

Prosecutor Initiated Resentencing

CCCBA, August 19, 2022

Andrea Crider, Deputy Public Defender

Caleb Webster, Deputy District Attorney





PC 1172.1/PIR Overview

- **Brief History & Legislative Findings**
- **Contra Costa DA Case Consideration Criteria**
- **Case Workup**
- **PC 1172.1, the law**
- **Protocols for Referrals**
- **Questions**

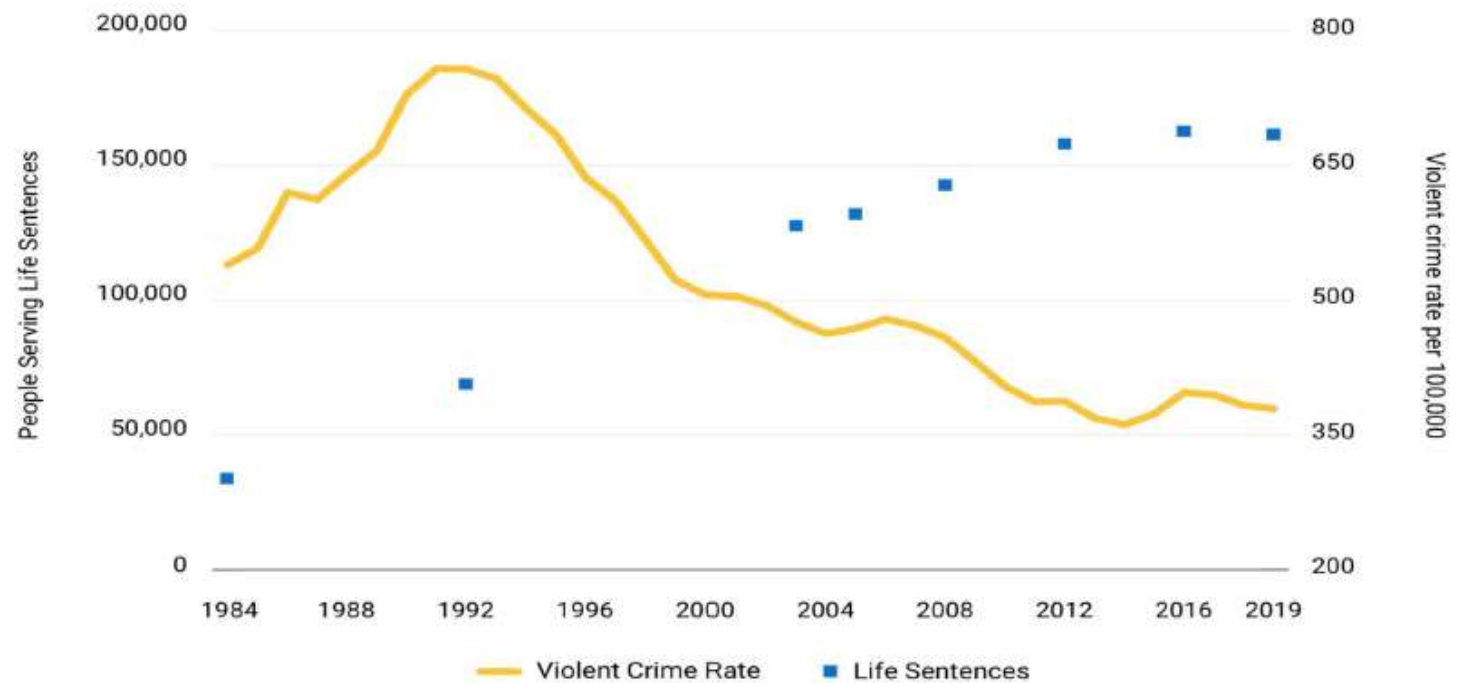
Brief History & Legislative Findings

- June 2018: Gov. Brown signed AB1812 allowing the court's ability to resentence convicted persons.
 - Jan. 2019: Gov. Newsom signed AB2942 allowing prosecutors to request a resentencing for convicted people.
 - Jan. 2022 Gov. Newsom signed AB 1540 requiring appointment of counsel and a hearing after recommendation.
 - 10 Inmates resentenced in CoCo 2021-2022
- It costs taxpayers approximately \$83,000 per year to keep someone in state prison.
 - Law enforcement agencies devote significant time, analysis, and scrutiny to each referral that they make, courts should give great deference.
 - Crime rates in California have decreased steadily since the 1990s, alongside reductions in the CA prison population and alongside the enactment of numerous criminal justice reforms.
 - Victims of crime are in favor of reducing sentences for low level offenses.

Why this matters

Public Safety and Life Imprisonment

Figure 1. Trends in Violent Crime and Life Imprisonment



How does
someone get
recommended
for resentencing?

The Court—w/in 120 days of sentence only

CDCR

Board of Parole Hearings secretary

Attorney General

Sheriff

District Attorney

Defendant/PD “invitation”



Contra Costa DA Criteria

“Except as a last resort, lengthy prison terms are expensive and unsustainable. They displace important public safety investments and often are not in the interest of justice or racial equity. To achieve community safety, we must do better than incarceration.”

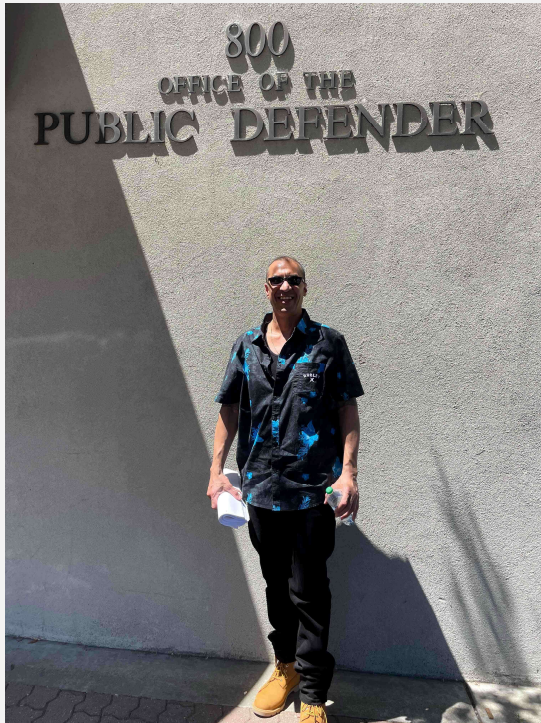
DIANA BECTON CONTRA COSTA COUNTY
DISTRICT ATTORNEY

Contra Costa County established the following narrow set of criteria for eligibility, subject to change as the review process continues:

- Incarcerated person was sentenced to twenty years or more;
- Incarcerated person has already served at least ten years of that sentence;
- Incarcerated person is *not* serving a sentence for an offense listed in Penal Code section 667.5(c) or 1192.7(c), with the following exception:
 - Persons serving an offense for violation of Penal Code section 459 (inclusive of Burglary in the First and Burglary in the Second degree); and
 - Person is serving an offense for violation of Penal Code section 211 AND was under the age of 25 at time of the offense; and
 - Person is serving an offense for violation of Penal Code section 212.5 AND was under the age of 25 at time of the offense.
- Incarcerated person does not have a prior “super strike” as defined in subdivision (d) in Penal Code sections 667(e)(2)(C)(IV), for any of the following felonies:
 - A “sexually violent offense” as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code;
 - Oral copulation with a child who is under 14 years of age, and who is more than 10 years younger than he or she as defined by Section 288a of the Penal Code, sodomy with another person who is under 14 years of age and more than 10 years younger than he or she as defined by Section 286, or sexual penetration with another person who is under 14 years of age, and who is more than 10 years younger than he or she, as defined by Section 289;
 - A lewd or lascivious act involving a child under 14 years of age, in violation of Section 288;
 - Any homicide offense, including any attempted homicide offense, defined in Sections 187 to 191.5, inclusive;
 - Solicitation to commit murder as defined in Section 653f;
 - Assault with a machine gun on a peace officer or firefighter, as defined in paragraph (3) of subdivision (d) of Section 245;
 - Possession of a weapon of mass destruction, as defined in paragraph (1) of subdivision (a) of Section 11418; and
 - Any serious and/or violent felony offense punishable in California by life imprisonment or death.



Working up a case referral for PIR Consideration



David Harbans, resentenced from 107-life to credit for time served in April 2022

Friday March 5, 21
District Attorney Vienna Beeton:

No been incarcerated for 26yrs
4 counts robbery 2nd degree, combined
sentence, 107 years to life under
3 strikes.

I read an article where alot
of V.A.'s feel 3 strikes does not
serve us well, time should fit
crime, some V.A.'s are reviewing
past cases, removing enhancements.

I was arrested Nov 3, 1994, do
you think I'm eligible to have
my case reviewed, enhancements
removed?

If you could be so kind
to take the time and reply
back, I'd appreciate that. If not,
no hard feelings.

David Harbans T-9144
CWF- N-226L
P.O. Box 2000
Vacaville, Ca. 95696

Considerations for PIR: What the DA wants to know

- Nature of the offense
- Conviction and total sentence
- Age at time of offense and current age
- Prior criminal history
- Time served and pending release date/BPH
- In Prison Conduct
 - Classification Score
 - Clinical Risk Assessment, if any
 - Rule Violations
 - Positive Programming
 - Parole Actions (BPH denials – reasons?)
- Reentry/Parole Plans
 - Housing
 - Employment
 - Continued Treatment
 - Community Support





Penal Code 1172.1

Effective 1/1/22 AB1540
amended PC 1170(d)(1)

- Requires Notice (1172.1(b)(1))
- Requires Right to Counsel (1172.1(b)(1))
- Requires Hearing (1172.1(a)(8))
 - Note: can be GRANTED without hearing upon stipulation of parties, but not denied (1172.1(a)(7)-(8))
 - Resentence on lesser-included and – related charges if both parties agree (whether or not originally pled) (1172.1(a)(3)(B))
- Expressly applies to defendants both in AND out of custody
- Presumption of recall & resentencing
 - Can only be overcome by finding of likely to commit a super strike (1172.1(b)(2))** **Same standard as Prop 47 and Mental Health Diversion



STEP 1: RECALL

In recalling and resentencing, “**the court *may* consider *post-conviction factors.*” These include, but are not limited to:**

- the disciplinary record and record of rehabilitation of the defendant while incarcerated;
- evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the defendant’s risk for future violence;
- and evidence that reflects that circumstances have changed since the original sentencing so that continued incarceration is no longer in the interest of justice.

In recalling and resentencing, **the court “*shall*” consider pre-conviction factors.**

- The court *shall* consider if the defendant has experienced:
 - psychological, physical, or childhood trauma, including, but not limited to, abuse, neglect, exploitation, or sexual violence, if the defendant was a victim of intimate partner violence or human trafficking prior to or at the time of the commission of the offense, or if the defendant is a youth or was a youth as defined under subdivision (b) of Section 1016.7 at the time of the commission of the offense, and whether those circumstances were a contributing factor in the commission of the offense.

(P.C. § 1172.1(a)(4).)

Pre-conviction factors to explore

- Present client's social history
 - Franklin mitigation
 - Diminished capacity and hallmark features of youth
 - Explore Adverse Childhood Experiences
- Explore mental health at time of offense

Post conviction factors to explore

- Highlight record in prison—get c-file
 - Classification score
 - Programming, work, education
 - Clinical Risk Assessment level
- Diminished capacity
- Reentry Plans
 - Housing
 - Relapse Prevention Plan—both for substance abuse and mental health
- Community Support
- Parole denial, has addressed reasons



STEP 2: RESENTENCE

- Upon resentencing the court **must reduce the sentence.** (1172.1(a)(2))
 - Adds provisions assuring that any new ameliorative provisions of sentencing law may be considered after a sentence is recalled.
- “The resentencing court may, in the interest of justice and regardless of whether the original sentence was imposed after a trial or plea agreement, do the following:
 - (A) Reduce a defendant’s term of imprisonment by modifying the sentence.
 - (B) Vacate the defendant’s conviction and impose judgment on any necessarily included lesser offense or lesser related offense, whether or not that offense was charged in the original pleading, and then resentence the defendant to a reduced term of imprisonment, with the concurrence of both the defendant and the district attorney of the county in which the defendant was sentenced or the Attorney General if the Department of Justice originally prosecuted the case.” (P.C. § 1172.1(a)(3).)



Collaborative Approach

6 (925) 957-2240 fax
7
8 SUPERIOR COURT, STATE OF CALIFORNIA
9 CONTRA COSTA COUNTY
10 THE PEOPLE OF THE STATE OF CALIFORNIA, } Case No. 5-950188-3
11 Plaintiff, } STIPULATION OF COUNSEL
12 vs. } AND [Proposed] ORDER TO
13 } RESENTENCE DEFENDANT
14 DAVID RAJESH HARBANS, } PURSUANT TO PENAL CODE
15 Defendant. } SECTION 1170.03(a)
16
17 The parties stipulate, pursuant to Penal Code section 1170.03, that the defendant shall be
18 resentenced as follows. Pursuant to section 1170.03(a)(7), the parties stipulate that resentencing
19 may be granted without a hearing.
20
21 Defendant's sentence is recalled. Defendant is resentenced as follows:
22 As to Count One (1), Second Degree Robbery (PC 211), the upper term of five (5) years.
23 Sentence is doubled pursuant to PC 1170.12(c)(2). (=10 years.)
24 As to Count Three (3), Second Degree Robbery (PC 211), 1/3 the mid term of three (3)
25 years. Sentence is doubled pursuant to PC 1170.12(c)(2). (=2 years.)
26 As to Count Four (4), Second Degree Robbery (PC 211), 1/3 the mid term of three (3)

Protocols for PIR Case Referrals

1

Refer case and materials to Public Defenders Office at: pdresentencing@pd.cccounty.us



2

Public Defender will evaluate, do a financial eligibility and conflict screening, make sure the case meets PIR resentencing criteria, engage with client, and work with original counsel for follow up needs



3

Some clients may choose to engage with our participatory defense network, Reuniting Families Contra Costa who can help engage their families in the process.

4

Public Defender will work with District Attorney directly during consideration process and will inform original counsel should DA agree to a recall recommendation—note there is no set timeline for when or if a consideration is made.



5

DA Recommends Recall to Court, typically followed by a stipulated resentence or a hearing



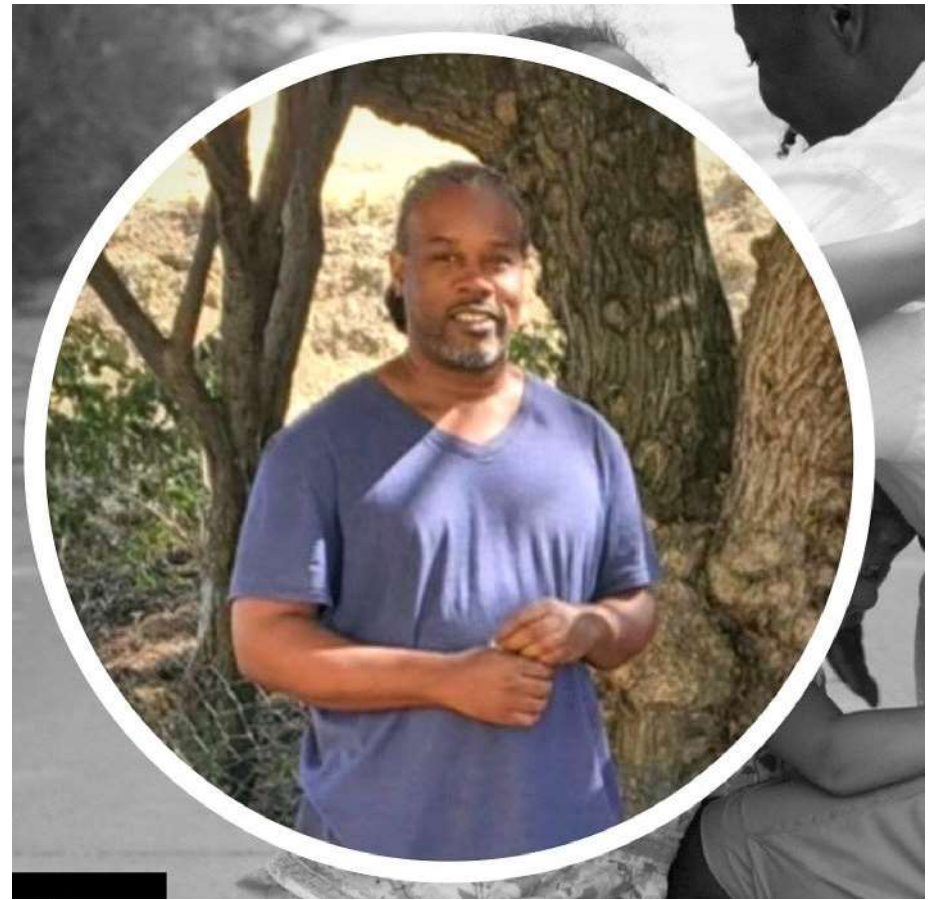
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Upon release, Public Defender Reentry Coordinator will do follow ups to ensure successful reentry and connection to services.

Conclusion

Andrea Crider
Deputy Public Defender
andrea.crider@pd.cccounty.us

Caleb Webster
Deputy District Attorney
cwebster@contracostada.org



Christopher Hales, resentenced in 2021 after serving 25 years of an 89-year sentence for a non-violent robbery he committed in 1995 when he was just 21 years old.



Resentencing & Reentry Support Documents

A How-To-Guide For Incarcerated
People Seeking Resentencing
Under California's Second-Look
Resentencing Law.

For The People
forthepeople.org

Acknowledgments

For The People would like to thank Silicon Valley DeBug, UnCommon Law, and Ella Baker Center for the invaluable guidance and expertise they have provided in producing this guide. Specifically, we would like to thank James King, Benee Vejar, Yoli Ledesma, Raj Jayadev, Keith Wattley and Lilli Paratore. We would also like to thank Kari Malkki, for her compassion and commitment to creating this guide. Finally, we would like to thank the countless men and women who have fought and won their freedom, and those who are still fighting, who have shared their stories, struggles and successes in hopes of helping other incarcerated people come home.

About For The People

For The People is an Oakland-based nonprofit that works with California prosecutors, system leaders, and the community to reduce the number of incarcerated people serving excessive sentences. In 2018, we drafted and secured the passage of AB 2942, landmark legislation that gave prosecuting agencies the authority to reevaluate past sentences and facilitate prison release for those serving excessive sentences. Today, we lead implementation of AB 2942. **For The People** is committed to giving prosecutors the tools they need to remedy unjust confinement and restore families and communities.

In addition to our work with DAs, we support incarcerated people, their loved ones, and community-based organizations (CBOs) in preparing requests for resentencing and guidance on best practices on how to humanize stories for law enforcement audiences. Our organization works with policy- and law- makers to develop policy and legislative proposals in furtherance of safely reducing the prison population and reuniting families.

Please note: **For The People** does NOT provide legal services or provide legal representation. The information provided in this guide is legal information only. Please consider speaking with an attorney if you are seeking legal advice or would like an attorney to represent you instead of working directly with **For The People**.

For more information, please visit www.fortheppl.org

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California's Second-Look Legislation & For The People

In 2018, California Assembly member Phil Ting introduced Assembly Bill 2942, conceptualized and drafted by the **For The People**, which allows District Attorneys (DAs) to reevaluate past sentences and determine whether the sentence is no longer in this interest of justice. If the District Attorney determines that an incarcerated person's sentence is not in the interest of justice, AB 2942 now allows them to recommend a sentence reduction and, in many cases, a person's release from prison. **For The People** is leading the implementation of this law and is supporting California DAs in the process of reevaluating long-term sentences. Because AB 2942 is a discretionary law, DA's re not mandated to review any incarcerated person's sentence; rather, the onus is on the person and community organizations — such as **For The People** — to present a compelling case for the review of an incarcerated person's sentence.

How to Use This Guide

This guide is designed to support incarcerated people - as well as their family members, loved ones, and community organizations that serve them - who are interested in pursuing the resentencing process made possible by California's Second-Look legislation: AB 2942. In order for the District Attorney to determine whether a person's case should be considered for resentencing and early release under AB 2942, it is necessary to review several sets of **supporting documents**. These supporting documents can help to illustrate why a shorter sentence is appropriate, and how the incarcerated person has prepared for reentry and reintegration into the community. This guide contains a checklist, instructions, samples, and templates designed to aid incarcerated people and their support networks in the process of creating and compiling the supporting documents that will be used in their resentencing cases. The sample documents we have included are simply meant to provide guidance and clarity. **These statements should not be copied** or quoted word-for-word; each sample document is just *one example* of an excellent statement, **and every person's statements and letters will look and sound different**.

Although presenting these documents can assist in the resentencing process, it **does not guarantee** a recommendation for resentencing by the District Attorney. Some people may not be able to compile all of the supporting documents listed in this guide, while others may be able to gather multiple additional documents that this guide does not include; each person's case is unique and this guide is simply meant to aid in the process.

We are hopeful that, as California continues to implement progressive legislative reforms, more and more incarcerated people and their communities will be able to use this guide in their commutation, parole, and sentence reevaluation processes.

Collaborating with For The People

Communication and Support:

- We will primarily communicate by mail while completing a sentence review case.
- We check our mail bi-weekly and respond as quickly as we can.
- After we receive your Waiver and Authorization Forms, we review your prison file and supporting documents. As the case progresses, we will plan phone calls and legal visits as appropriate/available. You can also opt-out of working with us directly and have your defense attorney coordinate on your behalf.
- As you and your support network begin preparing your supporting documents for a sentence review case, we suggest sending all documents to **For The People** as soon as you develop them, rather than waiting to compile all of the necessary documents before sending them to us.
- Your support network may also provide supporting documents to us via email, as well as contacting us with questions or information when necessary.

For The People Address and Contacts:

- info@forthe ppl.org
- 916-562-3212
- 1904 Franklin Street #205 Oakland, CA, 94612

Preparing Your Supporting Documents

You will collaborate with **For The People** to compile three sets of documents to aid in your sentence review case:

- 1) Personal letters, statements, and plans that you must create regarding your criminal history, rehabilitation, and planned reentry into the community
- 2) Letters of support that you ask your family, friends, colleagues, and community members to prepare on your behalf
- 3) Verification documents that confirm certain aspects of your Reentry Plan, which you and your family members must obtain (i.e. verification of acceptance into transitional housing programs, reentry support services you will be receiving, or job offers you will accept if/when you are released)

As you gather and create these documents, you and your support network should send them to **For The People** for review as soon as possible.

A Note Regarding the Resentencing Process

We know that compiling supporting documents, reflecting on your crime, writing your statements, and planning your reintegration into the community are difficult and time-consuming processes. We hope this guide can help with this process. This is not an essay contest, it is about telling your story, who you were, who you've become and what your plans are when you come home.

In this guide, many of the documents we suggest that you compile must come from other people — either family, friends, or outside community members. However, we know that many incarcerated people pursuing the resentencing process do not have a robust support network on the outside. It is absolutely understandable if you do not currently have the support of friends and family outside of prison. If this is the case, **you are not alone**. We are going to work together with you to connect you to services and reentry resources so that when you are released, you will be prepared and supported in your reentry journey.

Supporting Documents Checklist

Use this checklist to keep track of the documents you have compiled and those that are still missing. Check the boxes as you obtain each document. When you have finished compiling your Supporting Documents, please send this checklist back to **For The People**.

1. Personal Documents

- Remorse Letter:** A letter to the victims of your crime; showing understanding of the impact the crime had on them, their family or the community.
- Statement of Accountability:** A statement in which you describe your past crime(s), explain the events (internal and external) that led you to commit the crime(s), and take full responsibility for the harm that your crime(s) caused.
- Statement of Accountability for In-Prison Rules Violations:** A statement in which you describe any recent misconduct or Rules Violations Reports you have incurred, explain what led to the misconduct, and take full responsibility for the harm that the misconduct caused.
- Statement of Faith:** A statement in which you describe the role that faith/religion has played in your rehabilitation/transformation, and will play in your Relapse Prevention Plans.
- Journey Letter:** A letter describing your rehabilitation journey; when you decided to make a change and/or any events.
- Relapse Prevention Plan (RPP):** This document identifies Target Behaviors, Triggers or Warning Signs (Internal/External); identifies your Coping Mechanisms; and describes your Support Network and how/when you will reach out to them.
- Reentry Plan:** This document (also known as a Parole Plan or Post-Release Plan) explains the concrete steps you will take in order to reintegrate into the community, from your transportation and housing on the first day after your release from prison, to the plans you have for your life five years post-release.
- Resume:** Your resume lists your employment experience, educational achievements, and any awards or certificates you have earned before and during your incarceration.

2. Letters of Support

Personalized letters from people who know you well and are able to describe your strengths, growth, and potential. These letters should explain: 1) how the supporter knows you, 2) the qualities that demonstrate that you are rehabilitated and that you will be a positive member of the community, and 3) specific examples of these qualities and how the supporter came to see that or know that about you. Ask people from the list below to prepare a letter for you:

- Family Members
- Program Instructors
- Wardens, COs, or CDCR Staff
- Attorney
- Victim(s)
- Other Incarcerated People
- Community Leaders
- Prison Volunteers

3. Verification Documents

Copies of documents from organizations and people who will be supporting you in the process of reintegration into the community. It may not be necessary or possible to acquire all the documents in this list, but it may be helpful to gather as many of them as possible:

- Employment Verification:** Copies of letters/documentation from any businesses, nonprofits, or people who have offered you employment, internships, or volunteer roles.
- Housing Verification:** Copies of letters/documentation from transitional housing programs or community members you will live with, and the support they will provide.
- Verification of Reentry Services or Programs:** Copies of letters of acceptance, or applications to any programs you wish to participate in post-release (i.e. AA/NA/substance abuse treatment, job training, community college classes, etc.).
- Appointment Verification:** Copies of documentation of appointments for necessary medical procedures or mental health care services you will receive post-release.
- In-Prison Programming:** Copies of certificates/letters verifying completion of any programs or courses you participated in during your incarceration (including, but not limited to, the ones listed below):
 - NA/AA/Substance Abuse Programs
 - Anger Management
 - GED Certificate
 - College Classes
 - Mentor Programs
 - Trade/Vocational Courses
 - Support Groups or Faith Groups
 - Self-help Groups or Personal Growth Classes
 - Art/Enrichment Programs
 - Leadership/Mentorship Roles
 - Certificates, Awards, Honors, and Achievements

Writing Your Letter(s) of Remorse ¹

Letters of Remorse can be extremely helpful, as they demonstrate to the District Attorney that you have reflected on your crime, acknowledged the harm that you have caused, and cultivated empathy for the victim(s). Writing Letters of Remorse may also serve you in your own process of healing, reflection, and accountability. The guidelines below are intended to help you through the process of writing your Letter(s) of Remorse to the victim(s) of your crime, to their families, and to the communities that you affected. Use the guidelines below as a resource to help you through your own journey of remorse, but do not feel tied to the advice given. This should merely be a starting point. If, after thoroughly reading this document, you still have questions, please do not hesitate to contact **For The People**.

Who should I write a letter of remorse to?

Each case is different, but generally, you should write a letter of remorse directly to the victim(s). You can also write letters to the family of the victim, or anyone else that was impacted by your crime. This could include the victim's father or mother, their children, their spouse, their siblings, their friends, and other loved ones. Your crime might also have affected witnesses to the crime, the community that you came from, or the community that your victim came from. While you do not have to write a letter of remorse to each of these people or groups of people, it is important that your letters acknowledge the wide-ranging impact of your actions on others.

When should I write a letter of remorse?

Writing a Letter of Remorse can be a very difficult exercise. In the time during which your case is under review by **For The People** and the District Attorney, begin drafting your Letter of Remorse and take your time with this exercise. If you have written letters in the past or for a self-help program, consider revising them. It can be beneficial to write Letters of Remorse every few years, because your understanding of yourself, and your reflections on your relationship with the victim, will undoubtedly change over time.

(Writing Letter of Remorse continued on next page)

¹ Guidelines adapted from UnCommon Law's *How to Write a Letter of Remorse*.

What should I write about?

Letters of Remorse should demonstrate your understanding of the impact of your actions. They should focus on expressing your remorse and empathy. They are not an opportunity to list the various self-help groups you have participated in, to explain your social history prior to the life crime, or to discuss who you are today. Instead, focus on *demonstrating empathy* for your victim and for their loved ones, and *accepting responsibility*. As you begin to write your Letter of Remorse, *reflect back to the first moment when you really understood the harm that you caused*, and consider the following:

- How did it feel the first time you truly accepted the consequences of your actions?
- What steps have you taken to make amends for your crime? How have you expressed your remorse and empathy?
- What do you think the victim would want to hear from you? What would you want to say to them? What do you think they would say to you, if anything?
- How would the life of your victim or of their family be different if you had not committed your crime?
- What hopes do you have for the future of your victims or for their loved ones?

As you begin to write the letter itself, follow these guidelines:

- **Avoid using generic language.** To help the DAs see that your feelings are genuine, use language that is specific and personal. It should be clear from the text of the letter that it could have only been written by you, about the victim(s) in your case.
- **Use active, not passive words.** For example, write “I hurt my victim,” instead of “my victim was hurt.” Using active rather than passive words helps to show the DA that you are not minimizing your role or deflecting blame.
- **Keep your letter short and simple.** Letters of remorse should be between 1-2 pages.
- If you struggle with writing, make another creation to express your remorse. This can be a poem, a song, a rap, a painting or drawing, or something else. Think about ways you creatively express yourself that are not in writing.

Will I actually send the letter? No, Letters of Remorse should not be sent to the intended recipient. Instead, they will be presented to the DA. Writing a Letter of Remorse is a way to show the DA that you have begun to make amends with your victim(s) and understand the broader impacts of your crime.

Sample: Letter of Remorse

Dear _____ (Victim's Name),

As I write this letter, I am still not sure how to start it or what I could say that could possibly help repair the harm that I caused. I know that saying "I'm sorry..." may not change anything, but I hope that this letter will help you understand that I have spent years considering the pain I caused you, and am no longer the man I was when we met.

I apologize for my deceit: I am sorry for walking into your store and attempting to deceive you into believing that I wanted to purchase goods in order to manipulate you. That wasn't the truth and I couldn't even look at you because, even then, I was feeling the guilt of my actions. In my deception and seeking to take from you, I now see that I was also taking from your family, your employees, the community of Oakland. I was taking from everyone was doing their part, along with you, to build a prosperous life. I was the coward who wanted to cut corners, to rob and harm rather than to work hard.

I apologize for putting you in a position to defend yourself against my unwarranted assault. When I punched you and knocked you to the ground, as I held a gun, you were forced to respond by defending your life. The vision of these moments has been burned into my mind and the knowledge that either of us could have been killed on that day is something I acknowledge each day. **I am so sorry for the physical pain I caused you and the emotional trauma and fear that my violent assault and attempted robbery caused.** I pray each day that you have healed. Sir, you acted in the most honorable way that fateful day, in defense of your person and livelihood. I acted as a bully, a street punk, and a coward with a gun.

I want you to know that, since my arrest and conviction, I have changed dramatically. I have spent many, many of the last 15 years addressing myself and how my negative actions and attitude affected my life and the lives of everyone around me. Because of the day that I violently assaulted you and attempted to rob your store, I owe it to you and your community, as well as my own community and the mentors that tried to lead me on the right path, to become a better man and to create positive change. After many years of reflection, I want to say to you: I am deeply and profoundly sorry for all the harm that I caused you and for any of the after-effects my actions had on you and your family. pray that one day I will be able to sit with you, face to face, and say these things to you. If you wish not to sit with me, I understand and respect that decision. Through my senseless actions, we crossed paths and my actions made that crossing a very harmful one. I sincerely seek to repair that if you are open to it.

Thank you for reading this, and may God be with you.

Sincerely,

_____ (Your Name)

Writing Your Statement of Accountability

Writing a Statement of Accountability is essential to your resentencing process; this document must show that you have developed **insight**, **remorse**, and a commitment to **accountability** for your crime(s), and empathy for any victim(s) of those crimes. **Insight** is an understanding of why you did the things you did, which can include your emotions (fear, anger, insecurity, powerlessness, etc.), traumatic experiences you had (prior to committing your crime, perhaps in your childhood), or ways in which you had not developed healthy coping skills to avoid criminal behavior. **Remorse** is a feeling of genuine regret about your crime, and empathy for any victims; you should express your feelings of remorse but do your best to focus on the victims/survivors of your crimes rather than on your own guilt or sadness. **Accountability** is being responsible for your actions and for any harms you caused, without justifying or rationalizing them. Accountability also requires a commitment, and a plan, to do better in the future. Your Statement of Accountability should demonstrate to the District Attorney how the person you are today is not the same person you were when you committed your crime(s).

In your Statement of Accountability, you will address three primary issues:

- 1. Your personal account of the crime(s)** - Provide a first-person account (“I went...”, “I said...”) of what happened, step by step, on the day that you committed the crime. Include your thoughts and feelings at the time. i.e. “That day I was drinking heavily, alone at my apartment. I was feeling ashamed because I did not have enough money to pay rent...”
- 2. Any experiences, thought patterns, or situational factors that led you to commit the crime(s)** - For example: If you chose to rob someone because you needed money for your rent, or to purchase drugs because you were struggling with addiction, you can explain this. However, make sure you are not excusing or justifying harmful behavior. **Or**, if you possessed a gun and harmed someone with it at the time of your crime, explain the thought patterns, beliefs, or external factors that led you to do so (i.e. believing that having a gun made you a man; experiencing peer pressure or gang influence; imitating violence you experienced as a child, etc.)
- 3. Acknowledge the harm you caused, and discuss the ways in which you are taking responsibility for your actions** - Express empathy and remorse for your actions and discuss how you will be accountable to doing better, and what you are doing (both while incarcerated in and what you plan to do in the future) to transform yourself and give back to your community, or the community you harmed.

Sample: Statement of Accountability

To Whom It May Concern:

My name is _____ and I am offering my humble apologies for the wrongs of my past. I am profoundly sorry for the negative impacts my actions have had not only on my victims, but also on the state of California, its residents and taxpayers. I have caused a lot of pain in the past; this I will never forget. Today, I commit to making amends for my actions and being a positive influence in my community.

Remorse and words cannot take away the harm I have caused. I am hoping that this statement will show you the ways in which I have changed. I pray it does reflect that I have matured into an empathetic and compassionate adult, whose mind and heart have grown in the 15 years since I entered prison's doors.

First and foremost, I take full and complete responsibility for my life and my criminal behavior.

Before coming to prison, I blamed everyone other than myself for every wrong thing that happened in my life. I justified committing criminal acts by lying to myself, thinking that I was owed something that I had not actually earned. I blamed my upbringing, financial circumstances, pain that was inflicted on me emotionally and physically. I blamed the criminal justice system, other ethnic groups, failed relationships — anything else other than myself.

Because I could justify doing wrong based on these false beliefs, I convinced myself that everyone else should feel the way I felt and I had no empathy for others. This led me to commit robberies, sell drugs, and take from others as a way to survive and to get what I wanted whenever I wanted it. This led me to the last days before being arrested, when I caused emotional and physical trauma and scars to _____ by attempting to rob his store, and a few days later, attempting to rob another store owned by _____.

During the past 15 years of incarceration, I had to do a thorough inner reflection of myself and peel back the layers of denial. I had to address my own negative and self-limiting belief systems. I had to learn what manhood really means and what validates being a man. Through self-help groups such as GRIP and Cage Your Rage, I came to understand my own pain and traumatic experiences and previously had refused to deal with, and I came to understand that I had consistently projected that pain and trauma onto the people of my community and the tax paying citizens of California. With the help of these self-help groups and the positive community I have been blessed with, I have reformed.

I have learned that manhood means taking full responsibility for my actions, making responsible decisions with my life and being accountable to those decisions and the choices I make. I have learned how to look back on my past with remorse, rather than denying the harm I caused, while also looking to the future and committing to be better.

Writing Statement of Accountability for In-Prison Rules Violations

If you have incurred any RVRs, 115s, or other serious misconduct in the last 5 years of your incarceration, it will be beneficial to write a specific Statement of Accountability that addresses these in-prison violations. Doing so demonstrates to the District Attorney that you acknowledge and show remorse for the harm you may have caused, that you are taking responsibility for these actions, and that you have a plan to prevent such behavior in the future.

If you have not incurred any RVRs, 115s, or other serious misconduct in the last 5 years, it is probably not necessary to write an additional Statement of Accountability; however, if there is something on your in-prison record that might harm your chances of being recommended for resentencing and you wish to write a specific Statement of Accountability to address it, you may do so.

In your Statement, you will address three primary issues:

1. Your personal account of the misconduct/RVR

- Provide a first-person account of what happened, step by step, on the day that you committed the violation. Include your thoughts and feelings at the time.

2. Any experiences, thought patterns, or situational factors that led you to commit the crime(s)

- For example: If you chose to use an illegal cell phone because you wanted to communicate with family, you can explain this. However, make sure you are not excusing harmful behavior.

3. Acknowledge the harm you caused, and discuss the ways in which you are taking responsibility for your actions

- Express empathy and remorse for your actions.
- Discuss how you will be accountable to the community you harmed, and what you are doing to transform yourself and improve your behavior.

Sample: Statement of Accountability for In-Prison Rules Violations

I illegally possessed and used cell phones in ___ and ___. My actions and choices were a reflection of my criminal thinking. In that, I directly violated the rules governing me within CDCR.

I considered my needs and wants above the safety and security of the institutions I was housed in, and above the value of honesty and integrity. I am deeply and profoundly sorry and apologetic my criminal thinking and behavior that brought me to commit these acts.

My compulsion to possess and use a cell phone was not just about seeking connection.

Continue by describing the events leading up to your rules violation(s) without providing justifications or proclaiming your innocence. Rather, simply describe these events as they occurred.

I felt that I was losing control of the situation and I had an issue with losing control. The prison said that I couldn't have a phone, and at the time, I just didn't want to accept that rule.

I also didn't fully understand my own emotional needs and how to manage them. I told myself that having a cell phone was okay because I was trying to save my nieces and nephews, so since I wasn't doing wrong on the phone, it was okay for me to disregard the rules.

This was the lie that I settled on in my mind to justify my behavior, along with the lie that I wasn't hurting anyone; that I was saving my brothers children from the fate that had led to myself sitting behind bars.

Today, I realize that I had fooled myself into believing that the ends justified the means.

Every time I purchased a cell phone, I made a deposit into a criminal enterprise. At the time, I told myself that since I wasn't using a cell phone to engage in blatant criminal actions, that I was different. However, I was using an unmonitored phone - which was contraband - and I also knew I that many people inside of prison do use cell phones for overt & covert criminal activities. Because of that, I am ashamed that I contributed to the black market within prison, and I am remorseful.

I also lied to and manipulated my family & friends by involving them in helping me to obtain a cell phone and to keep the bill paid. None of them would be willing to support illegal activities, and I'm ashamed that I involved them in it without their knowledge.

I had to also come to grips that I had become addicted to using the cell phone. I had to admit to myself that addiction isn't just drugs, alcohol or tobacco. Addiction can go into many areas, including cell phones. The compulsion to use a cell phone became daily with me, and I wasn't dealing with the feelings of loneliness or the loss of control.

In ___, I was caught a second time with a cell phone. However, this time, I began to address myself and the addiction that I admitted that I had...*Continue by describing the steps you took to change your behaviors so that you did not get more Rules Violations, taking full responsibility for your past violations and appreciating the flawed thinking that gave rise to them.*

Writing Your Journey Letter

Your story of rehabilitation and transformation can help District Attorneys understand how you have changed from the person you were at the time of your offense to the person you are today. To recommend you for a reduced sentence and possible early release, the DA's office will need to hear personal descriptions of exactly how **you** have changed while in prison so that they can be confident you will not commit another crime if released early.

The most effective way to do that is to show, **in your own words**, when and how you have changed. Your thoughtful self-reflection will show the DA how you have matured and developed into a different person today compared to when the crime was committed. This is a story of your redemption. **This is a chance to tell your life story from your perspective.** While we appreciate how this process might be frustrating for you, it is your chance to demonstrate your growth and maturity and positive change, illustrating your triumphs while being transparent.

Please do *not* attempt to relitigate your case or discuss the facts of your case that you dispute. Using this exercise to plead your innocence could have a negative impact on the way the DA views your case.

To help you get started, we have put together several questions you may want to answer in your Journey Letter. They are intended only as a guide, and some of these questions may not apply to you:

- Thinking back to the time of your commitment offense, **describe how the person you are today differs from who you were back then.** Try to describe yourself at these two different phases of your life as though describing yourself to someone who has never met you and knows nothing about you.
- For each difference that you note, **briefly explain the events or circumstances you consider to be the most impactful in causing these changes, including as many personalized details as possible.**
- Everyone's story of rehabilitation varies—some people can remember specific moments or events leading them to change (**i.e., having a child, taking a particular class, or building a new friendship with someone in prison**), while others recall their change as having occurred more gradually over time. If you are someone who cannot remember specific moments or events leading to your change, try to map out a timeline of your rehabilitation by describing particular moments that you noticed changes in yourself, including personalized details wherever possible, such as where you were and/or what you were doing at the time. By adding as much personalized detail as possible, you can paint a compelling picture of your rehabilitation and help maximize your credibility.

- How have you **grown and matured**? Part of maturity is understanding both our strengths and challenges. **Ask yourself:** What are your **biggest challenges / strengths** of character now? What **challenges** do you foresee having in the **future** and **how will you handle those challenges** when confronted with them?
- **Thinking of your time in prison like being in “school,”** what have been the most important lessons you’ve learned? How have these lessons and experiences changed you—how you see the world or certain things in it, your conduct, your understanding of your own criminal conduct, etc.? **How will I use what I’ve learned while in prison to make better decisions if released?**

Answering these questions is hard work and can lead to thinking about sensitive or difficult issues that you may have ignored up to now. 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. Addressing these issues will increase your ability to show the DA how much you have learned, matured, and changed while incarcerated.

One of the best ways to get started is to write about them, as though you are writing in a journal. As you begin to write the letter itself, follow these guidelines:

- **Avoid using generic language.** To help the DA see that your feelings are genuine, use language that is specific and personal. It should be clear from the text of the letter that it could have only been written by you, about your personal rehabilitation process.
- **Use active, not passive words.** For example, write “I was angry as a child,” instead of “my life made me angry when I was a child.” Using active, rather than passive, words helps to show the DA that you are actively taking responsibility and ownership over your life.

Sample: Journey Letter

Life Before Prison

I grew up in a very broken home, with family members all around me who were engaged in drug abuse and violence. These experiences were difficult to handle but I did not understand the effects they had on me until much later. I graduated high school in 1999 and two months later, I moved to Sacramento to work for my uncle. I had never lived on my own before, worked a full-time job, or had so much independence and freedom. I was both exhilarated by it and also extremely stressed out by the responsibilities that I had just acquired. I began to make bad decisions, succumb to peer pressure of friends that I made on the streets in my neighborhood, and resent my uncle when he attempted to guide me in the right direction. At the time, I thought that being a man meant having the power to do anything I wanted, getting money as quickly as possible, and gaining superficial respect through wearing expensive clothes and impressing my peers. I realized that working my normal job with my uncle wouldn't allow me to gain the instant gratification and large sums of money that some of my friends on the streets were gaining from engaging in selling drugs. I eventually began experimenting with selling drugs alongside them, and embracing many aspects of the "street life." I was suddenly taking extreme risks, believing that I would never become a "real man" if I played it safe and lived the life of a "square." It was these beliefs that led me to the day I was arrested...

Continue by describing your past self (prior to incarceration), and describing the behaviors, thought patterns, and actions that led to your incarceration.

Rehabilitation Journey in Prison

Before prison I didn't know who I was, and I did not understand how much fear and feelings of inadequacy guided my decision-making. I wouldn't have admitted back then, but most of my life decisions were motivated by my need to fit and be accepted. My fear of rejection led me to do anything possible to avoid feelings of inadequacy. Prison helped me understand things like this, being in my cell for hours on end and being forced to do a lot of introspection. For me, that introspection was magnified because I practically spent the first year of prison in the hole: meaning, I was in a cell by myself with nothing but a pencil, paper, and books. All I could think about was how I ended up there. All my life I thought I would do something great, be successful and have a happy family. But then I was sitting in the hole with a 25-year sentence in front of me and no future. I became deeply depressed, desperate for answers or a way out of the dark place I had found myself in, both inside my mind and inside of prison. I truly wanted to die, but because I couldn't end my life, I decided I needed to make a big change.

(Journey Letter continued on next page)

It was during this period of darkness that I began to ask three things: why I had found myself on this negative path, what I was meant to do with my time in prison, and how I could make a positive change if I ever got out.

Continue by describing your rehabilitation journey, the ways that you worked through issues you identified that you had in your earlier life, and how these changes have made you a different and better person today than you were when you committed your crime(s).

Writing Your Statement of Faith

If your faith or religion has played a large part in your journey of rehabilitation during your incarceration, it can be beneficial to write a Statement of Faith. It should explain why strengthening your spirituality and practicing have helped you to make healthier, lawful choices, and explain how practicing your faith will help you remain clean and sober and lead a law-abiding life post-release. If you intend to join a specific church/temple/mosque or faith community upon release, you should list it and explain why you have chosen this faith community.

Your faith and your spiritual journey are unique to you. You may feel free to use creativity and your own personal touch when writing this statement, but please ensure that you include a clear description of:

- How you found your faith,
- How you practice your faith,
- How your faith has aided in your rehabilitation and transformation, and
- How you will practice your faith post-release, and
- How practicing your faith will support your Relapse Prevention Plan.

Sample: Statement of Faith

I became a Muslim on_____. I was attempting to get my life back together in the midst of internal struggles I was dealing with.

Continue by describing how your faith evolved to become a vital part of your rehabilitation and/or recovery.

I learned that women are honored, cherished, respected. That a true Muslim doesn't raise his hand nor voice to woman – contrary to some cultural practices; honoring of one's parents, the elderly, and children is also very high. Islam teaches that all life is sacred, and that if one is killed unjustly, it's as if all humankind has been killed. If you save one person, it's as if all humankind has been saved. Islam was resetting my morals and ethics. I began to really feel the weight of guilt of how I'd been living, the crimes I committed to receive my current sentence, and all the evil I'd perpetrated in my community, my city, my state.

In_, I began to learn Arabic so I could read the Holy Quran without the filter of English. By _____, I was proficient in the language. In doing so I'd begun to pray on the direct concrete floor with no rug. I was feeling extreme guilt at this point of how I lived my life, and because I knew of no way I could make amends to those whom I harmed, I wanted to, and welcomed the pain I felt in my knees as I begged God to forgive me for all [I] had done to others.

I had also learned almost all of Islamic law—called Shariah—and I implemented on myself in the strictest of terms. I never sought to enforce it on no one but me, so I would always hold myself to the highest standards of Islam. No lying, cheating, stealing, nothing. When Ramadan comes around, I fast from food and drink and am acutely aware of what I hear and see. I stay away from areas in prison where I know illegal activity is going on, so I'm pretty much confined to my cell.

Islam made me into a better son to my mother, a better Uncle to my brothers' children, and a better mentor to the young guys around me. Islam reconnected me back into the human family.

Drugs and alcohol are strictly prohibited in Islam, this is the main reason I've been clean and sober all this time. I have to be in control of my mind, thinking clearly, at all times. I don't even like taking pain killers when my knees are painful on colder nights. My last deep gum cleansing I had done with no local numbing because I don't like any narcotic in my system, at all. I last drank jailhouse wine in__ in the_____County Jail, and I last smoke marijuana in_____. I've been clean since _____. I stopped smoking tobacco in_____.

This is what Islam is to me and how I will continue to be once I am allowed to be physically free. It was Islam that reset my moral and ethical self, while GRIP, Cage your Rage and AVP dug into the cancers of my inner traumas and treated those to heal my mind, heart and psyche. Mental and spiritual. Physical and psychological. Moral and ethical. Internal and external.

This is Islam in my life.

Creating Your Relapse Prevention Plan (RPP) ²

Writing a thoughtful and comprehensive Relapse Prevention Plan (RPP) is essential to in the DA's evaluation of your case. Your RPP will show the District Attorney that you have reflected on your past problematic thinking patterns and/or behaviors, and that you now have the skills to prevent returning to those thinking patterns and behaviors in the future – both while in prison and if released.

A common misunderstanding about RPPs is that you only need one if you have struggled with substance abuse in the past. This is incorrect. RPPs can address many different problematic thinking patterns and/or behaviors, such as drug or alcohol abuse, gang membership, criminal thinking, anger leading to violence, domestic violence, or some other identifiable pattern of negative behavior. This means that everyone should create at least one RPP, and that you could even create multiple RPPs, each targeted at a specific set of thinking patterns and/or behaviors. These instructions should help you reflect on what behaviors you may need to target in your RPP; identify your triggers, coping skills, and support network; and write your RPP.

I. Identify Your Target Behaviors

First, you need to identify your **target behaviors**. This means reflecting on what **negative thinking patterns** and/or **behaviors** you have struggled with in the past, especially those that contributed to the crime for which you are in prison. Potential target behaviors include: substance abuse, gang membership, criminal thinking, anger leading to violence, domestic violence, unhealthy relationships, and codependency. For example, you might have abused drugs and alcohol, and you may have committed crimes as a member of a gang. This means you have two target behaviors: (1) substance abuse, and (2) gang membership and criminal thinking. Each of these target behaviors may require a different RPP, as they are likely associated with different behaviors, thoughts, and triggers. However, there is often some overlap.

Your target behaviors will likely have played a role in your crime(s); however, this is not always the case. For example, you might have begun abusing substances after coming to prison. While this target behavior is not directly related to the life crime, you still need to be able to assure the District Attorney that you have the tools to prevent a relapse into this behavior if released.

(Writing Your RPP continued on next page)

² Guidelines adapted from UnCommon Law's *How to Write a Relapse Prevention Plan*.

II. Identify Your Triggers or “Warning Signs”

Next, you need to identify potential **internal** and **external triggers** that led to your target behavior in the past. **Internal triggers** are emotions, thoughts, or feelings that might result in the target behavior. Think about the **emotions** that led to or accompanied your target behavior. Did you feel unwanted, unloved, abandoned, depressed, or stressed? What feelings made you turn to the target behavior to begin with? **External triggers** are circumstances outside of and around you that might result in the target behavior. Think about the circumstances that led to or accompanied your target behavior. What people, environments, situations, or things do you associate with the target behavior? For example, certain smells may remind an addict of the place they formerly used drugs, or the sight of people congregating and drinking alcohol may remind an alcoholic of past relationships, parties, and other experiences they associate with drinking. It is critical that you identify both the internal and external triggers that led to your target behavior so that you can show the DA you are aware of how your own past thoughts, feelings, or circumstances could be triggering in the future.

III. Identify Your Coping Mechanisms

Next, you need to identify the **coping mechanisms** and **tools** that you now use to prevent a relapse into the target behavior. What **specific actions** do you take upon experiencing the thoughts or feelings you identified as potential triggers? How will you physically, psychologically or emotionally remove yourself from the situation? Potential coping mechanisms and tools include: self-talk, walking away, meditation, deep breathing, exercise, listening to music; calling a sponsor (or spouse, pastor, family member, etc.), and going to a 12-Step or other Support Meeting. As you reflect on your coping mechanisms, remember that they should be **specific to you** and tools that **you actually use**. If you cannot answer questions about what a coping mechanism or tool is and when the last time you used it was, it should probably not be on your RPP.

IV. Identify Your Support Network

Last, you need to **identify the support network** that you turn to when you feel triggered. Is there someone you will call to discuss your thoughts and feelings? This could include a sponsor, mentor, family member, friend or organization whose contact information you keep with you so that you can reach out to them at any time to address the thoughts and feelings associated with the target behavior.

(Writing Your RPP continued on next page)

V. Write Your RPP

Once you have reflected on and identified your target behaviors, the internal and external triggers to them, and your coping mechanisms and support network, you are ready to start writing your RPP. Your RPP does not have to be long or complicated (a page or two), but it does have to address the four topics listed above. The best RPPs are those that are specific and personal. When the District Attorney looks at your RPP, they should be sure that it could only be yours. Below is a suggested outline for one way you could organize your RPP:

- **Introduction**. Start your RPP with a short introduction. Your introduction should (1) explain what the target behavior is; (2) how it developed; and (3) how it contributed to your crime. Do not forget to explain how your target behavior is tied to violence (if this is true for you). Substance abuse and anger are problematic thinking patterns and behaviors that are important to avoid to be a healthy person, but the DA needs to know you understand how these thinking patterns and behaviors have been connected to violence in the past.
- **Triggers**. Next, list your internal and external triggers to the target behavior. Make sure that you list them separately so that it is clear that you understand the difference between internal and external triggers. Remember, be specific and personal.
- **Coping Mechanisms & Tools**. Next, list the coping mechanisms and tools that you use when you feel triggered. Again, be specific and personal.
- **Support Network**. Last, identify the people who are in your support network and provide contact information for them.

Sample: Relapse Prevention Plan

MY TARGET BEHAVIORS: SUBSTANCE ABUSE AND CRIMINAL THINKING

I know that one of the most important parts of the reentry process is creating and maintaining a realistic Relapse Prevention Plan. In my case, my Relapse Prevention Plan must specifically address my target behaviors: drug abuse and criminal thinking. These two issues are very connected for me based on my past experiences: both drugs and criminal behavior helped me escape the feelings of powerlessness, shame and insecurity that I felt.

MY INSIGHT INTO MY TARGET BEHAVIOR AND TRIGGERS

The trauma that I experienced in my youth formed some of my delusional thinking about what it means to “be a man,” and what I thought was the way to be powerful and respected. These are the character defects that I must always be aware of and always manage: shame, impulsivity, selfishness, and insecurity.

As a child, my mother took me shopping with her and had me shoplift; we were poor and she was addicted to drugs at the time. If I ever complained or cried, I would be severely beaten and punished. I began to feel powerless and began to fear being open about any of my feelings, concerns, or insecurities. I learned that hiding and repressing your emotions was the only way to be safe.

At 14 years old, I was robbed at gunpoint. It was the most frightening experience I had ever had. After that, I started to think that whoever was bigger and stronger had control, and whoever held the gun had the power. Looking back on my life crime, I can see how these experiences contributed to my character defects... I did not know my own self-worth and constantly needed external validation, so I proved myself using criminal behavior. I turned to cocaine and marijuana, or I would feel the need to prove myself to my “friends” by committing a crime. It wasn’t long before these behaviors became addictions.

Today, I’ve learned to identify the root causes of my choice to use drugs and to trace back the origin of my criminal thinking, which was that using drugs and committing crimes were the best ways to address whatever external problems I was facing. I have learned to recognize my own feelings and thought patterns and, by doing that, I’ve learned to control the impulses that triggered my drug use and crime. Although I have now been clean and sober for a very long time, I know that I will always be an addict and must practice my coping mechanisms every day.

I participated in Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) for six weeks each, which helped me begin to address and understand my past drug abuse and my path toward recovery. I also participated in Cage Your Rage in 2015, where I first learned how to speak about all the traumatic events that I had experienced in my younger years and started to see the connections to my criminal thinking and behavior. Finally, the programming that brought it all together for me was participating in Guiding Rage Into Power (GRIP) in 2016-2017. In GRIP I saw

the connection between drugs and my criminal thinking; I was addicted to both so I could avoid feeling shame or weakness. GRIP helped me understand how to check in with myself when I am triggered, versus self-medicating by using substances or to commit criminal behavior in order to feel like “a man.” GRIP helped me develop healthy coping mechanisms and thought patterns, and to develop empathy.

This Relapse Prevention Plan gives details about how I will prevent myself from turning toward drugs or alcohol, and from returning to criminal behavior.

MY TRIGGERS

Internal

- Feeling shame
- Feeling powerless
- Feeling insecure
- Feeling anxious or stressed out
- Feeling like I am not being appreciated
- Having negative self-talk

External

- Being around people with criminal/anti-social lifestyles
- Being ridiculed or threatened by people around me
- Not being around people who I can talk to about my feelings/struggles

MY COPING MECHANISMS

Immediate

1. Positive self-talk: When I’m feeling insecure or lesser, I remind myself:
 - I am more than the negative thought and the negative feeling.
 - If I experience a painful memory, I remind myself that I am more than my past and that I am healing and growing
2. **QTIP:** Quit Taking It Personally — I make sure to stop taking people’s words or actions personally.
3. **STOP:** Stop To Observe & Process — I pause to observe and process my situation, my feelings, and my body’s reaction, in order to remain calm and avoid reactivating impulsively.
4. Breathe: When I feel overwhelmed or anxious, I pause to take deep breaths and do a quick internal meditation.

FOLLOW-UP

Support Network: I call my mother, my trusted friends or my AA/NA community if I need to vent or process the experience. I have a list of numbers of mental health providers if I have a crisis. I have become comfortable with reaching out for help and talking about my feelings.

My Coping Skills In Practice

Several months ago, when a younger man came to me in anger and called me offensive names while we were working at our jobs, I felt like I had been punched in the gut. The familiar feelings of insecurity, shame, and anger entered my body; however, I was able to stop, breathe, and realize that this man was reacting from his own shame and anger. I took deep breaths and reminded myself to S-T-O-P and Q-T-I-P. This helped me respond calmly and de-escalate the situation. Later in the day, I was able to call a family member to talk about my feelings and remind myself what is important in my life.

MY SUPPORT NETWORK

The people in my support network provide me with unconditional support and care, and will aid in my reintegration into the community:

- Mother...
- Pastor...
- Oldest daughter...

CONCLUSION

This Relapse Prevention Plan has been and will continue to be my guide to living a life I am proud of. I wake up each day being honest with myself about my own character defects, including my insecurity, impatience, and control issues. I surround myself with others who also seek positive outcomes and seek to be of service to others in positive ways. I ask for help instead of getting frustrated, and hurting or hindering others. I commit to continuing to grow and use this Relapse Prevention Plan to be the best version of myself.

Creating Your Reentry Plan

Developing concrete, realistic plans and a timeline of your reentry process is one of the most important ways that you can demonstrate to the District Attorney that you are prepared to be released from prison, and that you will not commit additional crimes if you are released. Your Reentry Plan should be as detailed and specific as possible, and should show the DA that you have put significant thought and effort into planning for your release and reintegration into the community. Creating your Reentry Plan should also help you envision and prepare to accomplish your goals for your life post-release, and should serve you as a roadmap/resource when you leave prison.

Guidelines and Tips

1. Be realistic and practical about the opportunities and resources you will access upon release.
2. Consider the barriers and obstacles you will face upon release, and make specific plans to overcome them
3. Utilize your support network and community resources to your advantage

Template

On the next two pages, you will find a Reentry Plan template that you should use to answer key questions about your reentry process. You may not be able to answer some of these questions, and your answers to others may change, but it will be helpful for you to fill out as much of this template as you can.

Sample: Reentry Plan

Reentry Plan | First Name Last Name | Specific County

Area of Need	Service/Agency	Plan of Action	Details
Immediate Needs			
Housing	24-hours: First month: 6-months - 1 year: 3-5 years:		
Transportation	Return from prison: Long term access:		
Supervision	CDCR Division of Adult Parole Operations		
Short Term Needs			
Employment Plans			

Public Benefits	Medi-Cal		
	CalFresh		
	Other Benefits (Social Security Income, Disability)		
Identification	Social Security Card		
	ID / Driver's License Dept. Motor Vehicles		
Long Term Resources			
Mental Healthcare			
Mental Health Crisis Support	911 or nearest Emergency Hospital		
Physical Health			
Substance Use Treatment & Support			
Educational Opportunities & Vocational Training			
Support Network	Family		
	Friends & Mentors		

Creating a Resume

Creating a resume can also be beneficial in your sentence review case. A resume is designed to highlight your employment history, skills, accomplishments – both prior to being incarcerated and during your time in prison. Including a resume can demonstrate to the District Attorney that you are prepared for release and will be able to secure employment when you return to the community. Preparing a resume prior to being released from prison will also give you a head start when you are searching for a job during the reentry process.

Below, you will find an example of a resume that includes a person's employment history both before being incarcerated and during incarceration. You may have less employment experience than the person in the example below (especially if you were incarcerated in your youth), or your resume may be far more extensive; neither of these situations is a problem. The example resume below is primarily designed to help you ensure that you include several key aspects of a resume, use appropriate formatting, and most effectively highlight your strengths. We also suggest that you attempt to limit your resume to **one page**.

Key Aspects of a Resume:

1. **Contact information:** Your name, primary phone number, and email address
2. **Personal profile or summary:** A short and engaging pitch about yourself and your skills
3. **Employment experience:** A reverse chronological (most recent to longest ago) summary of your job history
 - a. Include the title of your position and the name of the organization
 - b. Include the dates that you were employed in each position
 - c. Include your main accomplishments in those positions
4. **Education experience:** A reverse chronological summary of your schooling, including your GED certificate, college courses, and other certificates (if applicable)
 - a. Include the name of the school or certification program, and the title of your degree or certificate
 - b. Include the dates that you attended the school/program
5. **Skills:** A brief description of your skills as they relate to employment potential
6. **Awards or accomplishments:** A reverse chronological listing of any awards or honors you have received, both during and prior to incarceration

Sample: Resume Template

ROSA PARKS

MONTGOMERY, ALABAMA | (415) 123-4567 | ROSA.PARKS@GMAIL.COM

PROFESSIONAL SUMMARY Passionate and experienced community organizer with a proven history of achieving social justice victories, as well as a highly skilled kitchen manager dedicated to bringing community together through food. Demonstrated record of excellent food service and communications skills.

SKILLS

- Microsoft Word
- PowerPoint
- Team Management
- Spanish Fluency
- Cooking
- Food Prep and Safety

WORK HISTORY

JULY 2015-PRESENT
Manager, Kitchen Crew | Valley State Prison | Chowchilla, CA

- Delivered trainings to over 60 new Kitchen Crew workers to promote strong team performance and build positive relationships amongst staff.
- Kept supplies in stock by assessing inventory levels and reporting lower stock items.
- Maintained clean kitchen using correct procedures and scheduled sanitation of equipment.

JANUARY 2010-JUNE 2015
Prep Cook, Kitchen Crew | Valley State Prison | Chowchilla, CA

- Prepared variety of dishes in bulk quantities, including entrees, breakfasts, and side dishes.
- Followed proper handling and sanitation procedures to comply with ServSafe standards and protocols.

JULY 1954-JANUARY 1999
Community Activist | NAACP | Montgomery, AL

- Effectively ended transportation segregation on Montgomery public transit and raised national awareness.
- Collaborated to organize and execute the Montgomery Bus Boycott protests, which lasted 318 days, drew over 40,000 participants, and led to significant local and national legislative change.
- Educated over 1,400 young people in Montgomery about strategies for fighting discrimination and promoting racial justice changes as a facilitator in NAACP summer workshops.

EDUCATION

EXPECTED GRADUATION: MAY 2021
Associate of Arts | Communications
Prison University Project | Valley State Prison, CA

SEPTEMBER 1999
GED Certificate
Highlander Folk School | Monteagle, Texas

COLLEGE COURSES COMPLETED | 2019-2020

- Introduction to Professional Communications
- Journalistic Writing in the 21st Century
- Communication for Nonprofits
- Social Justice Movements

CERTIFICATIONS

- ServSafe Certification
- Nonviolent Communication
- First Aid/CPR Certified

AWARDS & RECOGNITIONS

1979
Springarn Medal | NAACP
The highest honor conferred by the NAACP, recognizing extraordinary public service.

2019
1st Place, Prison University Project Essay Contest | Prison University Project

Requesting Letters of Support

Many of the documents required in your resentencing process will come from other people, including Letters of Support from your community members. It can sometimes be difficult to know how to ask for these letters, or what should be included in them; these guidelines are designed to 1) understand the different types of Letters of Support that you will be gathering from your community members, 2) help you reach out and request Letters of Support from all relevant people, and 3) provide essential information – both for you and the people writing your letters – about what should and should not be included in the letters.

Reminder: It is absolutely understandable if you do not currently have the support of friends and/or family on the outside. If this is the case, **you are not alone**. There are many resources that can be secured and we will help to make some of those connections if your cases moves forward so that if you are released, you will be prepared for what comes next.

Effective Letters of Support should serve one of these three purposes:

- 1. Offer Specific Support with Reentry/Parole Plans:** These letters should come from people who are offering you *concrete support* with your reentry process, including housing, transportation, employment, mental healthcare, etc. These letters should be straightforward and focused on describing the resources /support that will be provided. For example: If a family member is offering a place to live, they should state where the housing is, how many rooms are available, who else is living there, and if you will be required to pay rent. If they are offering a job, they should describe what the job involves, where it is, and whether you will be working full time, will be salaried, will have health insurance benefits, etc.
- 2. Offer General Support:** These letters should come from people who have offered general support during your reentry and release -- including financial support, emotional and spiritual support, or connections to services or resources in the community. For example, an offer of financial support should state what is being provided and for how long and offers of emotional support should be specific, such as “I will call Mr. King every week,” or “We will attend 12 Step meetings together on a weekly basis.”
- 3. Character Letter/Testimonial:** These letters should come from program staff, prison staff, volunteers, family, or friends who have known you well (ideally over a long period of time). These letters should discuss your character and your strengths, your transformation/rehabilitation, the way you have positively impacted them and how they believe you will positively impact the community after being released.

Below are three example letters you can use when requesting Letters of Support for Parole Plans, General Support, or Character Letters. These examples are simply meant to help you if you are not sure how to ask your community members for their help with this.

Template: Request for Letter from Program Staff (Character Letter)

Dear STAFF NAME,

I hope you are well. I am writing to ask you if you would be willing to write a letter of support for me as I try to get my sentence reviewed and reduced under California law AB 2942. The District Attorney in the county where my case was originally sentenced will be reviewing my documents – including any letters of support I receive from community members -- to determine if my case is appropriate for resentencing. It would mean a lot to me if you would be willing to write a character letter for me, generally discussing my rehabilitation, my strengths, and any specific memories/thoughts you have based on your familiarity with me through Program.

If you are willing and able to do so, please let me know. I so very much appreciate your time and support!

Thank you very much,

YOUR NAME

Template: Request for Letter from Family Member Offering Housing / Financial / Transportation / etc. (Reentry/Parole Plans)

Dear FAMILY MEMBER,

I am so grateful that you have offered to let me [live with you in your spare bedroom/pick me up from prison/ drive me to all appointments until I have my own car/support me financially] if/when I am released. It means the world.

To support my case, it would be great if you could put that offer into a formal letter of support. I will be sending it to the District Attorney who will review my case and all my letters. In the letter, please explain your relationship to me, your address, and state how long you are willing to [provide the specific type of support]. If you want to include other kind words, that's wonderful but your letter doesn't need to be long. And if you have any questions, let me know!

Thank you again, for all your support. I appreciate you!

YOUR NAME

Template: Request for Letter from Friend Offering Emotional Support (General Support)

Dear FRIEND,

Thank you so much for helping me in the process of getting my sentence reviewed, and for your continued support with my recovery journey. It would mean a lot to me if you could write a formal letter of support discussing how you can support me when I'm on the outside. In the letter, please explain how you know me and how long we have known each other, and how you will help me during the reentry process. You can talk about how you'll help me continue attending all my AA and NA meetings in the city and how you can give me a ride to church on Sundays, if that offer still stands. On the next page, I also included a copy of some extra guidelines that I have received about writing letters of support. And if you have any questions, let me know!

Thank you again, for all your support. I appreciate you!

YOUR NAME

Tips for Writing Letters of Support

DO:

Keep a copy of your letter. Many documents get lost in the prison mailing system, so please save a copy in case you need to resend it.

At the top of the letter, include the date, your full name, and contact information (address, phone, and email). You can also add a title: "Letter of Support for [Full Name] [CDCR Number]."

Briefly explain your personal knowledge of how the person for whom you are writing the letter has positively changed during their incarceration, and why you believe they are ready to be released.

At the end of your letter, please write your full name and sign it.

DO NOT:

Do not say anything to suggest that the crime was not serious, or that the person for whom you are writing had only limited or accidental involvement, or that they are serving too much time.

Do not refer to the crime as a "mistake." Saying this can make it seem like the person is not taking responsibility for the crime.

Conclusion

We at **For The People** hope that this guide supports you in completing the challenging work of reflecting and writing about your past actions, your rehabilitation, and your eventual reintegration into the community. The tips, tools, and examples that we provide in this guide are designed to improve your chances of being approved for resentencing, though unfortunately, completing the sentence review process does not guarantee resentencing and release. The District Attorney and a resentencing judge will make final determinations on resentencing and whether that will result in release. We know that the uncertainty involved in this process may be extremely hard to grapple with; we strive to make this journey as simple and clear as it can be.

Please also remember that **For The People** does not provide legal advice or legal representation on any case. Instead, we provide legal information, best practices and support in gathering relevant documents that District Attorneys and judges can review in making their determinations on whether further confinement is no longer needed. An attorney will be appointed for you should your case proceed to a resentencing hearing, however, feel free to contact an attorney if you need legal representation during the sentence review process.

READ CAREFULLY. Please **PRINT** or **TYPE**. The information requested will be used by officials of the California Department of Corrections and Rehabilitation (CDCR) to determine whether your questionnaire will be approved or disapproved. The information provided will be maintained in a file pertaining to the inmate.

In accordance with the Privacy Act of 1974 (PL93-579), providing your Social Security number is optional. However, any omission or falsification on this questionnaire may be cause for denial of the confidential phone call. Please mail this form directly to the Litigation Coordinator's office of the institution where the inmate is confined.

1. NAME OF INMATE YOU WANT TO CALL (LAST, FIRST, MIDDLE)						INMATE'S CDC NUMBER	
2. YOUR NAME (<i>Print your name exactly as indicated on the photo identification you will be using</i>)					SUFFIX (Jr., Sr., etc.)	OFFICE TELEPHONE NUMBER ()	
3. MAIDEN NAME (If applicable)			HAVE YOU EVER USED ANOTHER NAME? IF SO, PLEASE LIST			FAX NUMBER ()	
4. DATE OF BIRTH (Mo/Day/Yr)		AGE	GENDER (Check one) MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>	BIRTHPLACE (City	County	State	Country)
5. ID NUMBER		ID TYPE <input type="checkbox"/> DRIVER'S LICENSE		BAR / P. I. NUMBER		BAR STANDING (Check one) <input type="checkbox"/> Verified <input type="checkbox"/> Unverified	
OFFICIAL USE ONLY EXPIRATION DATE:	ISSUED BY: (County State Country)					6. SOCIAL SECURITY NUMBER (Optional)	
7. CURRENT MAILING ADDRESS: STREET ADDRESS Apt. # (If Applicable)				CITY		STATE	ZIP CODE
8. HAVE YOU EVER BEEN CONVICTED OF A FELONY? <input type="checkbox"/> Yes <input type="checkbox"/> No				If YES, complete Item 9A. List all detentions, arrest and convictions. Failure to list all requested information may result in denial of your confidential phone call. Attach additional sheet(s) if necessary.			
9. OFFENSE (Check one)			APPROX. DATE	DISPOSITION: (Dismissed, Probation, Jail, Prison)		COUNTY	STATE

**Attorney or Attorney's representative must provide a written request, on official letterhead, indicating the purpose for the confidential phone call.*

<u>Signature of Requestor</u>	<u>Date</u>	<u>Signature of CLETS Operator</u>	<u>Date</u>
APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>		<u>Signature of Litigation Coordinator</u>	
		<u>Date</u>	
OFFICIAL USE ONLY – TO BE COMPLETED BY INSTITUTION STAFF			

APPROVED DISAPPROVED (If DISAPPROVED, the applicant is to be informed in writing of the disapproval.)

REASON FOR DISAPPROVAL:

PRINT NAME	SIGNATURE	TITLE	INSTITUTION	DATE

AUTHORIZATION FOR RELEASE OF OFFENDER CENTRAL FILE*
(Excluding Confidential Section and DOJ Records of Arrests and Prosecutions)

All sections must be completed for the authorization to be honored.

I. Inmate Information

Last Name: _____ First Name: _____ M.I.: _____

CDC #: _____ Date of Birth: _____

Institution: _____ Housing Assignment: _____

II. Individual / Organization to Receive the Information

[45 C.F.R. § 164.508(c)(1)(ii),(iii) & Civ. Code § 56.11(e),(f)]

The undersigned hereby authorizes CDCR to release the below central file and protected health information pursuant to this authorization.

Name: _____

Address: _____ City/State/Zip: _____

Phone: _____ Email: _____

III. Purpose for Release or Use of the Information

[45 C.F.R. § 164.508(c)(1)(iv)]

Purpose: _____

**IV. Authorization Expiration Event or Expiration Date of Release of Verbal Information /
Written Correspondence**

[45 C.F.R. § 164.508(c)(1)(v) & Civ. Code § 56.11(h)]

This is a one-time authorization for release of my central file and protected health information for the purpose described in Section III above. This authorization shall expire after the records requested have been released to the person or organization named in Section II. Any future release will require completion of a new "Authorization for Release of Offender Central File".

AUTHORIZATION FOR RELEASE OF OFFENDER CENTRAL FILE*
(Excluding Confidential Section and DOJ Records of Arrests and Prosecutions)

V. Authorization Information

I understand the following:

1. The release of my central file may include the release of information related to: medical, dental, mental health, HIV, substance abuse/alcohol, psychotherapy notes, genetic testing and communicable diseases.
2. I authorize the use or disclosure of my individually identifiable protected health information as described above for the purpose listed. I understand this authorization is voluntary.
3. I have the right to revoke this authorization. To do so, I must send a signed letter to the party in Section II informing them that I wish to cancel this authorization which will stop further release of the protected health information in my central file. [45 C.F.R. § 164.508(c)(2)(i)]
4. I am signing this authorization voluntarily and understand that my health care treatment will not be affected if I do not sign this authorization. [45 C.F.R. § 164.508(c)(2)(ii)]
5. Under California law, the recipient of the protected health information under the authorization is prohibited from further disclosing the protected health information, except with a written authorization or as specifically required or permitted by law. [Civ. Code § 56.13]
6. Under Federal law, an individual's access may be denied if the protected health information was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information. [45 C.F.R. § 164.524(a)(2)(v)]
7. I have the right to receive a copy of this authorization. [45 C.F.R. § 164.508(c)(4) & Civ. Code § 56.11(i)]

V. Authorization to Release Offender Central File
(Excluding Confidential Section and DOJ Records of Arrests and Prosecutions)

[45 C.F.R. § 164.508(c)(1)(vi) & Civ. Code. § 56.11(c)(1)]

Offender Name: _____ CDC #: _____

Offender Signature: _____ Date: _____

**UNDERSTANDING PROSECUTORIAL INITIATED RESENTENCING
(PENAL CODE SECTION 1172.1)**

CONTRA COSTA DISTRICT ATTORNEY CRITERIA

Contra Costa County established the following narrow set of criteria for eligibility, subject to change as the review process continues:

- Incarcerated person was sentenced to twenty years or more;
- Incarcerated person has already served at least ten years of that sentence;
- Incarcerated person is *not* serving a sentence for an offense listed in Penal Code section 667.5(c) or 1192.7(c), with the following exception:
 - Persons serving an offense for violation of Penal Code section 459 (inclusive of Burglary in the First and Burglary in the Second degree); and
 - Person is serving an offense for violation of Penal Code section 211 AND was under the age of 25 at time of the offense; and
 - Person is serving an offense for violation of Penal Code section 212.5 AND was under the age of 25 at time of the offense.
- Incarcerated person does not have a prior “super strike” as defined in subdivision (d) in Penal Code sections 667(e)(2)(C)(IV), for any of the following felonies:
 - A “sexually violent offense” as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code;
 - Oral copulation with a child who is under 14 years of age, and who is more than 10 years younger than he or she as defined by Section 288a of the Penal Code, sodomy with another person who is under 14 years of age and more than 10 years younger than he or she as defined by Section 286, or sexual penetration with another person who is under 14 years of age, and who is more than 10 years younger than he or she, as defined by Section 289;
 - A lewd or lascivious act involving a child under 14 years of age, in violation of Section 288;
 - Any homicide offense, including any attempted homicide offense, defined in Sections 187 to 191.5, inclusive;
 - Solicitation to commit murder as defined in Section 653f;
 - Assault with a machine gun on a peace officer or firefighter, as defined in paragraph (3) of subdivision (d) of Section 245;
 - Possession of a weapon of mass destruction, as defined in paragraph (1) of subdivision (a) of Section 11418; and
 - Any serious and/or violent felony offense punishable in California by life imprisonment or death.

REFERRING A CASE FOR REVIEW

1. Obtain the incarcerated persons prison file
2. Review and create summary
3. Connect with incarcerated person's collateral contacts and gather letters of support
4. Incarcerated person is encouraged to submit supportive documentation. For example:
 - a. Relapse Prevention Plan (drugs, mental health, criminal thinking)
 - b. Journey Letter
 - c. Rule Violation Statement of Accountability (if applicable)
 - d. Remorse Letter
5. Create reentry/parole plans with incarcerated person. For example you might want to obtain:
 - a. Job verification letters, resume
 - b. Housing acceptance or offer letters
 - c. Verification of reentry service programs
6. Refer case and materials to Public Defenders Office at: pdresentencing@pd.cccounty.us
7. Public Defender will evaluate, do a financial eligibility and conflict screening, make sure the case meets PIR resentencing criteria, engage with client, and work with original referring party for follow up needs.
8. Some clients may choose to engage with our participatory defense network, Reuniting Families Contra Costa who can help engage their families in the process.
9. Public Defender will work with District Attorney directly during consideration process and will inform original counsel should DA agree to a recall recommendation—note there is no set timeline for when or if a consideration is made.
10. DA Recommends Recall to Court, typically followed by a stipulated resentencing.
11. Upon release, Public Defender Reentry Coordinator will do follow ups to ensure successful reentry and connection to services.

DECONSTRUCTING THE CENTRAL FILE

What's In The Central File?

An Incarcerated Person's (IP) Central File (C-File), or prisoner's file, contains all of the documents produced during the course of the person's incarceration. Essentially, we are reviewing the C-File to identify ways in which the person's in-prison records tend to show or not show whether further confinement would be considered unjust.

It contains two sets of documents: ERMS and SOMS.

ERMS is the Electronic Records Management System and generally consists of scanned copies of all paper documents created over the course of the IP's time in custody. ERMS does NOT have a table of contents or index. ERMS generally consists of 5 sections:

- Section 1—Case Summary:
 - Chronological inmate history
 - Legal status sheet
 - Institutional staff recommendation and report
- Section 2—Legal Documents:
 - Legal status audit sheets
 - Minute orders
 - Abstract of judgment (AOJ)
 - DA information
 - Probation report
- Section 3—Classification Section:
 - Reclassification score sheets
 - Classification chronos
 - Notices of classification hearings
 - Segregated Housing placement proceedings and orders
- Section 4—Disciplinary:
 - Notice of pending Rule Violation Reports (RVRs)
 - RVR reports, hearings, and dispositions
 - Notification of RVR transfer to DA and DA's response
 - Security Housing Unit (SHU) documentation
- Section 5—General Chronos:
 - Custodial counseling (CDCR Form 128As)
 - Education progress reports
 - Work supervisor reports
 - Programming chronos and certificates
 - Medical accommodations

SOMS is the Strategic Offender Management System and generally consists of printed copies of electronic database entries. It has at least one table of contents or index (sometimes two or even

three). It also includes an “abstract” version of ERMS. Each C-File is different and the layout of SOMS will vary. Generally, SOMS will include the following sections (listed and hyperlinked in the table of contents):

- Classification:
 - Classification and reclassification scoresheets
 - Classification committee reviews
 - Special program screenings
 - Administrative determinants
 - Inmate needs assessment
 - SHU term computation
 - Non-confidential offender separation and known enemy alerts
 - Medical classification chronos
- Criminal History:
 - Arrest history
 - Arrest record
 - Arrest record charge
 - Escape history
 - Prior confinements
 - Prior non-confinements
- Disciplinary:
 - Rule Violation Reports
- Holds / Warrants / Detainers:
 - Potential detainer investigations
 - Offender warrants
 - CDCR holds
 - Detainers / Notifications
- Job / Programs / Education:
 - Inmate assignment history
- Movements:
 - Movement warnings
 - External movements
 - Bed assignments
 - Integrated housing reviews
 - Inmate temporary release orders
 - Admission summaries
 - Inmate precautions
- Offender Assessments:
 - Inmate health assessments
 - Effective communication history
 - DPP disability accommodations and accommodation summary
 - Certificates / diplomas awarded
 - Standardized test scores
 - TABE test details
 - Drug / Alcohol use assessment
- Offender Demographics:

- Inmate case notes
- Inmate synopsis
- Offender photograph index
- Personal characteristics
- Demographic / Physical profiles
- Relatives / Associates
- Residential history
- Offender phone numbers
- Offender vehicle history
- Employment
- Military service history
- Offender work skills
- Education history
- Offender personal profile
- Offender standard forms
- Security Threat Group (STG):
 - STG affiliations
- Sentence Calculation:
 - Sentence data sheet
 - Legal status summary
 - Release dates/Release date calculations
 - Court commitments
 - Sentence components
 - Sentencing discrepancies
 - CDCR credits received / lost
 - Release plans
- Appointments:
 - Health services encounters/appointments—a chronological list of all scheduled appointments (medical visits, hearings, etc.), followed by individual appointment entries with comments.

You will need to review both sets to locate certain documents and to gather pertinent information for the initial review. The key documents within the C-File that you will want to review include probation reports, chronos, and RVRs.

In reviewing the C-File, you will want to create a summary of the most relevant entries therein as you go through it.

REVIEWING THE C-FILE & PREPARING THE SUMMARY

Below are the steps to take when you are reviewing the C-File. Follow these steps to both open/locate information and to prepare your C-file Summary.

Step 1: Opening C-File

Insert disc and open ERMS. Use password provided (note that there might be two passwords—one for opening the C-File and one for printing). Oftentimes, you will not need a password to open SOMS.

Step 2: Determine Whether IP Is 290 Registrant

This means the IP is required to register as a sex offender. There are several possible places to look for this information, including the following:

- Court Probation Report (located in ERMS)
- Classification Review / Classification Review Details (located in SOMS)
 - This document will include several important pieces of information, such as the IP's placement score, as well as the IP's critical case factors (noted as "Custody Suffix – 1st," etc.), which will indicate whether 290 registrant.
 - See Appendix: Sample C-File.
- Audit Checklist (located in SOMS)
- Megan's Law, available at: <https://www.meganslaw.ca.gov/>

Scroll through either ERMS or SOMS to look for one of the above-listed documents.

Step 3: Locate Court Probation Report in ERMS

The probation report will appear as a Superior Court document titled "Report of Probation Officer." It will provide the following relevant information:

- What IP was convicted of,
- Details of IP's current case,
- Information regarding IP's background,
- Whether a 290 registrant, and
- Prior convictions*.

Step 4: Summarize Probation Report in C-File Summary

Summarize details of:

- Commitment offense, including any enhancements;
- Prior convictions; and
- Any other relevant information (particularly background information if mitigating).

Step 5: Open SOMS

Most C-Files will be provided on two discs, one for ERMS and one for SOMS. Sometimes, however, ERMS and SOMS will be provided on only one disc, included as two separate files.

Step 6: Locate “Classification” Section in Table of Contents and Select “Classification Scoresheets”

You will find the first page of the table of contents at page 2 of SOMS. Recall, the tables of contents are all hyperlinked. However, every C-File is different—some include the classification scoresheets in the first table of contents, while others include them in the second table. Check the first TOC for a heading that reads “Classification” and includes a subheading for “Classification Scoresheets.” If this is not located in the first TOC, either select the “thumbnails” page view to scroll through to the next TOC quickly, or simply click on the last entry in the first TOC and then scroll down until you get to the second one.

Locate the most recent classification score (a.k.a., placement score) and note it in the table at the top of the C-File summary, in the cell for “CS”.

It can also be helpful to create a “Classification Trajectory,” or chronological list of the IP’s classification score history, so as to illustrate his or her positive rehabilitation and institutional adjustment. Sometimes, the Classification section in SOMS will provide this in full—e.g., it will list the IP’s classification scores from the time of admission to date. Other times, however, you may need to review the classification chronos in ERMS and create one yourself.

While there are always exceptions, the lower the score the better the IP’s in-prison discipline and programming are. For lifers, the minimum classification score is 19. Therefore, if the score is 19 and the person is serving a life sentence, this case will usually be quite strong.

Step 7: Locate Rule Violation Reports

CDCR Rule Violation Reports are issued for misconduct that is believed to be a violation of law or CDCR rule. There are two types of RVRs: 1) Serious Rule Violations (CDCR Form 115), and 2) Administrative Rule Violations (CDCR Form 128A). Serious RVRs add points to the IP’s classification score sheet. Administrative RVRs, a.k.a. Counseling Only RVRs, do not add points to the IP’s classification score sheet; rather, they are considered warnings.

For purposes of the C-File summary, we are looking for Serious RVRs only (e.g., CDCR Form 115). If the IP has received a number of similar or otherwise potentially unfavorable administrative RVRs, you may want to briefly summarize these, too.

For IPs with a Classification Score of 19 (or lower, if IP is not a lifer), they may not have anything listed in the SOMS, in which case you will need to locate the RVRs in ERMS. If the classification score is higher than 19, you usually can find the RVRs in SOMS, although you will want to double check ERMS to be sure you have located all of them.

To locate the RVRs in SOMS:

- Go to table of contents.
- Select the heading, “DISCIPLINARY.”
- Select the sub-heading for “Rule Violation Reports.”
- Be sure to check all tables of contents, as they sometimes include a discipline section in more than one.

To locate the RVRs in ERMS:

- As ERMS does not have a table of contents, locating the RVRs can be more time-consuming.
- The best approach involves:
 - First, familiarize yourself with what CDCR Form 115’s look like. You may find an example of one linked in the Appendix.

Step 8: Summarize RVRs in Chronological Order

Briefly summarize each RVR in chronological order (from most recent to oldest). Include the date and details of the incident in the summary of each—don’t simply state the particular violation. Sometimes, a particular RVR will have supplemental reports. Briefly review these and include any relevant information in the summary. Additionally, it can be helpful to review the hearing and disposition entries, as well, which you will find in “Rules Violation Report – Part C.” This will, for example, provide any statements made by the IP at the hearing, how the IP pled, and whether any witnesses testified for or against the IP.

NOTE: Where the underlying conduct involves a violation of law, the violation will be referred to the District Attorney of the county of the institution in which the IP is housed. These referrals will include a letter from the prison to the DA, and a response letter from the DA advising the prison as to whether it will prosecute. Where these exist, it can be helpful to note these details and the DA’s response in your summary of the underlying RVR.

Step 9: Review and Summarize In-Prison Programming

This is where you will want to document the IP’s arc of rehabilitation while incarcerated, including jobs, education, and self-help programs.

You can usually find a chronological list of the IP’s in-prison programming in SOMS by:

- Navigating to the “Job / Programs / Education” heading in the table of contents and selecting the “Inmate Assignments” subheading; and
- Locating the “Certificates / diplomas awarded” subheading under “Offender Assessments.”

For more detail on the IP’s programming, you will look for the following documents in ERMS:

- Laudatory Chronos
- General Chronos
- Education Progress Reports
- Work Supervisor Reports
- Documentation of any participation in AA or NA

List all programming in chronological order (most recent to oldest) and provide details of each, such as:

- Dates
- Description of the program and/or class and its length (e.g., a 7-week self-help group)
- In the case of education progress and work supervisor reports, any positive notes from teachers and supervisors, and any special security clearance required for the IP to be eligible (for example, if the IP works as an institution firefighter, he/she will have had to receive special security clearance)

Step 10: Locate Board of Parole Hearing (BPH) Transcripts

Note that many C-Files will not include parole hearing transcripts. If they do, you will find them in ERMS. Once you've located, summarize parole denial and indicate whether the victim appeared or provided a statement (particularly if the victim gave an opposition statement). Also include any details regarding the denial from the BPH.

Step 11: Print Recent Photo

You will find this in SOMS. Navigate to "Offender Demographics" in the table of contents in SOMS and select the subheading, "Offender Photograph Index."

Step 12: Identify Support Network

If an IP completed FTP's waiver form, they may have indicated members of their support network and provided contact information. You will be provided a copy of any waiver forms submitted to us.

However, if they have not done so yet, there sometimes will be additional information in their C-File in SOMS. Navigate to "Offender Demographics" in the table of contents, and then select the subheading, "Offender Personal Profile." Look for and note in C-File summary any primary and secondary emergency contacts, as well as for the IP's most recent address pre-incarceration. Additionally, you may find contact information from the IP's visitation history, so keep an eye for that, as well.

You may also locate this information in ERMS. Look for any document titled "Social Data."

Beware that oftentimes the contact information is outdated, so be sure to note the date the information was entered into the system. Additionally, sometimes the information provided will be redacted.

Miscellaneous

You may want to review other information located in an IP's C-File. Below, are some examples of this information and where to locate it:

- Escape History, Prior Confinements, and Prior Non-Confinements—look in TOCs (usually first TOC) in SOMS under the heading, “Criminal History.”
- Jobs, Programs, and Education while incarcerated—see TOCs (usually first TOC) in SOMS under heading, “Job / Programs / Education.”
- IP’s Health Assessments, Disabilities and/or Accommodations, Certificates / Diplomas awarded, Standardized Test Scores, TABE Test Details (reading level), and Drug / Alcohol Use Assessments—see TOCs (usually first TOC) in SOMS under heading, “Offender Assessments.”

TIPS

- MAKE A NOTE OF THE PAGE NUMBERS OF ALL DOCUMENTS REFERENCED IN THE C-FILE SUMMARY. Especially for all references to ERMS. This is essential for your sanity.
- You will submit your C-File summary and during review or report back, you will be likely asked questions and will want the page numbers for quick reference and/or follow-up tasks.

As you review the C-File, fill in the information in the table at the top of the C-File summary as you come across the relevant information.

REDACTED C-FILE SUMMARY

Name: [REDACTED]

Current Age: 66 [REDACTED]	Race: Hispanic (ERMS also lists him as American Indian / Alaskan Native)	CS: 19
Sentence: 25 yrs to life	Offense Date: 04/09/1998	CSRA = 1
Time Served: 21 yrs	Age @ Time: 44	Charged as: PC 459, Burglary 1st; PC 667(e)(2) (enh. for 2x prior burglaries, 1st)
Facility: SQSP	EPD: 04/15/2020	TABE: 9.2

Current Offense:

Count 1: - Burglary 1st (PC 459).

- He was caught after forcing entry into a garage of a residence mid-morning on April 9, 1998.
- A **15-yr old girl had been home ill from school that day** and was awakened by D pounding on the door and repeatedly ringing the doorbell. She was very frightened and did not respond. She saw his bicycle lying on the ground next to him at the front door. After about 10 minutes, he rode his bicycle to the next-door fence and looked into her backyard, so she became more frightened and called her mother. Her mother told her to call the police. As she called for police assistance, D was breaking in the back door of the garage. She called her mother again at which point she saw someone trying to open the door from the garage into the home, just as the police arrived.
 - An officer entered the garage through the unlocked door and demanded D raise his hands. Instead, D ran out the back door and began jumping fences. Three houses away, officers detained him.
 - Officers found a cordless screwdriver in a large cardboard box outside the back-garage door. The victim indicated that it had been in the garage on the charger.
 - D said he thought this was his sister's home where he used to live, and he only ran because a gun was being pointed at him.
- **Per D's Statement to Probation Officer:**
 - Stated that his drug use caused all of these problems, and he feels very remorseful for all of his conduct.
 - He had become strung out on a variety of drugs and had been on a four-day binge when he started losing track of time and connections to reality. He had suddenly decided he wanted to straighten up and wanted to be with his sister who would help him dry out. His long-term goals were to reconcile with his wife and get help. His sister's home was within walking distance of the mother's home, and he always used to force entry through the garage when someone wasn't home.
 - He explained he was **unaware anyone was in the house**. He had no intention to frighten the girl that was home and was very hurt in watching her testify about her

fear. He kept placing his own daughter in the same situation and recognizes how much harm he has caused.

- However, after he broke in the door and saw the damage, he became fixated on repairing it so that his brother-in-law would not get angry. He grabbed the screwdriver and was trying to focus on how to repair it, unaware of any other activity in the home or outside. He heard nothing but suddenly realized there was an arm extended through the door holding a gun pointed at him, so he panicked and ran. He knew no one in the house would have a gun so was afraid something wrong was happening.
- **In no way does he want to diminish taking responsibility for his behavior. However, he wants to assure the court he had no intention of stealing and greatly regrets the entire situation.**
- In discussing his history, he explains he was able to stay off drugs many times because of involvement with narcotics anonymous, and a responsible lifestyle for child rearing. He can respond to treatment and would like to be involved with his family.
 - **For what it's worth, the probation officer appears to have believed D quite strongly that he did not know someone was home, concluding his conduct vis a vis the daughter "would not necessarily disclose a high degree of callousness."**

Conviction - Convicted as charged by jury trial.

Priors

Prior #1 (Count 2):

- Life Imprisonment Enhancement for Two or More Prior Conviction for Serious Felonies (PC 667(e)(2)).
 - Specifying two prior convictions for Burglary 1st (PC 459), on 10/24/1990.
 - **Related case # 12004 (Yolo).**
- Per probation report:
 - Probation officer recommended that court review this associated case before sentencing b/c, at time of report, D was still on **active parole** from CRC out of Yolo Cty commitment. D was sentenced to CDCR w/ this commitment stayed on 12/18/1990.
 - D was **first released on parole** after **nine months**, having graduated to the fire camp.
 - Was testing positive for drug use and arrested on a new misdemeanor six months later, w/ all local charges dropped in lieu of a parole revocation.
 - He returned to the community 9 months later but only remained out of trouble for another 6 months.
 - Parole was again revoked b/c of positive tests his whereabouts being unknown, and he was returned to CRC for 11 months.
 - Thereafter, he almost immediately returned to drug use and surrendered himself back to CRC 2 months later.

- After approximately 7 months back in community, he started testing positive for drugs again and surrendered at the end of summer 1995.
- W/in 6 months, he was again testing positive for drugs and at large when he turned himself in in the summer of 1996.
- After 3 months, he returned to the community and was immediately involved in **prowling charges**.
 - These charges were dropped in exchange for RG's promise to participate in the Beamer Street Program.
- W/in 6 months, he again was testing positive for drugs and had overdosed to an extent that he required medical assistance but was reinstated on his commitment to participate in the Victory Outreach Program for 3 months.
- Again, w/in 5 months, he was testing positive for drugs and not reporting to his parole officer as directed, so he was considered a parolee at large until he was arrested on the present case.
- His parole agent's notes "indicate the board was encouraged to incarcerate the defendant for the maximum of time given his poor performance, should the current charges be dismissed."

NOTE: ERMS has a ton of case documents from either the conviction offense and/or his priors—e.g., police reports, lineup photos, etc. See at pp. 417-562.

Juvenile Record (NOTE: NO DISPOSITIONS AVAILABLE AS OF DATE OF PROBATION REPORT):

- 1/25/1973—public intoxication / drugs (Yolo Cty)
- 10/6/1974—petty theft (Yolo)
- 9/17/1976—11352 HS, heroin sales
- 7/27/1978—drunk driving (Clearfield, UT)
- UNDATED—PC 475a (Yolo)
- 3/6/1980—drunk driving (Yolo)
- 2/16/1982—PC 496 (Yolo)
- 4/29/1985—welfare fraud (Yolo)
- 1/23/1986—PC 459 1st (Yolo)
- 5/12/1988—PC 459 2nd (Yolo)

D's Background:

- Substance Abuse history:
 - Alcohol: Not usually a drinker—got painful hangovers too easily; pattern = to keep using once starts, resulting in a binge.
 - Drugs / Narcotics: Had been using heroin since the age of 21. Have been more times on than off—FG estimated total years on as 10. Most recent pattern = 2x/day, but he would go on binges that included alcohol abuse and snorting methamphetamine.
- Military Service:
 - Never served.
- Family:
 - **Wife**—[REDACTED]
 - Married in 1968 in Nevada.

- Divorced in 1969 but remained on and off over the years and planned to remarry.
 - **Three Children**—two boys (ages 25 and 17 at time of probation report), and one girl (age 23 at time of PR).
 - In his social history data report in ERMS, it only lists two kids—[REDACTED], 22 and 17 respectively, as of 1998.
 - Daughter was pregnant at time of PR—due two months from date of PR (10/21/1998).
 - **Ex Wife**—[REDACTED]
 - Married in Nevada in 1990.
 - As of date of PR, FG uncertain of status of their marriage but said they were separated.
 - Tanya had 4 children (FG’s stepchildren) with whom FG helped raise.
 - **Five Siblings**—[REDACTED].
 - No current address provided. Victoria, Richard, and Terri were living in Woodland Hills as of 1998, and Dennis was living in West Sacramento.
- Education and Pre-Incarceration Training:
 - Highest grade completed—10th grade (1973, Woodland High).
 - **Obtained GED, 09/16/1999.**
 - Training in Auto Mechanics (1974, Utah).
- Pre-Incarceration Employment History:
 - 01/1998 to 4/1998: warehouse laborer at Cal West Seeds.
 - 1997: carpenter at US Builders (for 4 months; was laid off, as job was seasonal).
 - Landscaping.
- Other - Grew up in Utah.
 - Driver’s License (No. N3208850) status, as of the date of the PR: Suspended (drug convictions and child support).

In- Prison Programming

Self-Improvement:

- **Current Assignments:**
 - Anger management—position title: **No More Tears**; assigned since 11/28/2017.
 - On waitlist for **Guiding Rage into Power**, enrolled on waitlist on 05/17/2019.
- 12/28/2018—participated in the **Restorative Justice Roundtable**.
- 10/17/2019—Earned 10 Rehabilitative Achievement Credits (RAC).
- 08/30/2018—Earned 7 RACs.
- 2016—completed **Self Awareness and Improvement Groups**.
- 01/24/2014—participated in and completed 26-week **Hope for Strikers Group Self-help Program**, a twelve-step insight therapy program.
- 11/8/2013—successfully completed **Centerforce’s 11 Module Peer Health Educator Training**.
- 2/21/2011—participated in the **Kairos #37 Retreat**, a 36-hour retreat w/ community outsiders consisting of a variety of lectures, discussions, and the sharing of life stories, strengths, and weaknesses.

- 7/13/2010—participated in **Math 50**, a course offered by Patten University at SQSP.
- 6/20/2010— participated in **English 99A**, a course offered by Patten University at SQSP.
- 3/27/2010—participated in **The Work Class**, which teaches a very simple method of cognitive restructuring.
- 2009-2010—Enrolled in machine shop education course.
- 2009—enrolled in refrigeration education course.
- 1999—enrolled in ABE-1.

Substance Abuse: Substance abuse recovery support groups—position title: **Overcomers Outreach (NA/AA)**; participating since 2012.

Work:

- **Current Assignment:**
 - Porter—position title: **North Block Porter Tier Tender**; assigned since 12/21/2018.
- Per SOMS, he has been assigned to work group / program group A1/A since **1/23/1999** (was previously A2/B).
- Granted **“C-Side Access” on 04/02/2009 after two 6-month periods w/ no disciplinary infractions and having completed two 6-month work periods w/ above average performance.**
- Worked in bakery from 2010 to 2011—per work supervisor’s 2011 report, he was retained in position, but supervisor noted that he missed too many days of work; and, per supervisor’s 2010 report, good worker but needs to show up to work on time. ERMS at p. 345.
- Worked as porter from 2007 to 2008—per supervisor’s 2008 reports, “hardworking porter,” and “efficient and hardworking worker.”
- Worked as porter in 2001 to 2002—per supervisor’s 2001 and 2002 reports, “excellent worker.”
- **SEE PAGES 81-90 IN ERMS FOR JOB DETAIL.**

****See printout for full list of job, program, and substance abuse assignments (also can find at p. 6 of SOMS1 on Box).**

Rules Violation Report

- 10/04/2010—possession of contraband (**tobacco**).
 - CO was searching his cell and found 1 plastic baggie containing tobacco, hidden inside a torn area of a foam pillow located on the upper bunk assigned to RG. CO also found a cigarette lighter inside of a jean jacket that was hanging on the wall.
 - Pled guilty.
 - **RVR in ERMS at p. 155.**
- 03/27/2003—possession of a controlled medication (**methadone**).
 - CO conducted clothed body search on yard and discovered a small glass bottle containing a white powdery substance in his front right pants pocket. D told CO it was his meds, which he saves for later. CO then conducted unclothed body search and found half of a white pill located in his front right pants coin pocket in a white tissue. The pill and white powder were later identified as methadone.
 - Pled guilty.

- At SHO hearing, D stated, “**I was saving it for when my prescription expires because of the lapse between renewal.**”
 - **RVR in ERMS at p. 160.**
- 03/18/2003—threatening an inmate.
 - Note that there is no RVR for this; I only caught it as the details are included in an ad seg placement notice (see ERMS at p. 640).

Medical:

- He appears to have some physical impairments, including the following:
 - Lifting restriction—unable to lift more than 19 lbs.
 - Permanent use of canes, eyeglasses, and knee braces
 - Temporary use of therapeutic shoes / orthotics and treated for a wound w/ wound care dressing in 2019.
- **Per SOMS1 Inmate Case Note, dated 04/18/2016, (at p. 154), D was deemed a Mentally Disordered Offender; date first noted in SOMS1 is 10/22/2015.**
 - **Participant in the Mental Health Delivery System (MHDS).**
 - **But, see ERMS at p. 211—mental health removal chrono, dated 9/6/2012: “As of 9/6/2012, this CCCMS inmate has been in remission and free of psychotropic medication for six months. The inmate is discharged from MHSDS.”**
 - Looks like he was placed in MHSDS in January 1999 (Mental Health Placement, at p. 294 of ERMS, says his GAF score was 65—originally it was 71, as of 1999; he was taking psychotropic meds; and behavioral alerts/comments state: IDTT).
 - And, per a CDC 128-B form dated 12/23/1998, Counselor answered “Yes” to: “Any indication of severe mental disorder or treatment at time of or since commitment date.”
 - Per his reception center psychiatric evaluation, he received an assessment for need for psychiatric medication on 11/27/1998, resulting in his being placed on an antidepressant

Classification Trajectory:

• 05/28/2019: <u>CS – 19.</u>	• 11/08/2006: <u>CS – 19.</u>
• 04/09/2018: <u>CS – 19.</u>	• 11/15/2005: <u>CS – 19.</u>
• 05/25/2017: <u>CS – 19.</u>	• 11/02/2004: <u>CS – 19.</u>
• 04/18/2016: <u>CS – 19.</u>	• 11/18/2003: <u>CS – 20.</u>
• 10/22/2015: <u>CS – 19.</u>	• 11/21/2002: <u>CS – 20.</u>
• 05/29/2014: <u>CS – 19.</u>	• 09/26/2002: <u>CS – 28.</u>
• 06/05/2013: <u>CS – 19.</u>	• 11/13/2001: <u>CS – 28.</u>
• 07/11/2012: <u>CS – 19.</u>	• 01/30/2001: <u>CS – 36.</u>
• 05/12/2011: <u>CS – 19.</u>	• 02/15/2000: <u>CS – 40.</u>
• 06/09/2010: <u>CS – 19.</u>	• 01/26/1999: <u>CS – 46.</u>
• 08/26/2009: <u>CS – 19.</u>	• 12/24/1998: <u>CS – 46.</u>
• 12/11/2007: <u>CS – 19.</u>	

Reentry

Housing:

- Address pre-conviction: [REDACTED].
 - Lived there off and on with his wife and youngest son.

Family: (See printout for list of 14 relatives/associates (from SOMS1, p. 180).

- He appears to have had a number of visits from the above; his **sister**, [REDACTED], and his **mother**, [REDACTED], in particular (although their visits stopped in 2007, but this is likely b/c he was transferred to SQSP from SOL). His **daughter**, [REDACTED], also visited him a fair amount. See SOMS1 at pp. 181-

Relapse Prevention: There is an undated Relapse and Prevention Plan authored by D in his C-File (ERMS, pp. 572-588), which he prepared for a parole hearing at some point. I have printed this out for your review.