sometimes lack is that we are not sensitive enough to each other in providing for each others' needs relative to our inner journey of discovery. We can't make that journey in a year or two, or by leaps and bounds, nor can we expect others to know our experience or we theirs. It takes real, sustained tenderness and willingness to meet the needs of another with care and openness, respect for their feelings, knowledge that it won't happen quickly. In short, we must be "tamed down" from the prison mentality and become much gentler.

When we think of responsibility, we don't automatically see or understand what happens inside us, or that these forces and emotions come to bear on our reality. Saying "yes, I'm guilty" or "yes, I did that" does not bring the knowledge internally. It is just the first step.

## 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.

A private psychological evaluation, arranged with the help of your attorney, will correct this injustice and in many cases result in your deserved release. If you have such a denial, a new psych report is new evidence, allowing you to go back to the board sooner.

I have over 40 years of experience (over 3000 reports) evaluating lifers and my reports are recognized by the courts.

**MELVIN MACOMBER, Ph. D.**

4005 Manzanita Ave, Suite 6-160  
Carmichael, CA 95608  
(916) 652-7014

[reports@drmelmac.com](mailto:reports@drmelmac.com)

## PRISON LEGAL NEWS

PUBLISHED MONTHLY SINCE 1990

*A 56-page magazine packed with:*

- ◆ Summaries and analysis of recent national and local court decisions on prisoner rights, from the prisoner perspective.
- ◆ Articles from attorneys, including how-to litigation advice.
- ◆ News of prison-related struggle and activism in the United States and around the world.
- ◆ Distributes a wide variety of legal, self-help and criminal justice books.

### ANNUAL SUBSCRIPTION RATES

*Prisoners \$30*

*Non-incarcerated individuals \$35*

*Institutional or professional \$90*

(attorneys, libraries, government agencies, organizations)

*Sample copy \$3.50*

**Prison Legal News**

PO BOX 1151, LAKE WORTH FL 33460

(561) 360-2523

[HTTP://WWW.PRISONLEGALNEWS.ORG](http://WWW.PRISONLEGALNEWS.ORG)

*Orders accepted by phone or online. New and unused postage stamps or embossed envelopes may be used as payment*

# Prisoner Rights Attorney CHARLES CARBONE, ESQ.

*"Every case I take is given compassionate, thorough and vigorous representation with one goal in mind – Justice for the Incarcerated."*

- Charles Carbone

*Personally and professionally dedicated to fighting for prisoner rights and human rights for California prisoners and their families.*

Charles represents prisoners in California's worst prisons on conditions of their confinement, including (but not limited to):

- ❖ Parole Lifer Hearings
- ❖ En banc & Rescission Lifer Hearings
- ❖ State & Federal Appeals of Parole Denials
- ❖ State & Federal Appeals of Criminal Convictions
- ❖ Indeterminate Gang Validations for SHU Prisoners
- ❖ Appeals of CDC 115s

*For life inmate subscriptions to Quarterly Parole Matters Newsletter  
Please send \$15/year for inmates or \$25/year for family members*

15 years of experience in prison law  
(California cases ONLY)

PO Box 2809  
San Francisco, CA 94126  
(415) 981-9773  
[www.prisonerattorney.com](http://www.prisonerattorney.com)



**Voices.Con**  
Term-to-Life Prisoners Converse



*Newsletter address:*

Voices.Con  
P.O. Box 361  
King City, CA 93930

*Website address: [www.VoicesDotCon.org](http://www.VoicesDotCon.org)*

*E-mail: [Janet@VoicesDotCon.org](mailto:Janet@VoicesDotCon.org)*

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:

- \* Preview or download our Prisoner Support Directory specifically designed for the needs of the term-to-life prisoners—Free
- \* Preview or download a complete Newsletter Descriptions List of all previous editions of Voices.Con—Free
- \* Preview or download all previous editions of the Voices.Con newsletter ever published—Free
- \* Preview or download previously argued case law in parole related court cases—Free