

Keith Wattley
Thomas Master
Alexis Wilson Briggs
Michelle Iorio

“UnCommon Law Guide to Lifer Support Letters”

The Board often complains that prisoners’ parole plans are lacking something. Usually, this is because the prisoner, attorney and other advocates have not coordinated their efforts to make sure that all the important grounds are covered. Although we cannot give legal advice for any specific prisoner’s situation, this guide should give you the best chance to avoid this problem in the future.

A. What is a Support Letter?

This should be a short letter (usually only one page) that typically explains the writer’s relationship to the prisoner and why he or she should be paroled. These letters should almost always avoid discussing legal statutes or cases. There are three main types of support letters: *(1) Parole Plans; (2) General Support; and (3) Testimonial*. Each type is discussed below.

1. Parole Plans

This letter is the most important for most lifers. It should provide specific information on where the prisoner would live, identifying the number of rooms and the prisoner’s living arrangements. A letter should also describe actual (not potential) employment, including duties and pay, and any other information about how he or she would support himself or herself. The home and job should both be in the same county, but this does not have to be in the county of last legal residence or the county of conviction. The Board can approve parole in any California county.

If the prisoner had a drug or alcohol problem at the time of the offense, the letter should identify places nearby where treatment can be obtained. The websites for Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) often provide listings of all the available 12-step meetings in whichever geographic location you search for. This information is critical for showing where the prisoner would seek this type of support once out on parole. A closely related issue to address in the letter is a relapse prevention plan, which should explain the steps to be taken when the urge to relapse arises. This plan should explain who the prisoner would call or meet with to support his or her continued sobriety.

2. General Support

This letter should explain the writer’s personal knowledge of how the prisoner has changed during incarceration, and why the writer believes the prisoner deserves to be paroled. This letter should not try to minimize the seriousness of the crime or the prisoner’s role in it (leave that to the lawyer at the hearing or in court). Focusing on such issues here would harm the writer’s credibility with the Board. Also, “petitions” signed by people without personal knowledge of the case should generally be avoided because they have very little impact on the Board and can take up a lot of space in a hearing packet with almost no benefit.

3. Testimonial Letters

The testimonial letter should come from someone familiar with the case over a long period of time, but this generally should not include family members and friends. Typical writers include the defense attorney, judge or prosecutor at the time of trial; investigating officers, jurors, etc. These writers (unlike those writing “general support letters”) may be able to explain the prisoner’s role in the offense without appearing overly biased in the prisoner’s favor. Many times, the people involved at the time of trial did not expect the prisoner to remain in prison decades later, and many times they will explain why the prisoner has done enough time for his or her role. Since some of these writers will be from the same segment of the community (i.e., law enforcement) as the parole board members, their input may be very influential.

Testimonial writers may also come from within the prison community. Educational or vocational instructors, volunteers in self-help and therapy programs, and work supervisors offer some of the best current evidence of how a prisoner gets along with others and how he or she approaches his or her responsibilities. Many times, these people have had the opportunity to observe a particular prisoner over a long period of time and can either talk about positive changes they have observed, or discuss the prisoner’s consistently positive conduct throughout a variety of situations. These letters can also help minimize the impact of negative information in the prison file, such as 115s or 128s, either by providing important background information or by explaining how the prisoner has changed in the period since those write-ups occurred.

B. When and Where Should You Send your Support Letters?

Prisoners should start gathering support letters as soon as they know when their hearings have been scheduled. In years past, most scheduled hearings ended up being postponed or cancelled for one reason or another. They were often held many months after the original due dates, and the Board would sometimes complain that the support letters were too old and needed to be updated. Nowadays, the postponement rate is much lower than it used to be; however, prisoners still should not obtain letters until they are actually *scheduled* for a hearing. The safest approach is to have the letters arrive 2 ½ to 3 months before the scheduled hearing. When that is not possible (because, for example, plans are still being put together), they should still be obtained as soon as possible after that period in order to increase the chances the letters will be included in the “Board Packet,” which includes documents pulled together at the prison and sent out to the commissioners and attorneys roughly 60 days before the hearing.

No matter when the letters arrive, they should be sent (or faxed, where possible) to the Board of Parole Hearings Desk (lifer desk) at the prison, to the prisoner’s correctional counselor, the prisoner and the prisoner’s attorney. At the very least, the prisoner should keep a copy of all the letters because too often, for one reason or another, no one else has copies at the time of the hearing. Late letters that get to the prisoner or his/her attorney on the eve of the hearing (or even on the morning of the hearing) can also be provided to the panel at the time of the hearing, if it cannot be avoided.