

REGULATING THE REGULATIONS



News on the new regulations front, in two important areas. At a recent BPH Executive Meeting the final draft version of regulations on Youth Offender parole hearings and the long-awaited regs that will implement changes in family visiting for lifers. We'll take the latter first.

Although family visits for lifers and LWOP inmates were restored well over a year ago, the final version of the regulations defining those visits and policy have been 'in the works' for months. And months. Acting Sec. of Corrections Ralph Diaz' office has been pro-active in keeping us informed on the progress of those regs and in line with that action Diaz' office provided LSA with an update in the waning days of December, noting the final version of those regs has now been finished, forwarded to Diaz for his review and signature; the final step in enacting those changes.

These new regulations must, by law, be complete and in place by Dec. 29 and it seems the department will, indeed, meet that deadline. In fact, Diaz' office indicated the finalization may happen slightly earlier. Once the regs are signed and released we will summarize in Lifer-Line and make the text available to inmates, and, for families, post a link to those regs on our social media pages. Some clarification is expected to the current regs that continue to restrict lifers and LWOP with certain crimes and past charges. Those changes will hopefully make family visits available to more long-term prisoners.

Released at the November Executive Meeting of the BPH was the final version of proposed text for regulations outlining the process for youth parole hearings. No surprises in the language or policies, but the new proposed regs do definitively set out the guidelines for YOPH, timing and process. The proposed regs add several pages of new language to Title 15, Division 2, specifically Section 2440.

The language also defines what is considered the controlling offense for purposes of determining YOPH eligibility, what crimes/actions could preclude YOPH consideration and the timings of YOPH hearings. Also outlined is the process to appeal a decision to exclude an individual from youthful consideration, the requirement for a YOPH-oriented CRA and what youthful factors are considered.

What is not specifically outlined is what, in fact, constitutes "great weight," the consideration commissioners are required to give to those factors in determining parole suitability. Which, of course, is pretty much the '64 Thousand Dollar Question.'

While, at some 6 pages, too lengthy to reprint here, we will make the entirety of the regulations available to those who would like to read and consider the language themselves. Just send a request, noting "YOPH Regs" on the envelope, along with a stamp, to our mailing address and we'll send you a copy. PO Box 277, Rancho Cordova, Ca. 95741.