



CONFIDENTIAL LEGAL DOCUMENT

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BPH HEARING CLIENT MANUAL & ROAD MAP

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SECTION 1:

THE ROAD HOME™ LAW

POLICIES AND CLIENT RESPONSIBILITIES

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Dear Client, and welcome to THE ROAD HOME™ LAW (TRHL)!

You are about to begin your journey home. This manual guides you through the legal representation in preparation for your Board hearing. To make this process successful, we'd like to establish a few ground rules.

Read This Entire Manual.

To be successful in this process, read and absorb **all** the information in this manual. It is an incredibly valuable resource!

Follow All Instructions.

At all times, closely and carefully read and follow the instructions contained in this manual, and any instructions we give you in a legal visit or in correspondence.

If You Don't Understand Something, Ask.

If you ever have a question about anything contained in this manual or about your legal representation, please reach out to us immediately by phone, U.S. Mail, or through the GTL Getting Out App. Unless it is an emergency, do not ask a loved one to contact us on your behalf.

Communicate With Us and Voice Your Concerns.

Communication is best served when we treat each other with respect. That means giving one another the opportunity to speak and be heard without interrupting. We cannot know your concerns unless you share them with us. So please speak up. If you are struggling, even with a personal issue, reach out to us. It is important we know what is going on with you.

Be Honest and Truthful.

At all times be completely open, honest, and truthful with us.

Listen and Be Willing to Learn.

Although you may not agree with us at times, we simply ask that you listen, remain open to the information offered, and be willing to look honestly at yourself and your life. The more opportunity you give yourself to learn something new, the more you will grow and be successful in your efforts.

Take Charge of Your Freedom.

This process is not about us telling you what to say at your hearing. We are here to help you discover your truth and to speak your truth as only you can. Take this material **very seriously**, and work through it as if your life depended on it, because it **literally** does.

Expect the Unexpected and Embrace It.

We will work with you on very intense levels which you likely have never explored before in your life. You will face memories, emotions, and feelings that you did not realize were there, which are uncomfortable or even difficult to bear. Remember, the only way past it is through it.

SECTION 2:

OVERVIEW OF THE PAROLE HEARING PROCESS

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2.1 INTRODUCTION

Here you find yourself, surrounded by the literal and figurative prison cinderblock walls and barbed-wire fence. If I asked, “What do you want more than anything else right now?”, I suspect you would say, “To get out of prison. To be free. To go home.”

How does one realize that goal when your chance at freedom feels daunting and insurmountable; the road to obtaining your freedom feels mysterious, confusing, and elusive; and the institutional setting places countless obstacles in your path? Regardless of where you are in the parole process, we are here to guide you on your road home. This manual is intended to be a necessary resource to get there, so use it, and use it wisely.

If you have not been working toward your parole release, or, if along the way you got sidetracked from that path, now is the time to get on it, or back on it. This is the time to make your freedom priority **number one**. Keep your attention fully focused on your goal. Don’t allow nonsense to distract you from your course. Whenever you are presented with a choice – no matter how simplistic it may seem – first stop and ask yourself, “If I do _____, or chose **not** to do _____, will it advance my goal of getting out of prison or will it hurt my chance of getting out of prison?”

Don’t buy into the false belief your fate rests in the hands of the Board, the Governor, and those who oppose your release. The truth is you **alone** hold the key which unlocks the prison gates.

Be willing to go where you’ve never gone before. If you are truly serious about obtaining your freedom, you must be willing to delve into deep, dark, ugly, places within yourself which you’ve avoided your whole life. Remember, those places are the doors to freedom.

Because the process can feel overwhelming, focus **solely** on what is within your control and let go of everything else.

Your hearing may be months away, or years down the road. Either way, remember:

- Even in prison time tends to move **very** quickly.
- Time is your greatest ally so use it to your advantage. The more time you dedicate to preparing for your hearing, the greater the rewards.
- If you totally dedicate yourself to this process now you eliminate the stress of frantically preparing at the last minute.

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SECTION 3:

CLIENT ASSIGNMENTS

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3.1 PRIOR BPH HEARING TRANSCRIPTS

Assignment AA-1

NOTE: This assignment is for clients who have had at least one hearing. Even if you have previously read your transcript, you must do this assignment.

We understand that the last thing a person wants to do after a parole denial is relive that experience. So, you've likely never taken a close look at your hearing transcript(s). What you may not realize is you have an **invaluable** resource at your fingertips with vast potential to increase your success at your upcoming hearing. But in order for you to succeed, you must fully understand what happened at your last hearing and why the Board did not find you suitable for parole. Remember, those who do not know history are doomed to repeat it.

Now is the time to put on your objective person cap and approach this assignment as though your friend asked you to read his parole hearing transcript and provide him with objective and constructive feedback. With that mindset, you will first read the transcript from beginning to end. As you go through this first step of reading the transcript, write down anything you notice about the way you feel – both physical sensations in your body and thoughts you are having – as you read it. Write down whatever comes to mind, even if it doesn't make sense or is not a complete thought. Don't censor yourself. Just make a note of what you are feeling and experiencing in that moment.

After you complete this step of the assignment, start from the beginning of the transcript again. For each question posed by a panel member identify any of the following which apply:

1. Do you understand what the panel member is asking you with that question? Keep in mind it may not be obvious so be sure you understand the question before moving on. If you still don't understand the question or cannot identify what information the panel member wanted, just make a note of it.
2. Did you have a different understanding of the panel member's question at the time of the hearing than you do now? If you answered yes, why do you think that is? What do you think affected your ability to understand the question at the time it was asked?
3. Now look at your answer. Identify everything you think is problematic about the answer you gave and explain why you think it is problematic. If it is a long answer, break it down into parts, perhaps taking it one sentence at a time. Consider these questions and answer any that apply:
 - Did you answer the panel member's original question asked? If you did not, be honest with yourself and write down why you think you did not.

3.2 CRIMINAL AND PAROLE HISTORY

Assignment A-1: Review Your Criminal and Parole History Documents

Various records in your prison central file document your history of arrests and criminal convictions, and your conduct while serving a term of probation and/or parole. These documents offer significant clues and guidance to the questions the FAD clinician and the Board will ask you at the clinical interview and during the hearing.

It is crucial you are familiar with the content of these documents, and that you provide TRHL with as much information as possible about this history which may not be contained in these documents. TRHL will provide you with a bound copy of one or more of the following documents in the list below. If you were convicted of more than one crime, you may have more than one of any given document:

- Abstract of Judgment (“AOJ”). The abstract of judgment is the court document summarizing the crime or crimes you were convicted of and the sentence you received.
- Appellate Decision. If you had a trial by jury or judge, you have an appellate decision. The appellate decision is generally more factually reliable than the POR because it was written by the appellate court judges who heard your case on appeal. The FAD clinician and the Board will look to the statement of facts contained in the appellate decision as the “official version” of your crime. This document guides their questions about your crime, and they use these documents to determine your honesty and credibility about your criminal history.
- District Attorney’s Penal Code § 1203.01 Statement of Views. Following your conviction, the district attorney may provide an assessment of you and your crime as well as information concerning the facts of the crime. The DA’s Statement of Views contains the prosecution’s theory of your criminal case. If you do not have a POR, you may have this document instead. Frequently, a § 1203.01 Statement of Views contains information about your crime that is not in the Probation Officer’s Report or in the appellate decision, and therefore cannot be verified by other documents in your file. For this reason, it is important to review this document and determine if there are inaccuracies in it because the FAD clinician and/or the Board may use this information, especially if you do not have a Probation Officer’s Report or appellate decision in your file.
- Felony Complaint and/or Information. These documents recite the crime and/or the crimes the district attorney charged you with. The felony complaint is the first charging document, and it is filed early on in a criminal prosecution. The information is filed after the preliminary hearing.

3.3 CAUSATIVE FACTORS

Assignment B-1: Causative Factors DRAFT

For this next assignment, you will identify the causative factors of the crime for which you are serving your current sentence. First, it is important to understand what the Board means by the term “causative factor”. A causative factor is simply an emotion, feeling, thought, belief, a pattern of behavior, and people, events, and circumstances outside of yourself which led you to commit your crime. The Board is looking for information that helps them understand the “back-story” of your crimes; or, what set the stage for you to commit your crime. If a prisoner can identify the reasons he committed his crime, then he is said to have “insight” into that crime.

You can think of a causative factor in terms of cause and effect: “I became addicted to drugs. To get money for drugs, I broke into people’s houses to steal their belongings. On one occasion, someone was home, and I shot and killed the homeowner. I am now serving a life sentence for murder.” In this example, your addiction led you to – or *caused* you to – commit the crimes of burglary and murder for which you are now in prison. Therefore, your addiction is a causative factor of your crimes of burglary and murder.

Keep in mind causative factors include people, events, and circumstances outside yourself. Let’s return to the above example. Prior to becoming addicted to drugs, you experienced abuse in your home. To cope with that painful experience, you started using drugs as an escape and to be accepted into a particular group. Now, in addition to addiction being a causative factor of your crime, the following are also causative factors of your crime: the abuse you experienced growing up, using avoidance to cope with stress and pain, and the need for the acceptance of others.

Many prisoners commonly invoke the following “causative factors” when discussing their crimes: lack of self-esteem, selfishness, poor choices, anger, impulsivity, stupidity, foolishness, and immaturity, to name a few. But most crimes cannot be explained this simplistically. For example, if you say you committed the crime because of “anger,” you ought to be able to identify the **source** – or **sources** – of your anger. Let’s return to the above example. If you experienced abuse as a child, the source of your anger is likely the person or the people who abused you. It may also be the person or the people who did not protect you from the abuse. The source of your anger may also be the feelings of helplessness, hopelessness, or a lack of control over your life which you experienced when you were abused. This is just one example of the many layers of the sources of your causative factors. I encourage you to drill down so you see the **origin**, or the **root cause**, of each causative factor you identify.

Denial runs deep, whether someone is in prison or is not. In many respects, denial or avoidance of our painful issues is a defense mechanism that shields us from our pain, so we do not have to face it and feel it. So long as denial or avoidance operates in your life, you will not be able to take steps toward freedom.

APPENDIX

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STRUCTURED DECISION MAKING FRAMEWORK CHART

| FACTORS RELATED TO RISK TO REOFFEND: | AGGRAVATING IF: | MITIGATING IF: | NEUTRAL IF: |
|---|--|---|---|
| Comprehensive Risk Assessment (CRA): | CRA rated you as a “high” risk for violence. | CRA rated you as “low” risk for violence. | CRA’s rated you as a “moderate” risk for violence. |
| Criminal and Parole History: | <p>If you have one or more of the following:</p> <ul style="list-style-type: none"> ▪ An early onset of criminality (age 11 or younger). ▪ Multiple crimes with short intervals between. ▪ Crimes escalating in seriousness. ▪ Multiple parole violations or parole revocations. | <p>If you have:</p> <ul style="list-style-type: none"> ▪ No prior criminal history. ▪ Minor infractions with long intervals between crimes. | <p>If you have:</p> <ul style="list-style-type: none"> ▪ Multiple crimes that are minor. ▪ No escalation of severity across crimes. ▪ Long intervals between crimes. |
| Self Control: | <p>If you exhibited poor self-control at the time of your crime(s) as indicated by one or more of these self-control factors:</p> <ul style="list-style-type: none"> ▪ Substance abuse ▪ Poor problem solving ▪ Sexual deviance ▪ Other factors | <p>If you did not exhibit poor self-control at the time of your crime(s) as indicated by one or more of these self-control factors:</p> <ul style="list-style-type: none"> ▪ Substance abuse ▪ Poor problem solving ▪ Sexual deviance ▪ Other factors | Any self-control factors that were present at the time of the crime(s) do not indicate either serious concern for offender lack of self-control or confidence in offender's ability to maintain self-control at the time of the crime(s). |
| Programming: | The CRA identifies risk factors that remain currently relevant. You have not completed correctional programs based on that risk. | The CRA does not identify risk factors that remain currently relevant. Or you addressed those risk factors through active participation and completion of programming. | The CRA identifies risk factors that remain currently relevant. You completed some correctional programs to address those factors, but one or more risk factors have not been adequately addressed. |

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STRUCTURED DECISION MAKING FRAMEWORK CHART

| FACTORS RELATED TO RISK TO REOFFEND: | AGGRAVATING IF: | MITIGATING IF: | NEUTRAL IF: |
|--|---|---|--|
| Institutional Behavior: | Serious misconduct at any point during the current period of incarceration. Or recent misconduct, regardless of severity. | Absence of misconduct plus behavior that goes above and beyond rule compliance (such as meritorious behavior or volunteer work). | No misconduct plus basic rule compliance. |
| Personal Change: Among other things, here the Board is looking at whether you understand why you committed your crime(s), whether you take responsibility for it, and whether you express remorse. | Offender rejects the need for change, has refused programs, or has been kicked out of programming due to noncompliance. Or, despite programming, you continue to express views that demonstrate lack of change. | You have clearly demonstrated change, regardless of whether you completed programs or not. | There is some evidence you've changed since you committed your crime, but that change is not substantial, clear, or consistent over time. |
| Release Plan: | You lack concrete, realistic parole plans and there is a nexus between the lack of a parole plan and your current dangerousness. | You have concrete, realistic parole plans addressing most of the community stability factors (relapse prevention plans, stable housing, prospective employment, and pro-social supports). | You have concrete, realistic parole plans addressing some of the community stability factors but several factors have not adequately addressed. Example: You offer general statements about risk factors ("I need to avoid people, places and things I associate with my drug use") but you cannot offer specific details or strategies to manage those risk factors. |