

Most of us believe the Parole Board Commissioners have a very serious job in determining who should stay in prison and who should be released. After all, the burden of public safety would seem to lie squarely on their shoulders. If a prisoner can't, after years of incarceration, prove to these commissioners they are not a menace to public safety, then maybe they shouldn't be released.

My guess is this is what the public generally thinks...and who can blame them?

So, I want to offer you a different side of the story, based on actual cases, real women I see going before the Board, hoping against hope to be granted their freedom after years and years of incarceration. And yes, I have an inherent bias – I am an insider, a prisoner who tells the story from this side of the fence (or razor wire in this case). Although I have not gone before the Board myself – I am a relatively new lifer – I see and feel all the fear, the guilt, the remorse and the tenuous hope each woman goes through in preparation for the hearings. The painful emotional roller-coaster a lifer and his or her family experiences each time they appear before the Board is one part of it.

The incredible waste of taxpayers money to keep someone in prison who no longer belongs there is another part of it. Next comes the court battles a lifer must access to gain their rightful freedom – the filings, the legal fees, the hearings, the district attorneys and public defenders – again, usually all at taxpayers expense. These add up to incredible amounts of money, in the hundreds of millions, all to accomplish what the Parole Board should have done in the first place.

The first thing to understand is that no lifer is even eligible to go before the Board for their first hearing until they have served their time.

The second thing to understand is how inept, arbitrary and dysfunctional the board is, in arriving at their truly important decision of who should go and who should stay. Well, basically they have a one track mind – release no one! They are politicized to the extreme, in that they, and the Governor, are carefully mindful of the very vocal (as well as generous contributors) victim's rights groups. These groups are in turn largely funded by the powerful guards union who obviously have a vested interest in keeping everyone in prison, especially lifers because lifers make prisons easier to manage. And lest we forget one in five prisoners is a lifer in California's bloated corrupt prison system, stuffed to almost 200% of capacity with 170 thousand prisoners.

The Parole Board Commissioners' actual rate of suitability findings, someone whom they deem suitable for release, is around 5%. But even this miniscule release rate is misleading because the Governor reverses about 75% of these suitability findings. So the actual release rate is closer to 1% of all those lifers who go before the Board (having already served their prescribed terms).

I'll leave alone the fact that the US incarceration rate is at least five times greater than any other civilized nation. I'll not mention the fact that US sentences are many times longer than other nations.

Instead, I'll give you a few examples of actual cases, women I've known right here at CIW.

Louise is 70 years old and has been locked away for 32 years, but she was originally sentenced to 7 years-to-life. She has recently been found suitable for parole again by the Board. The Governor has reversed her previous parole suitability findings by citing boiler plate rationale for the reversal... "the especially callous nature of the crime." Louise has always done her part, working in prison to overcome her addiction that led to the crime in the first place, gaining vocational certificates and laudatory chronos. She participated in self-help groups to gain insight into herself and to learn

how to become a benefit to her community. She steered clear of the darker side of prison life, she was what we would call a poster child for rehabilitation.

If the Parole Board had reviewed her fairly, putting politics aside and evaluating according to the written regulations, her earliest possible release date was in 1984. Yet here we are in 2010 with Louise still fighting for her freedom, fully 26 years later.

To gain her release she had to file a Writ against the Parole Board in the courts, she had to obtain pro-bono legal representation from the USC Post Conviction Project; she had to wait for many years. But Louise's story finally did have a just and successful outcome – Louise left prison a few days ago and is now living at a transitional re-entry house to help her reintegrate back into the world she was locked away from 32 years ago.

Let's see how much the taxpayers have spent to keep Louise in prison for 26 years beyond her minimum release date:

$$\begin{array}{rcl} \$49,000/\text{year}^1 & \times & 11 \text{ years} = \$ 539,000 \\ \$138,000/\text{year}^2 & \times & 15 \text{ years} = \$2,070,000 \end{array}$$

So, taxpayers have spent 2.6 million dollars to keep Louise behind bars for 26 years longer than necessary.

Or, let's look at Helen's story. Helen was 86 years old when she died alone and unnoticed last year. Helen was convicted of conspiracy to commit murder...actually what she did was transport some money for her son without knowledge of what the money was intended for, but the prosecutor didn't see it that way. No one died, no one was even injured. In fact, no crime actually happened – it was all conspiracy theory. But Helen was shipped off to prison with a life sentence. Helen's kidneys were failing for the last several years of her life and she was taken out twice weekly, hands and feet shackled and a guard on each side of her, for dialysis treatment. So, the cost of keeping Helen in prison was close to a million dollars a year because of all the extra guards for the frequent medical trips out for dialysis.

When Helen had served her term, she too went before the Board hoping for release, but the Board found her to be a risk to public safety because she "didn't have firm employment plans." That's what the Board actually cited in her hearing transcripts as the rationale for parole denial...at age 85!

How could Helen be deemed a risk when she couldn't even walk 30 yards without stopping to catch her breath?? The real risk to public safety is the money siphoned away from education and social supports to fund this bloated and abusive prison system.

¹ For the years Louise spend past her release date before she turned 55, the average cost of incarceration in California is \$49,000 per year per prisoner

² For the years Louise spend behind bars between the ages of 55 and 70, the average cost of incarceration for a woman over 55 is a staggering \$138,000 per year per prisoner

Can you imagine what Louise's \$26 million could have funded? Or Helen's \$6+ million?? Subsidized day care so mothers could work, after school programs so kids can be diverted from gang involvement, the medical clinics, the funding of colleges, the aid to underprivileged and so much more!

But no, we as a society allow the prison system to suck up all of the state's resources under the guise of public safety. What safety have we achieved by keeping Louise or Helen incarcerated? As one journalist put it – are they going to scale the razor wire and assault someone with their walkers?

Most lifers would give almost anything to be given a chance to become a credit to society, paying taxes instead of eating up those precious tax dollars.

At a time when California is raising tuition fees again and again and pricing most of our youth out of an education; at a time when California is slashing social supports for the poor and disadvantaged – shouldn't taxpayers demand that legislators fix the dysfunctional Parole Board?

A start would be to follow the codes that govern the appointment of Parole Board Commissioners making sure that the composition of the Board represents a cross section of the community (psychologists, retired judges, etc.) instead of the law enforcement people Schwarzenegger continues to appoint. The current Board is 100% law enforcement.

Another step would be to again follow the law – the Penal Code requires that a release date be set once the base term has been served. So it would seem reasonable to expect at least a 50% suitability finding rate instead of the current 5% rate.

Finally, remove the Governor's review process of the Parole Board findings (an oversight that was instituted in 1988 for political reasons – “the Willie Horton effect”). This review has never really been a “review” anyway, in that it has never been used to review a denial, only to reverse a positive finding. You would think the Governor would empower these commissioners with their six-figure incomes to do their job as the regulations direct and not second-guess them.

The rate of recidivism in California for older lifers released is negligible, less than 1%. Compare that with a 70% recidivism rate for all other prisoners.

We have a crisis here – a moral, ethical, fiscal and societal crisis – and it can be corrected if enough people get involved, speak out, write legislators and make their views known,

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