

"CDC-115 RVRs"

WHY CALIFORNIA'S PRISONS ARE NEEDLESSLY OVERCROWDED

Would it surprise California and federal tax payers to learn that California's CCPOA prison guards have, for some 30 years, been allowed to effectively impose prison sentences on California prisoners with no jury trial, no judge trial, no trial whatsoever, for accusations they simply make up in their imaginations? At whim, a prison guard then pronounces a "guilty" verdict, imposing a new, modified prison sentence which converts the original, relatively short court sentences into decades-long sentences and even to "life without parole." It's true, for more than three decades California's prison guards have been re-sentencing their prisoners to new prison terms at their whim, keeping thousands locked up decades beyond the sentences imposed by the court that tried them -- something that not even the most powerful state or federal judges can do! That's right. Uneducated, unprincipled CDCR/CCPOA guards, many of whom had to cheat their way into passing a GED test to qualify for becoming a prison guard, unable to qualify for any other job or career, have more power than even all the United States Supreme Court Justices combined, to impose and extend prison sentences with essentially no limit or restraint, and without a trial. There are presently thousands of us, perhaps more than 20,000, kept on this extra-judicial condition, many, decades after our court-imposed sentences WERE FULLY SERVED. Here's how it's done.

It's a mechanism called the "CDC-115 RVR."

Like many nefarious practices, this abuse of, and misplacement of, power is somewhat disguised. The practice hides under the pretense of a so-called "disciplinary" Rule Violation Report (RVR). That is, when a prisoner commits a "disciplinary" prison rule infraction, s/he's written a CDC-115 RVR, by any prison employee, usually a CCPOA guard. Another CCPOA guard sits as the "judge" and hands out a myriad of punishments specified in the CDCR rule book, which DOES NOT allow expansion of the prisoner's sentence. The book also contains a host of rules to assure a "fair hearing," though there's no remedy for the fact that they're never complied with - often with no "hearing" at all. The rule book also provides for referring serious and "real" cases to the D.A. for judicial prosecution. This means that THAT is the proper method for adding to a prisoner's sentence, not petty and fake RVRs. It also means that those prisoners who commit real crimes receive all the judicial protections which prohibit an RVR if a jury acquits them. Yet those accused, even falsely, of petty infractions like stepping over an "out of bounds" yellow line on the pavement, being on the phone out of turn, or disagreeing with a guard on any issue, are written RVRs that carry "life without parole" sentences with no judicial involvement and NO REMEDY. Sound a bit backwards?

Worse, MOST RVRs are plainly false; made up by guards as retaliation against prisoners who've filed complaints on them for serious official misconduct. This writer has seen guards in tears for weeks, at their post, because they were AGAIN denied their promotion (read: more money) SOLELY because they didn't meet the underground, illegal "QUOTAS" of RVRs. Such incentive, of course, has bred an entire industry-within-an-industry of manufacturing false RVRs. There's a whole science and art involved, refined daily since 1974. But it's "Great for business!"

Many thousands of California prisoners were sentenced to terms with a "-to life" provision, such as "15 years to life." The "-to life" component is plainly stated in the statute to be applicable ONLY where a jury unanimously finds "special circumstances" in commission of the crime (§190.4(a)). Despite that, CDC/CCPOA has influenced the courts and attorney general to disregard that provision and treat these as "life" sentences. Yet, an additional statutory constraint supercedes treating these as actual "life" sentences, and MANDATES parole release of all prisoners under these sentences once they've served their specified years portion, without regard to the "-to life" provision. (§3041(a) and (b)). The ONLY EXCEPTION is a RARE ONE where the prisoner is so exceptionally dangerous that s/he would

pose a provable safety hazard to the public if released, (such as Charles Manson). Otherwise, the law recognizes this sentence as having been fully served, the same as if the sentence was phrased as "15 years" rather than "15 years to life." (§190.4(a)).

So, if the prison rule book prohibits it, how do they do it? Enter: The parole board (BPH) -which happens to be a branch-division of CDCR. As two hands of the same body, BPH agents step into the process, taking up where the guards left off, as a baton is passed in a relay race. In direct defiance of these governing and MANDATORY statutes, for ANY RVR, however substanceless and even where they acknowledge it's false and could not have occurred, BPH operates under a policy to absolutely forbid parole, with no exceptions, where any RVR is involved. Even RVRs YEARS PRIOR TO the last parole hearing with none since. Though parole release is mandatory, it's illegally denied for up to 15 years before the next chance to consider it (Prop. 9). Three of these equals 45 more years in prison, on top of 20 or 30 years already served --which means old age death in prison-- for a sentence which carried eight and one-half actual years, by a jury's verdict. And, during every extended period until the next parole hearing, most such prisoners are GUARANTEED more fake RVRs, issued at whim & reprisal, for a guaranteed parole denial at the next hearing. And the next. And the next...

The longer it takes to come clean and rectify this unconscionable scam which benefits only the CCPOA/CDCR, the greater will be the atonement demanded of the California (and federal) taxpayers. 20,000 prisoners deliberately kept in "false imprisonment" for, say, fifteen years beyond their parole release dates, equals 20,000 lawsuits seeking compensation at, say a conservative \$100,000 per year (including punitive damages), equals \$1,500,000 per prisoner, times 20,000 prisoners, equals \$30 billion --the CCPOA will stick the taxpayers with again. Shall we add it to the present budget deficit now, or wait until it doubles or quadruples with the additional years of mass-false imprisonment of California citizens whose prison sentences were already fully served many years ago?

Free Lazor, the author, was never involved in crime in his life; to the contrary, he was a staunch crime-fighter and community leader. 28 years ago, in his 20s, he legally shot a would-be murderer who violently broke into his home and bedroom, and was wrongfully convicted of murder. Had he been paroled when the law required, in 1992, that freedom held the means to prove he was railroaded in one of the worst cases of evidence tampering/"conviction-manufacturing" by corrupt officials in U.S. history. Our communities would be safer and better today for his many social contributions. The CDC-115 RVR scheme has illegally converted his mandatory parole release since May 1992 to "life without parole." Guards have vowed for 26 years to keep his required parole release blocked forever, in retaliation for his efforts to clear his name. An effort that's resulted in never-ending litigations to overcome guards' obstructions, with an automatic byproduct of whistleblowing that exposes their misconduct. Hence, the promise of false RVRs carrying perpetual "life" sentences of false-imprisonment, without a trial, continue presently and without foreseeable end.