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Your Responsibility When Using the Information Provided Below:

When putting this material together, we did our best to give you useful and accurate information because we know that prisoners often have trouble getting legal information and we cannot give specific advice to all prisoners who ask for it. The laws change often and can be looked at in different ways. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet, it is your responsibility to make sure that the law has not changed and still applies to your situation. Most of the materials you need should be available in your institution's law library.

SB 260 and 261 --Youthful Offender Parole Hearings Updated February 2016

In October 2015 Governor Brown signed into law a bill called SB 261, which expands Youthful Offender Parole Hearings (also called "SB 260 Hearings") to include people who committed their offense when they were ages 18 through 22, and who have already served 15, 20 or 25 years.

In 2014, SB (Senate Bill) 260 created special youth offender parole hearings for prisoners who were under the age of 18 at the time of their crimes. That law is set forth in Penal Code sections 3051 and 3051.1. These hearings take into consideration the facts that youth are less responsible than adults for their actions; the features of youth (for example, that youth are not as good as adults at understanding the risks and consequences of their actions, resisting impulse and peer pressure, or controlling their surroundings, etc.); and any rehabilitation and increased maturity over time.

SB 261 expands these special hearings to prisoners who were under the age of 23 when they committed the offenses for which they currently are serving time. SB 261 went into effect on January 1, 2016. Supporters of the law estimate that more than 10,000 prisoners are eligible for SB 261 hearings. We do not know how the Board of Parole Hearings ("BPH") will schedule and prioritize hearings. However, the law includes a deadline by which the BPH must have completed hearings for everyone who already has served enough time to get a youth offender parole hearing. **The deadline for people with life sentences is July 1, 2017. The deadline for people with determinate sentences is July 1, 2021.**

Some prisoners are not eligible for these hearings, including:

- People sentenced under the "three strikes" law or the "two strikes" law based on one or more prior serious or violent felonies and prisoners sentenced to a "one strike" life sentence for certain sex offenses. (Penal Code 1170.12, 667(b)-(i), 667.61)
- People sentenced to Life Without the Possibility of Parole (LWOP).
- People convicted of a *new crime committed after turning age 23* and given a life sentence for that crime.
- People convicted of a *new crime committed after turning age 23* that shows "malice aforethought;"

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such crimes include: murder in the first degree or second degree (PC 187, attempted murder (PC 664/187), conspiracy to commit murder (PC 182/187), solicitation to commit murder (PC 653f(b)), and assault with a deadly weapon or assault that is likely to produce great bodily injury committed while you are serving a life sentence (PC 4500). *Being found guilty of a 115 or other CDCR write-up for one of these offenses does not count as not a conviction. You are only disqualified if you went out to court and were convicted.*

Attached to this letter is a summary of the SB 260 rules that was updated on May 1, 2014 by the Fair Sentencing for Youth Coalition and Human Rights Watch. The guide explains the SB 260 Youthful Offender Parole Hearing process, including explaining how much of your sentence you need to have served in order to get a hearing. This will be the same for SB 261 hearings. It also has tips and advice on how to prepare for the hearings.

Also attached are (1) a chart that shows how the BPH determines whether a prisoner is eligible for an SB 260/261 parole hearing and (2) a form that you can use to challenge a BPH decision that you are not eligible for an SB 260/261 parole hearing.

The BPH has additional information about youthful offender parole hearings on its website at <http://www.cdcr.ca.gov/BOPH/YOPH.html>.

For more information on SB 260 and 261, please write: Elizabeth Calvin; Human Rights Watch; 11500 W. Olympic Blvd., Suite 540; Los Angeles, CA 90064.

How to Determine Whether an Inmate Qualifies as a "Youth Offender" under PC § 3051:

STEP ONE: Review the complete criminal history, including any crimes committed while incarcerated, to determine the single crime or enhancement for which any court sentenced the inmate to the longest term. This is the "controlling offense" for the purposes of this statute.

STEP TWO: Did the inmate commit the controlling offense, as defined above, prior to reaching his or her 23rd birthday?

YES

NO

STEP THREE: When sentenced for the controlling offense, did the inmate receive sentence enhancements under PC 1170.12, PC 667(b)-(i), or PC 667.61 for prior serious or violent felonies? (three-strike cases)

YES

The inmate does **NOT** qualify for a Youth Offender Parole Hearing under PC § 3051.

NO

STEP FOUR: When sentenced for the controlling offense, was the inmate sentenced to life without the possibility of parole?

YES

YES

YES

NO

STEP FIVE: Did the inmate commit any additional crimes after reaching age 23, for which the inmate was convicted in a court of law? (*would likely be in prison*)

YES

STEP SIX: Was "malice aforethought" a necessary element of the crime committed after reaching age 23?

NO

STEP SEVEN: Was the inmate sentenced to any term of life for the crime committed after reaching age 23?

NO

The inmate **DOES** qualify for a youth offender parole hearing under PC § 3051.

NO

Form to contest disqualification by BPH as a "youth offender" under California Penal Code section 3051.

TO CONTEST A PC § 3051 YOUTH OFFENDER DISQUALIFICATION, PLEASE COMPLETE THE FORM BELOW AND MAIL IT TO: **BOARD OF PAROLE HEARINGS, P.O. BOX 4036, SACRAMENTO, CA 95812**

PART ONE: What is the inmate's date of birth? _____

PART TWO:

1. For what **crime** did the inmate receive the longest single sentence (not including any enhancements)? _____
What was the length of the sentence for only that **crime**? _____

2. For what **single enhancement** did the inmate receive the longest single sentence? _____
What was the length of the sentence for only that **enhancement**? _____

**If the sentence length in #1 is longer, then the CRIME listed in #1 is the "controlling offense."
If the sentence length in #2 is longer, then the ENHANCEMENT listed in #2 is the "controlling offense."**

PART THREE:

CIRCLE YOUR ANSWER:

Did the inmate commit the "controlling offense" after turning 23 years old?

NO

YES

(If **NO**, continue to Part Four)

(NOTE: if you circled "YES," the inmate does not qualify as a "youth offender")

PART FOUR:

CIRCLE YOUR ANSWER:

Was the inmate sentenced for the "controlling offense" under three strikes?

NO

YES

(If **NO**, continue to Part Five)

(NOTE: if you circled "YES," the inmate does not qualify as a "youth offender")

PART FIVE:

CIRCLE YOUR ANSWER:

Did the inmate commit any crimes after turning 23 for which a court sentenced him/her to a life term?

NO

YES

(If **NO**, continue to Part Six)

(NOTE: if you circled "YES," the inmate does not qualify as a "youth offender")

PART SIX:

CIRCLE YOUR ANSWER:

Did the inmate commit any of the crimes after turning 23 for which "malice aforethought" is a necessary element of the crime, as defined in the penal code?

NO

YES

(If **NO**, please submit this completed form to the Board of Parole Hearings for reconsideration, which may or may not result in a different determination.)

(NOTE: if you circled "YES," the inmate does not qualify as a "youth offender")

INMATE'S NAME: _____ **CDCR #:** _____ **DATE:** _____

PERSON COMPLETING FORM: _____ **SIGNATURE:** _____
(Print name of Inmate or Legal Representative)

CALIFORNIA YOUTH OFFENDER PAROLE

SB 260

A Guide for Prisoners and Their Families and Friends

Table of Contents

Part 1	A Summary of What the Law is Supposed to Do	3
Part 2	Getting Ready for Your Parole Hearing	9
Part 3	An Interview with a Murder Victim Family Member: What I Want You to Know	15
Part 4	Advice from the Outside: Hearing From People Who Have Successfully Paroled	19

Understanding the Purpose and Limitations of this Guide

Human Rights Watch and the Fair Sentencing for Youth Coalition are groups that worked with others to pass Senate Bill 260, the Youth Offender Parole law. We are among many organizations helping to make California's criminal laws more just. We worked with others to write this handout because we know that prisoners and their families often have difficulty obtaining legal information.

Thank you.

We are grateful to the many people who donated their time, wisdom, and knowledge in writing this guide, including experts at the Post Conviction Justice Project of USC School of Law; Prison Law Office; Three Strikes Clinic at Stanford Law School; Uncommon Law; Youth Law Center; and numerous individuals. Most of all we are grateful for the input of family members of murder victims, and people who have paroled who shared their personal lives in order to support this effort.

This guide does not provide legal advice.

What is provided here is general information; it is not legal advice. We do not provide legal advice, representation, or referrals, nor can we answer questions about individual cases. If you have an attorney, you should disregard the information in this guide and talk to your attorney about the law and your case.

We did our best to provide useful and accurate information about this new law. However, please remember that laws change. We do not have the resources to make changes to these materials every time the law changes, nor can we afford to contact prisoners or respond to questions. If you use this guide, you should make sure that the law has not changed since this guide was written.

In addition, different people can have differing opinions as to the meaning of a law. If you have questions about this law and how it may affect your case, ask an attorney who has expertise in parole law. If you want legal advice about your case, hire a lawyer to address your specific issues. If you use this handout for any purpose, it is your responsibility to make sure that the law applies to your situation.

This was written before regulations were done.

At the time this handout was written, the regulations for this new law were not finished. The regulations should clarify some parts of the law that are not entirely clear right now. Also, at this time the Board of Parole Hearings is still figuring out how to make the new law work. As time goes on, more of the process will be clear.

Note the date and version of these materials on the lower left of each page. If we do update the materials, newer versions will be posted on our website and the date and version number will change. We are sorry that it is not possible to print and mail newer versions to all interested people.

How to find and read the law.

In this handout you will sometimes see "PC" and a number. PC refers to the California Penal Code. The Penal Code has all the state's laws about crime and punishment. The number is the section of the code where information is found. So, for example, when you see "PC 3051," that means California Penal Code section 3051. When you see that listed, it tells you that is where you can read the actual law about the topic being discussed. We encourage you to read the law for yourself. You can find it at www.fairsentencingforyouth.org, or can search online for the code, or go to the library and read it there. If you are in prison, please check your prison law library. If you are in prison and want to order additional copies of this guide, please write to: Prison Law Office, General Delivery, San Quentin, CA 94964.

CALIFORNIA YOUTH OFFENDER PAROLE (SB 260)

Part 1

A Summary of What the Law is Supposed to Do

Who is SB 260 and the new Youth Offender Parole process for?

This new law applies to people who:

- were under the age of 18 at the time they committed their crime,
- were tried as adults, and sentenced to life or determinate (no "L") sentences, and
- are not excluded for reasons explained below.

Where can I find a copy of the new law?

The newly enacted law is in California Penal Code (PC) sections 3041, 3046, 3051, and 4801. The California Penal Code should be in all libraries. For people who have access to the internet, you can find it online, or go to www.fairsentencingforyouth.org to find a copy of the law and other helpful information. If you are in prison, please check the prison law library.

When does this new law go into effect?

The new law went into effect January 1, 2014. However, the Board of Parole Hearings (also known as "the Board") is given 18 months (until July 1, 2015) to catch up on the backlog of hearings due as of January 1, 2014. PC 3051(i).

What does the new law do?

This law makes important changes in the parole process for people who were under the age of 18 at the time of their crimes. These individuals will have a "Youth Offender Parole Hearing." The purpose of the Youth Offender Parole Hearing is to review a person's suitability for parole and "provide for a meaningful opportunity to obtain release." PC 3051(a)(1) & (e). In this case "meaningful" means a real or significant chance of getting out of prison on parole.

Is anyone left out or excluded?

Yes. People are not eligible for a Youth Offender Parole Hearing who were under the age of 18 at the time of their crimes but are serving a:

- Sentence of life without possibility of parole, (LWOP) PC 190.5;
- Life sentence under the "One Strike" law for particular sex offenses, PC 667.61; or
- "Three Strikes" life sentence based on two or more prior serious or violent felonies, PC 1170.12; 667(b)-(i).

What if someone who is eligible for a Youth Offender Parole Hearing is convicted of a new crime at age 18 or older? Are they still eligible for the Youth Offender Parole process?

It depends what the crime is. Most new crimes do not change whether a person is eligible for a Youth Offender Parole hearing. But some new crimes make a person lose his or her eligibility for a Youth Offender Parole Hearing. If someone:

- Commits a *new crime at age 18 or older* and is convicted by a court of a crime in which "malice aforethought" is a necessary element (these crimes include: murder, attempted murder, conspiracy or solicitation to commit murder; and assault with a deadly weapon by a prisoner.) Other crimes may be

included as well. People should consult with an attorney if they think they might be excluded for this reason.

- Commits a *new crime at age 18 or older or older* and as a result of that conviction is sentenced to a life sentence. PC 3051(h).

How will a Youth Offender Parole Hearing be different from regular parole hearings?

On the one hand, we expect many things about the Youth Offender Parole Hearing to be the same as a regular parole hearing. For example, a person will still have to be found suitable for parole in order to be released, and we expect some existing suitability and unsuitability factors to remain the same. Prisoners also will retain their right to counsel and all other rights they would have at a regular parole hearing.

But we expect the Youth Offender Parole Hearings to be very different, too. In the Youth Offender Parole Hearings, the Board will have to give ***great weight*** to:

- The fact that juveniles are less responsible than adults for their actions (*The new law calls it the “diminished culpability” of youth*);
- The hallmark features of youth (*For example, that youth are, as compared to adults, not as good at understanding the risks and consequences of their actions; resisting impulse and peer pressure; or controlling their surroundings, etc.*); and
- Any subsequent growth and increased maturity of the prisoner. PC 4801(c).

The Board commissioners must now consider someone who was under the age of 18 differently from someone who was 18 or older at the time of the crime. The fact of being young at the time of the crime should support a finding of suitability. As a result, while people who have a Youth Offender Parole Hearing will still have to work hard to prove they deserve parole, this process should increase their chances of being paroled. PC 3051(d).

When will people be eligible for release?

To be released, a person must have a Youth Offender Parole Hearing and be found suitable for parole. Under this law, people are first eligible to be released during one of these three times, depending on the sentence and controlling offense:

- The 15th year of incarceration, or
- The 20th year of incarceration, or
- The 25th year of incarceration.

How will someone know whether his or her hearing will be at 15, 20, or 25 years?

It depends on the person’s sentence. The controlling offense determines the time for the first Youth Offender Parole Hearing and possible release.

What is a “controlling offense”?

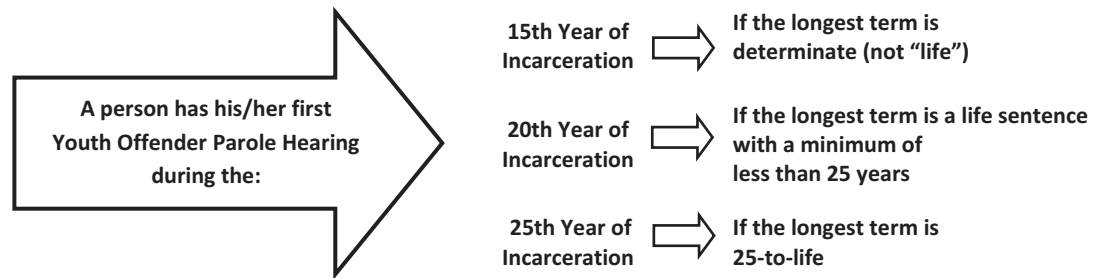
A controlling offense is the sentence for a single crime or enhancement with the longest term of imprisonment. PC 3051(a)(2)(B).

Example: *Luis has a 15-to-life sentence and a 10 year sentence. The 15-to-life is the controlling offense because it is the longest of his sentences.*

Example: *James has a 15-to-life sentence plus a 25-to-life gun enhancement. His controlling offense is the 25-to-life enhancement because it is the longest of his sentences or enhancements.*

When will someone's first Youth Offender Parole Hearing be?

The controlling offense (or longest term) determines the time for the first Youth Offender Parole Hearing and possible release.



Who is eligible at 15 years?

A person whose controlling offense (longest sentence) is **a determinate sentence** will be eligible for release on parole during the 15th year of incarceration. A determinate sentence is one without "life." It is a set number of years. PC 3051(b)(1).

Example: Roberto has a total sentence of 53 years based on three sentences: one for 20 years, one for 15, and one for 18. Because he does not have a life sentence, his first Youth Offender Parole Hearing will be in his 15th year of incarceration.

Who is eligible at 20 years?

A person whose controlling offense (longest sentence) is **a life sentence that is less than 25-years-to-life** will be eligible for release on parole during the 20th year of incarceration. PC 3051(b)(2).

Example: Melissa has a 15-years-to-life sentence plus a 10 year sentence, and a 10 year gun enhancement, for a total sentence of 35-years-to-life. Because her controlling offense is a life sentence under 25-years-to-life, her first Youth Offender Parole Hearing will be in her 20th year of incarceration.

Who is eligible at 25 years?

A person whose controlling offense (longest sentence) is **a life sentence of 25-years-to-life** will be eligible for release on parole during the 25th year of incarceration. PC 3051(b)(3).

Example: Nathan has a sentence of 25-years-to-life. His first Youth Offender Parole Hearing will be in the 25th year of incarceration.

Example: Deon has a total sentence of 65-years-to-life. He was sentenced to a 15-years-to-life sentence plus a 25-years-to-life gun enhancement and a 25-years-to-life gang enhancement. Because his controlling offense is 25-to-life, his first Youth Offender Parole Hearing will be in his 25th year of incarceration.

What does "eligible to be released on parole" mean?

It means if the person is found suitable for parole, he or she will be eligible to be released on parole at that time. This is true even if the person has other consecutive sentences related to the controlling offense. PC 3046(c). The person will not be released from other holds, however, such as an immigration hold. And, if a person has received new prison terms for crimes committed after age 17, including in prison, (s)he must serve those sentences.

What if a person has several consecutive sentences (meaning that they have sentences that normally have to be served one after the other)? Will he or she have to serve all of the sentences before going before the parole board or being eligible for release?

No. A person with more than one sentence will have a Youth Offender Parole Hearing at the time set in the new law and, if granted parole, be eligible for release.

Example: Chris has a 40-years-to-life sentence. He was sentenced to one 25-years-to-life sentence and another (consecutive) 15-years-to-life sentence. Under the old law, his release date would be at a minimum of 40 years of incarceration. Under this new law, the controlling offense determines when he will be eligible

for parole. In this case, his controlling offense is the 25-to-life sentence, and if found suitable for parole, he would be eligible for release in his 25th year of incarceration. PC 3046(c).

Do lifers who would normally receive a hearing before 20 or 25 years have to wait for the new timelines under PC 3051(b)?

No. If a lifer is eligible under another law for an earlier parole hearing, that is when his or her hearing will be. The new law sets maximum times at 20 or 25 years before a first hearing is held. If a person has a right to an earlier hearing under another law, he or she will have the suitability hearing at that earlier time, but will still receive the great weight considerations described above. PC 3051(b).

***Example:** Juan has a sentence of 15-years-to-life, and under existing law has a right to a hearing in his 14th year. He will not have to wait until 20 years of incarceration for his hearing, and that hearing will be a Youth Offender Parole Hearing. PC 3051(b).*

***Example:** Charlene has a 25-years-to-life sentence plus another 10-year sentence to be served concurrently (at the same time.) Under other law, she has a Minimum Eligible Parole Date (MEPD) of 23 years. Her first hearing will be at 23 years, not 25 years and at that hearing she will receive the great weight considerations described above. PC 3051(b).*

Does a prisoner have to serve the time on the controlling offense to be eligible for parole?

No. The number of years of incarceration is what is counted, and it does not matter which sentence or enhancement is being served first.

When figuring out when the first hearing will be, what counts as years of “incarceration”?

Years of incarceration do not just mean the number of years in a CDCR state prison. “Incarceration” also includes time detained in a city or county jail, a local juvenile facility, a mental health facility, or at DJJ. PC 3051(a)(2)(A).

Do prisoners have to ask or petition for a first or any Youth Offender Parole Hearing?

No. They will be scheduled in the same manner as all other suitability hearings.

A lot of people became newly eligible for a parole hearing on January 1, 2014, when the new law went into effect. When will they get their hearings?

People who became newly eligible for a parole hearing due to the new law will have their hearings scheduled by the Board. As of the time this guide was written, the Board intended to begin scheduling these cases for late Fall 2014. People will be notified when their hearings are scheduled.

What if a person who is a qualified youth offender is denied parole? When will the next hearing be held?

If a person is denied parole, a new Youth Offender Parole Hearing will be scheduled according to a different law, known as “Marsy’s Law,” which was enacted in 2008. It requires that the next parole hearing be set 3, 5, 7, 10, or 15 years later. However, the new Youth Offender Parole law requires commissioners to consider important factors as they decide when the next hearing should be set. They must consider that the prisoner was under the age of 18 at the time of the crime and the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual. PC 3051(g). We believe these factors should cause the Board to choose shorter time periods between hearings. As this guide was being written, Marsy’s Law was being challenged in the courts in the Gilman case. Remember that laws change, and before relying on anything in this guide people should make sure they have the most up-to-date information.

If a person who is a qualified youth offender with a determinate (no “life”) sentence is denied parole at his Youth Offender Parole Hearing, and his regular release date comes up before the next Youth Offender Parole Hearing, what happens?

He or she will be released at the earliest possible release date (EPRD) established on the determinate term.

Example: Justin has a sentence of 18 years. He had his Youth Offender Parole Hearing at 15 years but was denied parole. His next hearing was set for five years later. Because his EPRD is before the next hearing date, he will be released at his EPRD and will not need the hearing.

Will qualified youth offenders be able to challenge a denial of parole in a Youth Offender Parole Hearing?

Yes, they will be able to challenge a denial in the same way any parole denial can be challenged – by filing a petition for writ of habeas corpus in the superior court where they were sentenced.

If someone who is a qualified youth offender was denied parole before this new law went into effect on January 1, 2014 does that person automatically get an earlier Youth Offender Parole Hearing?

No. It would be good to consult with an attorney who knows parole law and procedure to decide whether it would be wise to petition the Board for an earlier hearing based on new information or changed circumstances in a particular case.

Will the “matrix” (also called the term setting rules) be used to add on more time after being found suitable?

No, the matrix rules will not apply to qualified youth offenders found suitable for parole. The matrix is an existing regulation that sometimes requires years of incarceration to be added in certain cases even after a person is found suitable for parole. Under the new Youth Offender Parole law, once a person is found suitable for parole, he or she is immediately eligible for release pending review by the Board (within 120 days of the hearing) and the Governor, when applicable (see below), (within 30 days of the Board’s finalization of the decision). PC 3046(c).

Will the Governor have a say in these decisions?

Yes. The Board must send to the Governor its decisions in all cases in which a person was sentenced to a life sentence for murder. The state constitution allows the Governor to affirm, modify, or reverse the Board in these cases. However, the Governor’s decision must be based on the same factors the Board is required to consider. Cal. Constitution Art. 5, Sec. 8(b). In nonmurder cases, the Governor only has the authority to ask the full Board to review and rescind (take away) the parole grant issued by a panel of commissioners. When the Governor considers the decision of the Board in the case of a qualified youth offender, the Governor will have to consider that the person was under the age of 18 at the time of the crime, as well as the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual. PC 4801(c).

Are prisoners entitled to an attorney for the Youth Offender Parole Hearing?

Yes. A person can hire his or her own attorney, or if someone cannot afford a private attorney, one will be appointed at no cost. Senate Bill (SB) 260 is a new law, so make sure your attorney not only has experience in parole law, but also understands how this new law will affect your parole hearing.

Will the same commissioners who currently serve on the BPH implement and oversee these suitability hearings?

Yes. The same commissioners will hear these cases, but they are being trained on how to conduct the Youth Offender Parole Hearings and apply the “great weight” factors described above. In addition, the Board is required to draft regulations that will guide the actions of the commissioners in these hearings. Those regulations will not be completed until late 2014 or in 2015.

Will people going to a Youth Offender Parole Hearing be seen by Board psychologists who specialize in adolescent and young adult development for a psychological evaluation and risk assessment?

No. The new law states that, if used by the Board, psychological evaluations and risk assessment instruments must take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual. PC 3051(f)(1). At the time this handout was written, the Board psychologists planned to address this requirement by adding to their reports a

paragraph that directly discusses those factors. Advocates and prisoners will need to assess whether that is enough to meet the requirements of the new law.

Is there a special role at the hearing for friends and family members of the prisoner?

Yes. The new law states that family members, friends, school personnel, faith leaders, and representatives from community-based organizations who have knowledge about the young person prior to the crime, or who can attest to his or her growth and maturity since the time of the crime can submit letters. This was allowed in regular parole hearings, too, but the fact that this law specifies it should make the commissioners pay extra attention to that support. The new law does not allow friends and family to come to the hearing. PC 3051(f)(2).

What is the meeting that occurs six years before a first parole hearing?

Rather than a Documentation Hearing, which took place during the third year of a prisoner's incarceration, a new type of meeting called a consultation, will take place, and the old "doc hearings" will no longer be used for any prisoner. The consultation meeting will take place six years before a prisoner's minimum eligible parole date (MEPD) and, for people who do not have life sentences but qualify for a Youth Offender Parole Hearing, six years before their earliest possible release date (EPRD). PC 3141(a). The consultation will be with a commissioner or deputy commissioner. The consultation meeting is intended to help the prisoner know what he or she needs to do to be found suitable for parole. The Board will make recommendations about steps the person should take to become suitable for parole, as well as identifying positive steps the prisoner is already taking. Prisoners do not need to request the consultation; the Board will schedule it automatically. For those who are eligible for a hearing earlier than six years from the time the new law took effect in January 2014, the Board has stated that it will meet with those prisoners as "resources allow." This means that some will have consultation meetings and others may not.

What about people who have a hearing set in 2014?

People who have hearings in 2014 should discuss with their attorneys whether to postpone or waive their hearings until either they are better prepared or the hearing procedures become clearer through the Board's practices or the upcoming regulations. There are many cases in which neither a postponement or a waiver would be a good option, so prisoners must discuss this with their attorneys.

When will regulations be done?

Senate Bill 260 enacted a law, but regulations have not yet been created to specify how the law will be implemented. PC 3051(e). It is kind of like a recipe: The law is like the ingredients, and regulations are like the instructions about what to do with the ingredients. Senate Bill 260 provides very good ingredients, but the details of what to do with them is still being worked out. The Board is relying on temporary rules for use in the hearings that are set in 2014. Work will be done throughout 2014 on the regulations. The public will have a chance to comment and help shape these regulations. That means if you are someone who cares how California puts this law to use, you should be involved. Family members, community people, and those in prison all have important insights to add to the process of making this law work right. The Fair Sentencing for Youth coalition look will send out updates on how you can be involved. Sign up at www.fairsentencingforyouth.org to learn about how you can contribute to this process. Or, go to the Board website: <http://www.cdcr.ca.gov/BOPH/> If you are on the inside you can send your insights to directly to the Board, or if you would like to also let advocates know your thoughts, send a copy to Human Rights Watch, 11500 W. Olympic Blvd., Ste. 540, Los Angeles, CA 90064, and it will pass the info on to other advocates.

CALIFORNIA YOUTH OFFENDER PAROLE HEARINGS

Part 2

Getting Ready for your Parole Hearing

Understanding the Process

Before you can prepare for a parole hearing, you need to understand how the process works. The next few pages will give you some basic information, but the laws and regulations about parole are complicated, so not everything can be explained here. This is just a start. Also, please understand that this is not legal advice; it is information. The state will appoint an attorney to represent you at your hearing, or you can hire a private attorney. That person must explain the process to you and answer your questions about the laws and regulations. Your attorney will also review your case and give you specific advice on how to prepare for the hearing. You can seek other information, too. For example, the Prison Law Office Prisoners Handbook devotes chapter five to the parole process.

Why does the Board deny parole?

The law requires the Board to grant parole unless it concludes that you pose a current danger to the community. In order to conclude this, the Board must find “some evidence” that you pose a current danger.

The most common reasons that commissioners use to deny parole are:

- 1) Recent and/or violent disciplinary violations (115s and sometimes 128As);
- 2) Recent gang involvement;
- 3) Recent substance abuse;
- 4) Lack of credibility or lack of truthfulness;
- 5) Lack of remorse for your actions;
- 6) Lack of insight (failing to understand why your crime happened and its effect on others); and
- 7) Lack of realistic parole plans and proof (documentation) for those plans.

What is the Board looking for?

The easy answer is that the Board wants to make sure that it does not release someone who will commit another crime. But you cannot simply tell the Board that you do not want to come back to prison or that you will not commit another crime. Your words are not enough. You must show the Board that you will not commit crimes in the future. You can do that in part by:

- Explaining your understanding of why you committed your crime (you cannot do this if you deny your crime, minimize your role in the crime, or blame others); and
- Showing, by your actions, how you developed into a different person today compared to when you committed the crime.

If you do not show with your actions that you are now a different person and explain that you understand what led up to your involvement in the crime, the Board will not believe that you can prevent it from happening again.

What are the three key questions the Board wants answers to?

The Board is essentially looking for truthful answers to the following big questions:

1) Do you take full responsibility for your crime?

Do you fully admit to your offense without excuses? Can you be truthful about all of your intentions and choices before, during and after the crime? Have you thought deeply about how your choices impacted others? Do you understand the effect your crime had on others (the victim, the victim's family and friends, the community, your family, and others)? If the Board determines your testimony at the hearing is not credible, you will probably be denied parole. Discuss this with your attorney.

2) Have you explored and do you understand why you committed your crimes ("causative factors")?

Have you thought deeply about the things that led you to commit your crime? Can you describe the choices you made, the perspectives you had, the situations you put yourself in that made it possible for you to commit your crime? The Board is looking for explanations but not excuses for any negatives: your crimes, your prior lies about the crime, your prior lifestyle, or your negative behavior in prison.

3) What have you done to address the things in your life that led to you committing your crime?

Are you really facing those issues in your life that led to criminal behavior? How does the way you live your life now show that you have addressed the causative factors of your crime?

You need to have real answers to these questions for the Board. You cannot fake it at a parole hearing. Here is the truth: You can only get to the real answers for these questions if you spend the time and do the hard work that is necessary to think these things through. Answering these questions can lead to very sensitive or difficult issues in your life. It may mean that you will have to look at things in your life that up to now you have tried to not think about because it is uncomfortable, painful, or hard. These questions require you to reach down to the very core of what shaped your choices and how you lived your life at the time of the crime. As you read this right now, you might be thinking that these ideas sound "touchy-feely" or not related to who you are now. However, addressing these issues will increase your ability to show the Board how much you have learned, matured, and changed while incarcerated.

One of the best ways to do this is to discuss them with another person. Choose someone you trust and who will give you honest feedback and support as you work through things. If you do not have a "safe" person or place to discuss these topics, you can also write about them. Once you start working with an attorney, it will be important to discuss these issues with him or her.

What happens at the hearing?

At a parole hearing, two (and sometimes three) commissioners from the Board of Parole Hearings will review all of the paperwork in your case and meet with you for several hours to ask you questions. Your lawyer will be with you at the hearing. Often, a prosecutor (District Attorney's Representative) will be at the hearing, and sometimes the victim's family (or the victim in nonmurder cases) will be there, too.

The Board will tell you its decision at the end of the hearing. The hearing will be recorded and there will be a transcript of everything that happens. The transcript will become part of your record and will be used at any future parole hearings if you are not granted parole (or if you are granted parole and the Governor reverses that decision.)

What kind of paperwork will the Board be reviewing?

The Board will read and consider everything in your C-file:

- Case paperwork (witness interviews, transcripts, probation report, autopsy, appellate decision)
- C-file (full 115 and 602 paperwork, confidential information, legal paperwork)
- Board Report (prepared by your correctional counselor and including an “Inmate Version of Events” that needs to be accurate and truthful)
- Psychological Evaluations
- Transcripts of prior Parole Hearings
- Certificates and Vocations
- Positive chronos for programs or from staff
- Victim Statements

The Board will also read and consider any documents you and your attorney submit to the commissioners:

- Documentation of parole plans
- Letters of support from people in the community who know you
- Insight Statement (not mandatory but might help)
- Remorse Statement (not mandatory but might help)
- Book reports on self-help or other books (necessary when formal programs in prison are limited)
- Relapse Prevention Plan

What is a good insight statement?

One way to help the Board see that you have insight is by preparing an insight statement; however, the written statement is meaningless if your testimony during the hearing does not show that you have a deep understanding of the factors contributing to your crime and that you have taken specific steps to address those factors. A good insight statement should include:

- 1) A complete account of the commitment offense from beginning to end;
- 2) A discussion of causative factors: how you got to the point of committing your crime;
- 3) How you have changed and addressed your causative factors; and
- 4) Your remorse for committing your crime.

What is a good relapse prevention plan?

A relapse prevention plan should explain how you will avoid returning to drugs, alcohol, gangs, criminality, domestic violence, etc., (depending on the specifics of your life) and should include:

- 1) Warning signs for relapse in your life (sometime called triggers or stressors);
- 2) An explanation of how you will deal with those triggers/stressors so that you do not relapse; and
- 3) A list of tools and resources you can use on the outside to prevent relapse.

What will be discussed during the hearing?

There are four main areas the Board will ask you questions about at the hearing:

Commitment Offense

The Board usually begins its questioning with your commitment offense. Generally, the Board will read facts into the record (from the appellate decision or the probation report), and then ask if you agree with those facts. If you do not agree, the Board will allow you to state your own version. It is important to remember the Board will not decide all over again whether you were guilty of your crime. However, it may be important to correct any inaccurate facts about the crime. What facts, if any, you should correct is something that you should decide with your attorney’s help. The most important thing is that the Board expects you to be truthful about the crime and your role in it. And, the Board will be listening to how you describe the crime and whether you appear to be making excuses for your behavior or downplaying the effect of your crime. The Board wants to see if you have insight into your commitment offense and remorse for the impact of your actions.

Social History

The Board will also discuss your life before your crime. This is often called “social history.” The Board can ask questions about anything in your life prior to the commitment offense. They are likely to ask about your family life and upbringing, your neighborhood, your school, your friends and relationships. The Board wants to know about positive activities (like sports, jobs, school, hobbies) and things that may have hurt you in some way (like learning difficulties, physical or sexual abuse, neglect, exposure to violence in your home or neighborhood, gang involvement, drug and alcohol use, criminal history). The Board wants to understand the person you were and the things that may have led to your crime.

Post-Commitment Factors

The Board will also discuss your activities after the commitment offense. This is an important part of the hearing, and allows you to show how you have changed. This is your chance to prove rehabilitation. The Board will discuss your (1) disciplinary history; (2) education, jobs, programming; (3) any positive chronos; and (4) your psychological evaluations. The board wants to see evidence that you are on a different path than you were at the time of the crime.

Parole Plans

Finally, you must have realistic parole plans and provide documentation of those plans. Documentation is proof, and usually it is in the form of letters from the people offering you support when you get out. It is important to have very specific parole plans. In addition, you should have at least one back-up option in case your first choice does not work. Usually the Board wants you to have:

- 1) a job offer or employment skills;
- 2) a place to live (usually a transitional home is preferred);
- 3) emotional and/or financial support from family or friends; and
- 4) a relapse prevention plan if you have a history of drug or alcohol use.

The board wants to know that if you are released you will have the support and plans you need to succeed.

What Can You Do To Prepare for Your Parole Hearing?

There are many things you can do to prepare for your parole hearing: Take every class or program you can. Read books and write book reports on each one. Join groups at your prison, if they are available, that help you with personal growth or give you opportunities to help others. Stay in contact with healthy friends and family on the outside. Limit your contact with negative people on the inside. Think about who you are and who you want to be.

Starter Questions

Here are some starter questions to help you begin thinking deeply about some of the issues the Board will want you to address. Take your time on these. Write or talk about them with a trusted person, then take time to reflect and go deeper into the issues. Start over with what you have written and go more in-depth.

Commitment Offense

Ask yourself: What was going through my mind as I made the choices that led to my committing the crime? Why did I not stop the crime from happening? How would I handle the same situation differently today?

Read the letter from a murder victim family member in this guide. Ask yourself: How were my victim(s) hurt? What did they feel? How were their family members and friends affected at the time of the crime? How was the community affected? And, now, years later, what is the impact of what I did?

Social History

Ask yourself: How were my relationships with my family? Who were my role models? What did they teach me (good and bad)? Prior to my crime did I experience violence, abuse (physical, sexual, verbal, emotional),

neglect, poverty, mental illness, drug use, gangs, or criminal activity in my family? How did that affect me (anger, denial, low self-esteem)? What decisions did I make about who I wanted to be (or not be) when I got older? How did my experiences in my family and community impact my decisions? What is different now? How did I get from there to here?

If you used drugs or alcohol, ask yourself: Can I remember the first time? What was the situation? Did my drug or alcohol use begin (or increase) because I was experiencing some other difficulty that I did not know how to deal with? What is different now? How did I get from there to here?

If you associated with gangs or participated in any gang-like behavior, ask yourself: When did I start to get involved? What was I running from? What did I think gangs would give me that was missing in my life? What was my experience of gangs? What did I believe about gangs? How was my gang involvement related to things going on in my family, community, or school? What is different now? How did I get from there to here?

If you sold drugs or committed other crimes, ask yourself: When did I start doing this, and why? How did it make me feel? How was my criminal behavior related to things going on in my family, community, or school? What is different now?

Post-commitment

If you have had a negative disciplinary record in prison, ask yourself: What was going on in my life that I chose to do things that would get me in trouble in prison? What is different now? What types of programs have I participated in while in prison to better myself? What specific tools have I gained from these programs?

CALIFORNIA YOUTH OFFENDER PAROLE HEARINGS

Part 3

An Interview with a Murder Victim Family Member: What I want you to know

A Father's Perspective

Soccer season had ended, and seven-year-old Elijah was looking forward to getting his team trophy. His mother packed him and his 10-month-old brother, Adam, in the back seat of the family car and drove to the sports office at a local park. They picked up the trophy and signed Eli up for basketball season. Next stop that afternoon was a school fundraiser at a pizza parlor. It should have been a perfect day for a seven-year-old.

But as his mother buckled her sons back into their seats, three members of a local gang stormed into the park, intent on revenge for a shooting earlier in the day. They opened fire on a man; He ran and their bullets instead pierced the family's car. The boys' mother desperately tried to move the car. When the shooting was over, she turned to look at her children: Still strapped into their seats, Eli was slumped over, motionless; his tee-shirt soaked with blood. The baby, Adam, was crying hysterically and had blood on his face. Eli had been struck three times and died instantly. Adam, hit in the face, had his left eye damaged by metal fragments, but he lived.

James was at work when his wife and sons were attacked. Nearly 16 years have passed. "There's not a day that goes by that we don't hurt," James says. "It was nothing short of devastating for our family and friends."¹

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Why did you agree to be interviewed and share you family's story with people in prison?

James: I hope that by telling this painful story it will give people in prison a deeper understanding of what victims and their families have gone through. My message to people in prison is this: Developing compassion will lead to healing for yourself and others.

You worked to pass SB 9 and SB 260, two new laws that give second chances to people who were young when they committed their crimes. You repeatedly took time off from work and away from family to go to Sacramento

¹ Pseudonyms are used throughout this piece to protect the privacy of the family. This interview was conducted in April 2014 by Elizabeth Calvin of Human Rights Watch.

and urge lawmakers to pass these laws. Why did you work so hard to change laws that help people like those who killed your son?

James: I worked on these bills because I believe each person has a purpose in life. Your crime, what you did then, does not fully define who you are now. I am a person of faith, and I believe we were created to promote life and love in one another. I helped pass these laws because I understand the importance of every human being, even people who have committed serious crimes. We must help pull each other up. I help one person, then that person can help someone else. It is how we create peace and vitality in the world.

What did you feel when you first found out about your family being attacked?

James: I got a call. "There's been a shooting involving your family and you need to go to the park." I was in shock. I am almost always composed, able to handle any kind of difficulty, but this was so unbelievable. On the drive to the park I was feeling fear of the unknown, rage, confusion...I couldn't fully comprehend what had happened. I was in a state of disbelief. I arrived at the park and saw our car with officers around it. I didn't see my family. The commanding officer came up to me and said, "They have gone to the hospital. Your wife and son are going to be ok." I said, "I have two sons." The officer hesitated, and dropped his head. "How old was your oldest son?" I said, "He is seven." The officer struggled with his own emotions. "I'm sorry. He didn't make it." I felt my world crash into a pile of pieces. I was left in this pile, trying to navigate emotionally, mentally, spiritually. It was overwhelming. I immediately needed to be with my wife and other son. I realized I didn't really know what it meant when the officer said they were going to "be ok."

Tell us something about who Elijah was.

James: 50 pounds, 50 inches, seven years old. Full of hope and aspirations. Full of spunk. He could entertain a toddler or have an intelligent conversation with a senior citizen, freely expressing his point of view on many subjects. He was a straight "A" student, reading books before entering kindergarten, winning numerous awards, including "Student of the Month" and twice placing 3rd in the annual science fair. He was the 1st grade representative for our regional Spelling Bee. He played soccer, basketball, and baseball, earning a "Good Sportsmanship" medal in soccer. He also played the piano for four years. He was most proud of becoming a big brother, or maybe, he was most proud of his baby brother! My wife and I feel Elijah's life is an example for us: To love God and be exhilarated about the life we've been given, to honor and love one another, to seek to give our best each day and express God's gifts in us.

Your son Adam survived. How was he affected?

James: He had many surgeries and other painful treatments for years. He has learned to adapt to the deficits in that eye. And, he was impacted in ways that we will never really know. At the time he was a 10-month-old, joy-filled baby. Before this happened we always called him "Happy Baby." He's grown up into a very composed and serious young man, and I often look at him and wonder if he would have been different had this tragedy not happened. He's got a sense of humor, but overall, he's a serious person. He's very aware of hard things going on in the world, perhaps in a way that isn't typical for someone his age. He's in a different place than his peers. Part of this is what we have modeled for him, and what we believe as spiritual people. He has embraced a spiritual path on his own as he has come to see the power of God in his own life.

At first, as a young child, other kids would notice his eye, and ask questions, and he would share what happened. When he was a little older, kids began teasing him. He was made fun of, and at one point kids started calling him "Shot-eye." It was very hard for him. I was appalled. I felt so badly for him. Again, I felt violated, with my child being further traumatized. After that, he became a more private person; for a long time he would have close friends but not share what happened to him and his brother. When he was around 12 or 13 years old, I saw that he started

sharing with people who were sensitive and willing to talk about difficult things, but choose not to share with others.

Recently in high school he had to write an essay about someone being resilient and surviving despite a difficult thing. He let my wife and I read it. He had written something like, "In my own life I have examples of people who are resilient, even heroic, and they are my mother and father," and he told our story. I am proud of who he has become, but I so wish he had not gone through this.

Almost 16 years have passed. You mentioned not a day goes by without hurt since this happened. Would you share what you mean?

James: In the early years after Elijah was taken from us, I felt such a sense of deep violation. Everything was colored by red, I saw red—blood—everywhere. Our lives had been shattered, and although shattered we still had to function. But life was changed. We had to figure out—reinvent— how to live. When something like this type of violent crime happens, it changes you. You are one way one moment, and then in an instant, the moment of that violation, you are changed. You look the same, but everything about you is different. You have to look around and put everything into a different perspective given what has happened to you.

I struggled with finding pleasure in things. Even now, I'm not sure the word "happiness" is in my vocabulary. I had to look deep into myself and ask really hard questions about what I believe about life and God after something this terrible happens. I realized my faith was intact, but my humanity was shaken down to the foundation. My reaction to everything was different. If the simplest thing was not right, it would cause feelings to rise up in me about my son. Natural, every-day kind of stuff, like, someone cut in line ahead of me at a store, and it seemed like a racial thing. I would feel violated, I'd feel enraged...I'd think to myself, "You don't know what happened to me and you're disrespecting me here, treating me less than yourself." Having my son murdered created such a deep wound, it made me reactive in a way I wasn't before. It's like the terrible wound created by my son's murder caused a vulnerability I carry with me all the time.

Even though this happened 16 years ago, it could have been 16 minutes ago. The pain isn't 16 years ago. It is now. The pain might be different at different times, but I think one of the things that people who have not gone through this don't understand is that you don't just "get over it." I have moved past a lot of the anger; God has healed me. But the pain is still there.

What do you think victims or surviving family members want to hear from a prisoner at a parole hearing?

James: I think the most important thing to remember is that victims and survivors don't all feel the same way. Each person responds differently to tragedy. There will be some victims/survivors who might say things like, "I just want to know why you did what you did." Or, "I want to know what you have done to turn your life around and make sure you never do this kind of thing again." Other victim/survivors might want to have a conversation with you, back and forth, to get a sense of who you are at the hearing. Others still may want to hear and believe that you truly, deeply feel sorry for what you did, and that you have thought a lot about all of the ways your actions have harmed their lives.

On the other hand, some victims/survivors may not want to know anything about you, what you think, or what you have done to rehabilitate yourself. They may want the opportunity to tell you and the commissioner about how they have been injured by your acts, and why you should not be paroled. And, while some people's perspective might change over time and someday agree you should be released, others will never change their feeling that you should be locked up. Remember, too, that some victims/survivors may be angered about opportunities you have had in prison, for example, to further your education or watch your children grow up, that they have been denied.

Each person is on their own path, trying to figure out how they can heal from the crime and its effects.

What questions would you suggest a prisoner ask him or herself to get a deeper understanding of the effect of their crimes?

James: Life is full of challenges and injustices and difficulties. I believe that often times when people offend it is because of something that has happened to them. One thing I'd ask you to think deeply about is this: Do you know why you committed your crime? I'd also suggest you ask yourself: Do you honestly know how your crimes have hurt others? It may be difficult for you to face the pain you have caused. Are you doing the hard work needed to really understand the effect of your actions? Do you know how your family was impacted? And how your community was impacted as well? Have you thought deeply about how your victims were affected? Perhaps you have read my story and thought to yourself, "Well, at least I didn't kill a child." Even if that is true, or even if you were not the shooter in your crime, or even if your crime was not murder, your victims were harmed. It may be uncomfortable or even painful for you to think about the fact that you have hurt others. Are you making yourself face the reality of your actions?

What is your hope for people in prison?

James: My hope is this: That you will see your own self-worth, and that you understand that, no matter what you have done, you are a person of value. I believe you can choose to live your life in such a way that it reflects the worthy person you really are. If you have committed a terrible crime, even if someone died because of your action or inaction: I urge you, do not let that person's death be in vain. Do your best to live your life in a way that honors the lives you have taken or damaged.

CALIFORNIA YOUTH OFFENDER PAROLE HEARINGS

Part 4

Advice from the Outside:

Hearing From People Who Have Successfully Paroled

How to Choose the Right Path in Prison *Eight Different Perspectives²*

There is more than one path to changing your life and finding success. We asked people who paroled from California prisons what advice they have for you. What they have in common is that each committed a crime at a young age and spent a long time in California prisons. They are now living full, successful lives on the outside. These individuals offer up their insights to you. Here is who they are:

J.A. was convicted of two murders. He had just turned 18 at the time of his crimes. He spent nearly 23 years in California prisons. J.A. is currently an intern for a nonprofit, and this fall he will start as a student at a Cal State University where he will study math and physics.

S.B. was convicted of murder for a crime committed at age 16. S.B. served nearly 20 years in prison and was paroled in 2013. Currently in a transitional living home, S.B. hopes to work on human rights issues.

N.C. was convicted of murder for a crime she committed at age 20. She was in prison for 18 years. When she paroled at age 40, her son was already an adult. She is employed at "Get on the Bus," working hard on behalf of those she left behind in prison by helping as many people as she can.

T.D. was convicted of murder. He was 22 years old when he committed his crime and he spent almost 22 years in prison. He was paroled in July 2010. Currently in his second year of law school, T.D. hopes to become an attorney and practice parole law.

L.G. was 22 when convicted of assault with a deadly weapon and burglary. He had parole violations which resulted in further incarceration. He now works full-time as a program analyst in a public mental health agency. He started community college in prison, and since being paroled he earned undergraduate and master's degrees. He is working towards his goal of a doctorate.

T.N. was convicted of murder for a crime that occurred when he was 16 years old. He spent 18 years in California state prisons. He now works full time but volunteers extensively. T.N. was recently recognized by a community group with its "Most Inspirational Volunteer" award, and by another group with its "Unsung Hero" award. He is engaged to be married and is helping to raise his fiancé's child. T.N. hopes to go to school to become a social worker.

V.R. was convicted of murder and sentenced to 25-to-life plus 12 years. After a rocky start in prison, she turned things around and was paroled after 29 years. She is currently living in a transition house, loves riding her bike on the beach, and cherishes every day. She appreciates the simple act of walking freely among people who know nothing about her past. She hopes to own a kennel and dog training business.

D.S. was 16 at the time of his crime. He is currently building a family with his fiancé and young daughter, and hoping to become involved with the conservation corp.

² Elizabeth Calvin of Human Rights Watch asked questions of these individuals in April 2014.

What do you think is the most important thing people can do to become suitable for parole?

J.A.: To be found suitable for parole you must show the board of Parole Hearings that you are ready to be an outstanding citizen that is 100% committed to giving back. Not 90% or 95% committed, but 100% committed!

S.B.: Re-define your character, and have who you are on the inside reflect who you are on the outside.

N.C.: Be able to talk about and present what you have learned in the groups you have attended.

T.D.: Live like a square. Do your work/educational/vocational assignment and go back to your cell. Involve yourself in as many self-help groups and programs as possible. Sign up and complete whatever they offer. *Overdo* what the Board requires you to do.

L.G.: Accept your circumstances. Recognize that no matter what got you in prison, it's up to you to take responsibility for how you live going forward, including while in prison. Educate yourself.

T.N.: Aim for a progressive path of rehabilitation records. The Board will want to see a consistent path of rehabilitation, not just here and there. Even if you were a troublemaker when you first entered prison or you have had recent 115s, a positive record going forward will show the Board that you are moving forward, changing, and improving yourself.

V.R.: Education.

D.S.: Think less and feel more, just sounding educated is not enough.

How did you develop insight into your crime?

J.A.: I put myself in my victims' shoes. I thought about how they felt. I thought about their families and how family, friends, and neighborhoods were affected by what I did. I made myself think: What does their family feel now, even years later? How would my family feel if it happened to me, or someone we love?

S.B.: I removed myself from the personal feelings I had about my victim, and I got to the core of recognizing that he was a human being, a person, somebody's son.

N.C.: Being a mom and understanding that my son has issues as a result of things that happened in his life helped me understand things about my victim and what happened in his life. I also tried to listen compassionately to as many people as possible. Hearing their stories gave me compassion and understanding about how things can spiral out of control. Finally, seeing how grief and sadness can overwhelm someone, and thinking deeply about how I created this grief in another family gave me insight into the effect of my crime.

T.D.: I read my transcripts over and over again. I started out thinking my crime (DUI 2nd degree murder) was not "as bad" as other crimes. I thought to myself: I did not rob or deliberately shoot someone. But no matter how my victims died, car or gun, dead is dead. Reading my transcripts caused me to view my actions from an outside perspective and I realized that I was just as dangerous, if not more dangerous, than a madman running around in a crowded mall shooting off a gun. Once I realized how bad my actions were, I stopped trying to minimize them. I was the worst of the worst. Why not admit it? I'm already tried and convicted. That was my key to gaining insight. Putting myself in another's shoes and looking at myself.

L.G.: I started by accepting my actions. I chose to not become bitter towards the justice system. And crucially: I developed self-awareness that I had a problem with alcohol.

T.N.: I asked myself: How did I become the person that landed me in prison? Am I really dealing with the problems that caused me to get in trouble in the first place? I looked back at the time of my crime (and earlier!) and listed the harms, damage, and pain I caused, and then I carefully listed out all the ways I could have avoided those things then and how I could avoid similar things now.

V.R.: Three things that helped me develop insight to my crime were: 1. One-on-one counseling; 2. Self-help and self-discovery groups; and 3. Victim-awareness groups.

D.S.: I wrote out my whole life story as I remembered it. It was one of the hardest things I've ever done. Some parts of my life were very painful to write about, and that pain brought old feelings back. Some of these feelings were the feelings that created my negative thinking and led to my crime. By making myself look at this, I figured out that I was a tired victim who became a victimizer. That understanding gave me insight and the strength to never commit a crime again.

If you could only give one small piece of advice to people on the inside, what would that be?

J.A.: Be real, and truly abandon all gang activity. Stop all drug or alcohol use and stop all criminal activity! Live as a good citizen now in prison! Don't wait! Better yourself and reject the prison criminal culture.

S.B.: Learn how to be genuinely honest. Don't down play your responsibility. When it comes to 115s, 128s: Just be honest about how you felt at that moment, faced with a difficult situation. Be honest about what led to the incident; don't water down the truth.

N.C.: View your prison stay as a type of "school" and learn as much as you can on how to professionally, kindly, and confidently deal with people from ALL walks of life. Pretend every interaction in prison is one with your boss or co-workers. That will help you when you are in the work force out here.

T.D.: You are the most important person in your universe. Your friends and homies will eventually go home without you. You need to live for yourself and do what is best for yourself. Don't allow others to get you caught up in drama. The stakes are too high: With this new law you have a better chance of going home.

L.G.: Be yourself. Understand the dynamics of prison but never let that change who you are.

T.N.: Focus on going home and remind yourself you need to sacrifice now in order to go home. Sacrifice means letting go of the temporary temptations in prison. Tell yourself: Prison is temporary and won't last forever. I am going to focus on what's important: making myself eligible for parole.

V.R.: Accept total responsibility for your actions and your inactions.

D.S.: Practice doing good. We all practiced doing wrong until we ended up in prison. So, try practicing doing good and see where you end up.

Where did you draw strength when faced with difficult prison situations?

J.A. I drew strength by remembering my most shameful moments. I would think back to the night that put me in prison. That night, I went along with the crowd around me. Everyone wanted revenge and chose the way of aggression and violence. I did not think for myself; I did not stand up for doing the right thing. I caved into peer pressure and my own thoughts of revenge. Years later in prison I was faced with similar situations. I decided to not give in to my feelings or to the pressure from people around me. I made a vow to myself to never hurt another person. I drew strength from the thought that this time around I would not hurt anyone, no matter

what the situation, and no matter what the pressure. I would make the right decision when given the chance, and I was given the chance many times.

S.B.: My strength developed over time. I had 20 115s when I went to Board. I entered prison defiant and angry. I couldn't understand the consequences of my actions. I was impulsive; my emotions led me, not logic. But you can change. Each time you make a good decision and walk away, it develops a pattern in your brain. Just start small. To change my patterns, I did this small thing: I would buy a chocolate bar (I love chocolate...) I'd put it in my drawer, and make a decision to be disciplined and not eat it. I'd look at it but not let myself eat it...for months. That little step was one step toward being in control of my life. I also found a sense of perseverance to overcome obstacles by relying on my experience running track in high school. With sports, you have the competition, fear, apprehension, but you find some strength within yourself to push a little further to try to win. You might fail, but you start again.

N.C.: I practiced self-talk, telling myself, "don't get in the mud with the pigs." And I practiced "healthy detachment" and would picture my son standing beside me and think how I would react if he were there.

T.D.: I drew (and still draw) strength from God. Behind those walls we have no one we can really trust or to turn to but God. I talked to God all the time in my heart and my head. God gave me the strength to go on. After six parole denials and untold habeas denials, God came through for me and opened the door with a release date.

L.G.: I played by the rules. I did not lose my sense of identity of who I was as a person. A wise old convict once told me, "Be yourself and that will keep you from getting caught up."

T.N.: I focused my mind continually on GOING HOME. That made it clear to me that everything happening in prison is temporary, including having to "man up" or save face. Try to be straight up and let everyone know you ain't into it anymore, and you're doing your best to go home.

V.R.: I became involved in something more important than myself (for me it was the dog program) and any time I faced conflict I had to decide if it was worth losing involvement with that program.

D.S.: I remembered Jesus was tempted and how he handled himself. Pride is every man's downfall.

Everyone needs to choose a first step. What was your first step?

J.A.: I thought a lot about when and why I started using drugs and alcohol, and when and why I joined a gang. Then I thought about when and why I stopped doing these things. And, last, but most importantly, I thought about what would keep me from turning to drugs, alcohol, and gang participation in the future.

S.B.: I began believing that I was worthy of changing. I don't know when it happened, but at some point I knew that I was a valid individual even though I didn't get that validation from family or peers. At random points I would get some validation—even a little thing, like a corrections officer saying something small or my having some success in school. I realized I didn't have to live up to the person the court said I was. I could be someone different.

T.D.: My first step was to enroll in an NA meeting. Second step was to sign up for a vocational trade. The Board requires both. PIA and paid jobs could wait. Get the requirements out the way first.

L.G.: I started by accepting my reality. Then, I took advantage of anything I could to improve my life. I earned my H.S. diploma while in jail. Since being paroled I graduated from college, earned a Master's degree, and am working on my doctorate. That could be you, too. If you are a high school drop-out, get your GED or diploma. Look at what's in front of you and grab any opportunity to learn to be a better person.

T.N.: I started by promising myself that I would do everything possible to stay away from trouble. Then, I figured out what I needed to do for my own rehabilitation. What are your main problems? (Drugs, alcohol, anger...?) Take a step, even a small one, to deal with those problems. Then keep dealing with them, whether with AA/NA programs or whatever. And, don't ever stop. Take any self-help programs and therapy you can!

V.R.: My first step was to stop getting 115s and 128s. My second step was to begin attending self-help groups.

D.S.: My first step was accepting life as it was. I decided that there was no need to resist life, I just needed to just do my best with the way things are. Next, I worked on my thought process. I believe you have to change your mind and your way of thinking to really change your actions.

Any last words of advice to those on the inside?

J.A.: Even though you are in prison, find ways to give back to your community. You can do this by programming positively, by improving yourself, and by living a good, clean life. Help others around you. Never give in to negative people. Don't give into despair. Your life has value right now.

S.B.: Don't let others define who you are. You have the power of choice. You can choose how to respond and who to be, even in the place you are right now. You do not have to die in prison.

N.C.: It is possible! Work on yourself, and aim to parole being your best self, physically, spiritually, and emotionally. Come to terms with what you do when the going gets tough: Is it productive? Finally, if you are using drugs then go back to the drawing board and figure something else out because that will be what defines you.

T.D.: The Board and the Governor are powerful, but they do not control destiny. No matter how many times you have been denied parole or if this is your first time going to the Board, you have to keep your eyes on the road ahead. A personal example: I will graduate from law school next year and take the bar exam. Who would have thought that an ex-lifer who was denied parole six times would become a law student assisting attorneys helping lifers? The future is wide open for you, too. Stay focused on it.

L.G.: Do not ever give up on yourself. Learn to forgive yourself. Hold on to hope.

T.N.: I used to think I will grow up, grow old, and die in prison. I thought none of my rehabs matter and the Board will just shut me down. Finally, I became tired of the excuses I was making to myself. I challenged myself to beat the odds. It happened! You can do it, too. You now have a law in your favor that will help. Pick yourself up and do everything you can to make sure you walk out that gate.

V.R.: At 23 I faced the death penalty. I received 25-to-life plus 12 years, and I really did not give a damn. Continuing to be active in my addiction resulted in my getting about 10 115s and 30 128s. Then I just got tired of it all. I had a lot of inner demons to conquer, and I tackled them one by one. I was found suitable and released after serving 29 years. You can be found suitable for parole, too, even if you have racked up a lot of 115s. Make the decision to turn things around today.

D.S.: Change requires action. You can't think your way into a new way of living, but you can live your way into a new way of thinking. Just start with every single small act and do the right thing. When you sit, sit. When you stand, stand. Whatever you do, don't wobble.