

#DROP LWOP!

November 2019

droplwop.com

Summary Report, Sept 14-15 Strategy Session in Los Angeles



Outside participants

Participants from Inside

CCWF LWOP Support Group
CIW LWOP & Lifer Group
Lifers With Optimistic Progress,
CSP Solano
FUEL Chapter, CSP Mule Creek
Initiate Justice Respondents
Amber Bray
Tien Hsiang Mo
Shawndra Boode
Larissa Schuster
JoAnn Parks
Donna Lee
Dana Gray
Leny P. Galafate
Carmel Murphy
Christy Phillips
Stephanie Erends

Jennifer Henderson
Jane Dorotik
Adriana Vasco
Michele Scott
Mimi Le
Michael Dorrough, CSP Solano
Dortell Williams, CSP Lancaster
Gerry Johns, CSP Ironwood
Jessie Milo, CSP Corcoran
Mike Owens, CSP Mule Creek
Wayne Weston, CA Healthcare
Facility, Stockton
Gregory Norwood, Pelican Bay SP
Peter Edelbacher, CA Healthcare
Facility, Stockton
Steven King Ainsworth, RJD
Mikhail Markhasev, CSP Corcoran

Felix Cruz Martinez, CSP Pleasant
Valley
Richard Brown, Jr.
Willie Bailey
Ruben Contreras
Duane Angelo Gittens
Joseph Jackson
Macio Lindsey
John Purugganan
E. Cox
Ronell Ross
Rain Dickey O'Brien
Richard Sunja Boyd
Anthony Sonny Ramirez, San
Quentin
Jacob Allen, CMC
S. Jones, CHCF

REPORT BACK SUMMARY

On the weekend of September 14-15, over 125 people gathered at the beautiful Community Coalition building in South L.A. to strategize about how to end Life Without Parole and all extreme sentencing in California. The convening was initiated by the California Coalition for Women Prisoners (CCWP), Californians United for a Responsible Budget (CURB), the Felony Murder Elimination Project (FMEP), and Families United to End LWOP (FUEL) and over a dozen other organizations were part of the planning process.

A team of moderators including Amber-Rose Howard from CURB, Candace Chavez-Wilson and Sutina Green from FUEL, and Linda Evans from CCWP welcomed people from all over California, as well as representatives of organizations in New York, Pennsylvania and Washington DC. They began by asking people to stand if they previously had LWOP sentences, if they were formerly incarcerated, or were family members of those sentenced to LWOP and other extreme sentences. Few people remained seated, indicating that the majority of people at the convening had been directly impacted by the violent system of incarceration that we have been working to change.

The moderators then invited everyone to contribute pictures and mementos for an altar dedicated to the many people impacted by prisons who had transitioned. They pointed out the notebook was shared around including over a hundred pages of testimony and suggestions written specifically for the Convening from people with LWOP sentences.

Moving into an 8 hour day of movement building, moderators reviewed important group agreements meant to ensure a mutually respectful workspace in all regards. Participants were provided an overview of the two day agenda, which included three informational panels; presentations, slideshows and videos to bring the voices and ideas of people imprisoned into the Convening, and

working group break out sessions to brainstorm and prioritize concrete next steps for the campaign to Drop LWOP. Lessons from the panels and outcomes from the workgroups are summarized below.

PANELS

The first panel discussion was around The National

Picture of LWOP and Extreme Sentencing. Even though the focus of the convening was California, organizers thought it was important to include representatives from other states where there is developed work regarding extreme sentencing.

José Saldana, Laura Whitehorn and Dave George from New York represented Release Aging

People in Prison/RAPP and Anthony Dixon represented their partner organization, Parole Preparation Project. RAPP described how they focused on changing parole regulations and replacing Parole Commissioners who were identified with Law Enforcement. They succeeded in getting more liberal commissioners appointed so that, over the past three years, the release rates doubled. The Parole Preparation Project was established in 2013 to support life term prisoners in NY with their parole hearings and provide training and resources once they are paroled. They now have 60% release rates for people who work with them to prepare for their hearing. Both groups are currently pushing for passage of two bills: Fair and Timely Parole (S.497), which would establish a presumption of parole release, and Elder Parole (S.2144), which would end LWOP and virtual life sentences by providing consideration of parole release for anyone 55 or older with 15 or more years served, no matter the original sentence. Crucially, both bills would apply to every incarcerated person, with no carve-outs or exclusions based on the crime.

Pennsylvania was represented by Carrington Keys, Donna Hill and Kris Henderson from the Coalition to Abolish Death By Incarceration (CADBI) and the Abolitionist Law Center (ALC). They explained that in Pennsylvania all people who are convicted of first and second



Barbara Chavez, Tobias Tubbs, Kelly Savage

degree murder get a mandatory life sentence without the possibility of parole. At this point, commutation by the Governor is the only way in which people with life-term sentences are released. Consequently they worked to elect a more liberal Governor who is open to granting commutations and also more liberal District Attorneys. They have been working to change the commutation process and support life-term prisoners with their commutation applications. For the first time in their state, more lifers are being recommended for commutations. CADBI and ALC have also campaigned for legislation that would mandate parole hearings after 15 years, but had to accept current bills that set the minimum at 25-35 years. They pointed to the challenges of working with legislators who ask for carve-outs in order to make bills passable and pointed out the need to always anchor work in core demands of the coalition.

Nicole Porter from the D.C.-based Sentencing Project outlined their Campaign to End Life Imprisonment. She provided striking statistics: one of every seven people in U.S. prisons is serving a life sentence. In 1984, 34,000 people were sentenced to a life sentence — in 2016, 206,000 people were sentenced to life in prison. This increase results from life sentences being imposed for a broader range of offenses, coupled with few grants of parole. Black and Brown people represent two-thirds of those serving life sentences. One in five Black people in prison is serving a life sentence. The rate of women serving life sentences has grown twice as quickly as the rate of men. California has the most people serving life sentences with 40,691 or 31.3% of the prison population as of 2016. The Sentencing Project campaign is working with grassroots groups around the country to abolish life sentences and cap all sentences at twenty years, with the slogan “20 Years is Enough!”

The second panel discussion was focused on LWOP in California. Colby Lenz and Romarilyn Ralston from CCWP along with Joanne Scheer from FMEP opened up by discussing how the drive for punishment has developed in California since the 1970’s, supported by racist punitive crime victim narratives that became the basis for new extreme laws. They presented a slide show demonstrating the history of commutations and pardons under the past eleven CA governors,

including a snapshot of LWOP and its demographics. Romarilyn, who was incarcerated at CIW for 23 years, spoke about the trends and waves of people with life and LWOP sentences entering the prison during their period of incarceration.

Proposition 7, Briggs Initiative laid out the framework for death penalty and LWOP sentencing in 1978; Proposition 115 in 1990 outlined 22 new special circumstances for which death or LWOP were the penalties. Both Prop 7 and 115 as a whole can only be changed by another ballot initiative. (There are sections of Prop 115 that can be changed by a 2/3 vote of the legislature.) Keeping in mind the California Correctional Peace Officers Association (CCPOA-prison guards’ union) built its power in Sacramento and supported the development of Crime Victims United to serve as their quasi-grassroots base, campaigns to change LWOP need to be prepared to deal with their power and influence.

Kenneth Hartman, Kelly Savage and Tobias Tubbs shared their experiences. All of them were sentenced to LWOP and were recently released via commutation by Governor Jerry Brown and suitability determinations by the Parole Board. Ken, who went to prison in 1980, described how he originally was scheduled to go to the Board after 12 years, but once CDCr policy arbitrarily changed and parole hearings were no longer possible, he thought he would die in prison. In the 1990’s he formed an organization called the Other Death Penalty Project to label LWOP sentences as virtual death sentences, expose the myth that LWOP was a humane alternative to



Amber-Rose Howard, Nicole Porter, Ken Hartman, Tobias Tubbs, Christian Branscombe, Candace Chavez-Wilson

the death penalty and advocate for changes in the laws.

Kelly Savage talked about the ways in which she sparked energy for change among people with LWOP sentences in CA women's prisons at a time when no one had any hope of being released. Working with CCWP, she and others developed LWOP support groups, A Living Chance storytelling project to give voice to people in women's prisons with LWOP sentences and the DROP LWOP campaign which has contributed to a massive rise in commutations for people serving LWOP (154 commutations in the past two years). Tobias Tubbs, who had been part of the Catalyst Program and "Words Uncaged" at Lancaster prison, spoke about the urgent need to keep up connections with people inside by sending in pictures, words and making sure their voices are heard through poetry and other creative means.

To close out the second panel, Christina Mendoza (a member of FUEL and wife of Manny Mendoza who is serving an LWOP sentence) described how she and family members of other prisoners are serving a death sentence along with their loved ones behind bars who are condemned to LWOP. She spoke about how important it is that FUEL brings family members together for support and advocacy work.

Panel 3 focused on Advances to Change LWOP and Extreme Sentencing in California. Kim McGill of the Youth Justice Coalition (YJC) began with an overview about the ways in which LWOP sentencing for youth has been chipped away by court decisions and legislation. The 2012 U.S. Supreme Court decision in *Miller v. Alabama* ruled that mandatory LWOP sentences for juveniles were unconstitutional. This ruling laid the basis for incremental legislative change in California, starting with SB9 in 2012. SB9 had several carve-outs, but gave most people sentenced to LWOP as

juveniles the chance to ask the court for a resentencing hearing. In 2017, SB 394 was signed into law. It mandated that everyone sentenced to LWOP as juveniles is eligible for release on parole, with a first opportunity for a special youth offender parole hearing after 24 years in prison. Kim mentioned that the narrative justifying



Altar for our loved ones inside

these laws was based on the ways in which youth are different from adults, which unfortunately could be read as legitimizing such draconian laws for adults. She advised that legislative proposals should be bold and careful about carving people out and also recommended that protests could be used to back up legislative processes.

Next, panelists examined the successful passage of SB 1437 in 2018 which significantly limits the application of the felony murder rule for accomplices and allows many life term prisoners to petition the court for re-sentencing, though it does not directly include people with LWOP sentences. Joanne Scheer founded the Felony Murder Elimination Project after her son Tony received an LWOP sentence under the felony murder rule. She was an integral part of the process to pass SB 1437 even though her son isn't directly impacted by its changes; advocates did not believe they could achieve the $\frac{2}{3}$ legislative vote required to change special circumstance felony murder (which mandates LWOP). Alex Mallick, the co-executive director of Re:Store Justice, the organization that initiated SB 1437, described the process they went through to get it passed. First they built support through the passage of SCR 48, a legislative resolution educating public officials about the felony murder rule and its impacts. Building on that resolution, Re:Store Justice and other members of their advocacy team collected surveys from those impacted, met with many legislators including those in the opposition, and created a compelling counter-narrative based on the stories of those convicted under felony murder.



Tara Williams, first person released in LA County on SB 1437 petition after almost 25 years in prison.

To close the panel discussion, Tara Williams, the first woman to be released in L.A. County under SB 1437, spoke of her long difficult journey for justice. Tara worked with pro bono lawyer Kurt Hermansen and CCWP for many years attempting to overturn her unjust LWOP sentence under the felony murder rule. After years of filing appeals based upon constitutional violations at her original trial, Tara's case went to the U.S. Supreme Court only to be rejected due to technicalities. Finally, Tara won relief from her LWOP sentence via a Banks petition and then filed for relief under SB 1437. Twenty-one years after her arrest, Tara was released on February 13, 2019. She presented Convening participants with a beautifully crafted booklet documenting her journey towards freedom.

WORK GROUPS

The goal of the work groups, which met in two sessions over the two days, was to develop a proposal for 3-5 concrete next steps that realistically could be implemented in the next year.

Each work group received a list of the ideas that had been submitted by people inside prison which were related to the work group topic. These points were referenced as part of the brainstorm of possible next steps. The brainstorm list was then narrowed down through group discussion to 3-5 priorities for the next year. These priorities were presented to all Convening participants on Sunday afternoon to make space for additional suggestions. The agreed upon priorities for each work group are listed below.

Work Group 1 – Existing Release Strategies

1. Create fact sheet for people with LWOP sentences about the current strategies available and how to get help with them. Include Banks, Chui, SB 1437, 1170(d) and Commutation application packets.
2. Compile list of contacts including people on Inmate Family Council and Inmate Advisory Committees so they can be sent all material to be circulated.
3. Develop video that provides basic information about commutation and instructs people on



Existing Release Strategies Working Group

how to complete commutation packet. Investigate whether this could be shown on the CDCR internal prison TV network.

4. Possibly create a fund that can support LWOP people who have no resources with copying commutation materials and writs.
5. Set up town halls about LWOP inside different prisons with formerly incarcerated people leading them.

Work Group 2 – Changing the Law: Legislative Proposals

Short-term:

1. Develop a mandate, via policy amendment or a legislative bill, that CDCR cannot discriminate against people with LWOP regarding jobs and programming.
2. Develop a legislative resolution to educate state legislators about what mandates LWOP sentencing (special circumstances, etc.).
3. Propose legislation to include public defenders as individuals who could recommend re-sentencing under 1170(d)(1).

Long-Term:

1. Restore the default BPH hearing for all LWOPs after a minimum number of years, preferably seven.
2. Make changes to the special circumstances that can be amended by 2/3 of legislature.
3. Expand "youthful offender parole" applicability of SB 394 to older people.

Work Group 3 – Changing the Law: Ballot Initiative

Process This group disbanded after its initial meeting because there weren't enough participants. This may be because work first needs to be done through the legislative process before a ballot initiative could be considered. Many think that a ballot proposition is a possibility with enough planning and financial support though it likely is a number of years before this can be implemented.

We are open to your thoughts around this particular strategy as we build forward.

Work Group 4 – Public Education and Media

1. Complete a thorough audit of what materials are currently available in order to update and expand all

continued on back page

Network on Women in Prison
California Coalition for Women Prisoners
4400 Market St.
Oakland, CA 94608

Address Service Requested

Non profit
U.S. Postage
PAID
Oakland, CA
Permit #750

Drop LWOP, November 2019



continued from page 5

- educational resources, including talking points with counter-narrative which can address tough questions and cases.
2. Publish a comprehensive Briefing Report in partnership with the Sentencing Project. Use the report as a launching pad for establishing ongoing connections with media outlets.
3. Formalize regular data collection of statistics on LWOP in CA.
4. Develop a rapid response media team to coordinate responses to relevant issues in the news.
5. Do trainings about Letter to Editor (LTE) writing and public speaking.

Work Group 5 – Outreach and Organizing

1. Map related organizations and their membership meeting times to create a schedule of outreach opportunities; contact all organizations that previously signed Open Letter to Brown to renew their support by signing Open Letter to Newsom; distribute Newsom postcards to all organizations to get signatures from their members.
2. Map elected officials district offices for visits from family members and coalition partners.

3. Send report back to all coalition partners and people inside connected to all organizations.
4. Create materials to share with legislators; Create sign-on letter for elected officials at every level; create and circulate letter to religious organizations asking for support and opportunity to speak with their congregations.
5. Identify and prioritize organizations for presentations about LWOP — national conferences, UC/CSU faculty and students, drug & alcohol recovery programs and associations, Indivisible chapters, religious organizations, restorative justice groups.
6. Create a distribution plan for the commutation guide, including updates and possible self-help video.
7. Create a training for making presentations using unitary talking points.
8. Introduce extreme sentencing as an issue at the All of Us or None national retreat.

The convening ended with a circle where people shared their thoughts and feelings about the convening in a few words. People expressed a lot of appreciation for the convening, the time and energy that went into planning it and the emphasis on concrete next steps. We affirmed the deep feelings of community that had been built over the week-end. **TOGETHER WE WILL #DROP LWOP!!!**