

LIFE IN LIMBO:

An Examination of Parole Release for Prisoners Serving Life Sentences with the Possibility of Parole in California

Robert Weisberg, Debbie A. Mukamal and Jordan D. Segall
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Stanford Criminal Justice Center

Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305

www.law.stanford.edu/program/centers/scjc

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Some highlights from our findings include:

- The size of the lifer population has increased as a percentage of the overall California prison population from eight percent in 1990 to 20 percent in 2010. Most individuals serving life sentences with the possibility of parole are serving time for first- or second-degree murder.
- In line with the increase in the size of the lifer population, the Board of Parole Hearings has steadily increased the number of lifer suitability hearings it has conducted in the last 30 years, representing a 745 percent increase from 1980 to 2010. The majority of the increase has occurred in the last decade.
- More than twice as many hearings were scheduled than conducted in 2010, reflecting a trend that has appeared and grown since 2000. While efforts by the Board to address the backlog of hearings has increased the flow of hearings, the passage of Marsy's Law and new regulations promulgated in 2008 have likely increased the number of hearings.
- A lifer now stands an 18 percent chance of being granted parole by the Board of Parole Hearings. The grant rate has fluctuated over the last 30 years—nearing zero percent at times and never arising above 20 percent. The change in the rate could be attributed to changes in characteristics of the inmates appearing in a particular year, changes in the composition of the board, and court clarification of standards the Board should use in determining suitability or other factors.
- In addition, while an inmate's chance of being granted parole has increased in the last two years, the length of time he or she must wait for a subsequent hearing when denied parole has also increased (though there is a legal mechanism by which an inmate can petition the Board to advance his/her hearing by a showing of, among other things, changed circumstances).
- The Governor's rate in reversing decisions made by the Board has fluctuated over the last two decades, reflecting the individual policy orientation of the particular Governor in office.

- As with the size of the lifer population and the number of hearings conducted by the Board, the number of parole decisions made by the Governor involving murder cases has increased by 1754 percent in the last 20 years, with the bulk of the increase occurring after 2000 (when the total number of suitability hearings conducted by the Board increased).
- The likelihood of a lifer convicted of murder being granted parole by the Board and not having the decision reversed by the Governor is—and always has been—slim. In 2010, the probability was approximately six percent.
- A major—perhaps *the* major—question in public debate about the current lifer population is their risk of recidivating. While data is limited, interim information suggests that the incidence of commission of serious crimes by recently released lifers has been minuscule, and as compared to the larger inmate population, recidivism risk—at least among those deemed suitable for release by both the Board and the Governor—is minimal.

PRIVATE PSYCHOLOGICAL EVALUATION FOR LIFERS

Many lifers are receiving CDCR/BPH FAD psychological evaluations indicating a moderate or high risk that they do not deserve, based upon the misuse of actuarial measures. This will result in a BPH lengthy denial and many more years of suffering.

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

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

MELVIN MACOMBER, Ph.D.

PMB 316

8789 Auburn Folsom Road, Suite C

Granite Bay, CA 95746

(916) 652-7014

reports@drmelmac.com