

LEGAL SERVICES FOR PRISONERS WITH CHILDREN

1540 Market St., Suite 490 San Francisco, CA 94102
Ph: 415.255.7036 Fax: 415.552.3150
www.prisonerswithchildren.org
info@prisonerswithchildren.org

Summer/Fall 2005

The California Habeas Project: Seeking Justice, One Woman At a Time

Flozelle was only 13 years old when she met her batterer. After years spent being burned, stabbed, and beaten, Flozelle killed her batterer in 1986 after he attacked her and their [4] year old son. Nearly 20 years later Flozelle remains incarcerated, despite four approvals for release from the Board of Prison Terms. Even the victim's family supports her release, but her freedom has been repeatedly blocked by the Governor's office. Flozelle's parole release was up for review by Governor Schwarzenegger in July, and the Habeas Project, along with LSPC, coordinated efforts to secure her freedom.



Flozelle

Caroline married her batterer at the tender age of 14 to pay off a debt her parents owed him. Throughout their marriage, Caroline was repeatedly raped and beaten. Among other atrocities, her twin babies were miscarried because he shoved her down the stairs. Caroline was implicated in her batterer's death and received a 25-years-to-life sentence. After spending nearly 23 years in prison she was released last January, thanks in large part to help from the California Habeas Project. Caroline has since been reunited with her loved ones and now enjoys a healthy, loving marriage with her new husband.

The California Habeas Project, co-founded by staff attorney Olivia Wang, assists incarcerated survivors of domestic violence like Flozelle and Caroline by seeking reduced sentences or reversed convictions under Penal Code §1473.5. This statute allows incarcerated survivors convicted of killing their abusers to petition for a writ of habeas corpus if expert testimony on battering and its effects (formerly known as "battered women's syndrome") was not considered in their original trial court proceedings. Several women have been released as a result of their §1473.5 petitions, and many others have been released

PRISON HEALTH CRISIS

A federal judge recently delivered a scathing judgment against the California Department of Corrections and Rehabilitation, in the case of *Plata v. Schwarzenegger*. Citing egregiously poor conditions and numerous preventable deaths, U.S. District Court Judge Thelton Henderson ordered the appointment of a receiver to take over responsibility of prisoner health care throughout the state. He characterized the state of prisoner health care as "terribly broken."

The extent of the receiver's power has yet to be decided, but we are guardedly excited about the potential for improvement in prisoner health that this decision brings. We have been following this case very closely since its inception in 2000, and strongly support the appointment of a receiver.

We would also like to thank the Prison Law Office for their outstanding work as lead counsel in this case. Their tireless commitment to prisoner health has brought about this landmark ruling.

As optimistic as we are about this decision, we know that real change will take time. Even if prisoner health care reaches acceptable standards, people whose lives are affected by incarceration still face many challenges. This issue highlights some of the work we continue to do for prisoner health (pp 2-3), along with our other work: All of Us or None, (pp 3-4) The Habeas Project (this page), and Photovoice (p 4).

through parole and other avenues of legal relief handled by their Habeas Project attorneys.

In addition to accomplishing legal goals, attorneys, law students, staff members and volunteers involved with the Habeas Project strive to achieve social justice on a broader level. "The Habeas Project is a model for social justice efforts across the country. It is about changing lives, uniting families, and being part of a larger movement that addresses ALL types of violence against ALL women. It is about affirming the dignity, the beauty and the gifts of all people," says Olivia Wang.

Aging Inside: LSPC's Older Prisoner Campaign

Paralleling a national trend, the number of prisoners over 50 in the California prison system has risen dramatically in recent years. Reasons for this increase include harsher sentencing laws and an unwillingness on the part of policy makers to release inmates approved for parole. Older prisoners require correctional systems to spend three times the amount of money than younger prisoners largely due to higher health care costs. Studies also find that older prisoners have an extremely low recidivism rate. Finally, older prisoners endure a unique set of challenges and abuses as they age behind prison walls. As the numbers of incarcerated seniors continue to soar, state policy makers and the general public must examine whether the continued incarceration of this population represents sound public policy.

In response to this crisis, LSPC initiated an Older Prisoner Campaign last year, focusing specifically on the conditions for aging and elderly women prisoners. In collaboration with women prisoners and geriatric health professionals, LSPC surveyed hundreds of women prisoners over 55 incarcerated throughout the state. Three-quarters of women surveyed were serving either 15 years-to-life or life without possibility of parole and nearly half have been imprisoned for more than 15 years. We are currently in the process of writing a report based on our findings which we intend to distribute to legislators, prison officials, and allies in the elder rights community.

Our investigation revealed that prisons are uniquely unsafe for older people. For example, due to the lack of a retirement age policy nearly all older prisoners must work, often beyond their physical abilities. While aging prisoners share the same challenges faced by elders on the outside, older prisoners must also contend with prison rules which require them to drop to the ground for alarms, climb onto top bunks, and undress for strip searches. Also, older prisoners surveyed frequently described feeling unsafe and living in fear much of the time and reported a pervasive fear of abuse, both from fellow prisoners and staff. Finally, older prisoners indicated that they rely in particular ways on the support of family and friends to survive the challenges of prison life. However, this support is more and more difficult to sustain over time.

Given California Department of Corrections and Rehabilitation's failing medical system, the enormous cost to the state, extremely low recidivism rates and the violations of basic human dignity that remain part and parcel of the imprisonment of elderly persons, LSPC's primary recommendation centers on reducing the number of older prisoners in California through a combination of early release programs like the current compassionate release law and expansion of community-based alternatives to incarceration.

At the same time, we also support some short-term policy changes that may ameliorate some of the day-to-day hardships facing incarcerated seniors, but recognize these changes represent band-aids on a lethal wound. Policy makers must acknowledge that California's current prison system and draconian tough-on-crime policies fail to create safe communities.

LSPC Pregnant Prisoner Campaign Takes Off

"On 9/7/04, Antoinette went for a prenatal check up at VSPW and was sent to the hospital because she was beginning to dilate. She was shackled by her ankle to the gurney on the way to the hospital, not shackled while being checked in the ER, then shackled for the next 3 weeks while waiting to go into labor. ... [S]he was shackled to the bed and had to ask to go to the bathroom or to turn over. She was minimum security this whole time, already endorsed to the mother-infant program."

from Karen Shain's testimony to California's Senate Public Safety Committee, June 2005

LSPC has engaged in a partnership with five students from San Francisco State's School of Public Health who have embarked on a three-semester project to investigate the health needs of incarcerated pregnant women. We are currently working on four fronts:

***California State Legislature:** We are working closely with State Assemblywoman Sally Lieber, sponsor of AB 478. This important bill provides for minimum standards of care for pregnant incarcerated women: prenatal medical care as needed, including vitamins and special diets; dental care, including at least one cleaning during the course of the pregnancy; and an end to shackling of women during transport and delivery, unless there is a pressing security need.

***Dental care for pregnant prisoners:** This spring LSPC began a partnership with five students from San Francisco State University's Masters in Public Health (MPH) program. The group will focus on dental health for pregnant women incarcerated at VSPW. They have already spent one semester with us, and will continue through Spring 2006.

Dental care was chosen as the focus of this project because oral health can have a drastic impact on the health of both infants and mothers. Infections in the mouth can trigger a hormonal imbalance that causes pre-term deliveries, resulting in low birth weight, pre-eclampsia, and an overall higher chance for infant mortality.

The goal of the program is to improve dental care for pregnant women in California prisons and protect the health of their babies.

*Alternatives to incarceration: In the mid-1980s, the California legislature instituted the California Prisoner-Mother Program (CPMP). The CPMP is designed to be an alternative to incarceration for pregnant women and those with children under six years old who fit a set of criteria. Currently, the program has three facilities and houses up to 70 women and their children. This year, we began looking at these facilities in order to understand how they function and what the conditions of confinement are for these women and their young children. We plan to offer suggestions for improvement and possibly expansion to the legislature during the next session.

*Individual advocacy: We are meeting individually with pregnant women at Valley State as well as at the CPMPs to ensure that they get proper medical and dental care and that they have workable plans for the future of their babies.

Our work in support of pregnant and post-partum incarcerated women can be heartbreaking at times, but we are continually impressed by the strength and determination of the women we work with.

GIFT Sponsors LSPC Fundraising Interns

by Natali Smith

From September 2004 through February 2005, I had the pleasure of being the Grassroots Institute for Fundraising Training (GIFT) intern at LSPC. GIFT's goal is to build the capacity of progressive organizations to raise money and to increase the number of people of color in fundraising. GIFT approaches fundraising from a justice orientation. Their focus on people of color is a direct response to racial inequality. They seek to decrease organizations' dependence on foundation funding by helping non-profits like ours develop a broad base of individual donors to support their work. (This fall, LSPC will be welcoming a new GIFT intern, Manish Vaidya.)

I had been volunteering at LSPC for a year when I started my GIFT internship, and was dedicated to learning about fundraising so that I could give to LSPC in a different way. As an activist, I had engaged in various fundraising activities, but had never taken the time to learn the principles and politics of fundraising or how essential it is as a partner to organizing. I was able to learn all of these skills as I supported LSPC, and it was a fantastic experience. I met a goal that I set for raising money from a letter to our supporters in November, and in the process I connected with many folks who believe strongly in our work.

At the end of my six-month internship, I was sad to leave the work behind, but I continue to feel deeply grateful to everyone who supported my learning process. It felt wonderful to be raising money with a unique perspective that served our work. At LSPC, I was constantly reminded that fundraising is not only about money, but building relationships and supporting justice for prisoners, former prisoners and families.

All of Us or None's Activities Gain Support and Recognition

We are proud to announce that All of Us or None organizers Linda Evans and Harriette Davis were honored as Change Agents July 16th at the Senior Ex-Offender Program "In the Trenches" awards banquet. All of Us or None has also been presented certificates of appreciation and honor by numerous individuals and organizations, including Mayor Gavin Newsom, Senator Barbara Boxer, and U.S. House Minority Leader Nancy Pelosi.

Since 2003, All of Us or None has been actively fighting discrimination against people who have been in prison. During the last six months, we have seen many of our programs blossom and begin to bring about real change. Last year's Peace and Justice Community Summits in Oakland, San Francisco, and East Palo Alto opened up the possibility of new collaborations with elected officials, community leaders, and community-based organizations. We are moving forward with the demands we presented at the Summits:

- 1) End all forms of discrimination against people with criminal records.
- 2) Reject the lifetime ban on welfare and food stamps.
- 3) Implement the Bill of Rights for Children of Incarcerated Parents.
- 4) Shut down California Youth Authority; eliminate use of gang databases.
- 5) Ban the Box requiring disclosure of criminal records on applications for public employment and subsidized housing.
- 6) Increase support services for people coming out of prison.

In San Francisco, All of Us or None has been working with the Human Rights Commission, seeking their support for our BAN THE BOX resolution - an effort to eliminate the box requiring disclosure of past criminal records on public employment and housing applications. We have organized numerous community endorsements and publicized the effects of discrimination on our communities. In September we expect that these resolutions will be presented to the San Francisco Board of Supervisors, and we will present formerly-incarcerated people to testify. We will be initiating similar campaigns in East Palo Alto, Oakland, Berkeley, and Alameda County.

When Oakland Mayor Jerry Brown instituted a curfew against people on state parole and probation, All of Us or None and Critical Resistance mobilized to demand jobs and housing for these people, instead of house arrest. We wrote an Opinion Editorial that was published in the San Francisco Chronicle and organized a protest that symbolically locked Jerry Brown into his house at 10 p.m. We also organized a job line at City Hall after Brown's aide said the City would hire formerly-incarcerated people. Though the City of Oakland still discriminates against people with criminal records--the City Council has rejected

recent efforts to secure city employment for parolees--but we are confident that this fight will be won.

We have also been working with the ACLU of Northern California to form a voting rights coalition that will inform prisoners in county jails that they retain their right to vote. Before the 2004 elections LSPC Program Director Dorsey Nunn received official notice from the Secretary of State that county jail prisoners DO retain the right to vote, regardless of their convictions. Now we are working to guarantee that county sheriffs inform prisoners of their rights and ensure that their votes are collected and counted.

Another task that All of Us or None has undertaken is organizing a series of Criminal Records Summits that inform people with criminal convictions of remedies that may dismiss past convictions. The remedies are limited, but do allow people with convictions to answer NO to the question "Have you ever been convicted in a court?" on applications for employment and public services. This initiative started with a Criminal Records Summit at Laney College, sponsored by Congresswoman Barbara Lee, organized by East Bay Community Law Center, and

attended by over 900 people. The Laney College Summit was followed by informational seminars in East Palo Alto and San Jose, with another scheduled for August 27 in East Palo Alto City Hall. The existing remedies are so limited that many people are ineligible for relief, but we are also mobilizing to demand significant changes in the laws governing criminal record clearance procedure.

More and more people are active with All of Us or None, and we are building chapters in Santa Cruz, East Palo Alto, and Los Angeles in addition to our Bay Area chapter and others around the country. Los Angeles organizers recently held a Peace and Justice Summit in Watts, and organizers in San Bernardino are planning a similar Summit for November. We are working statewide to



All of Us or None members in East Palo Alto

achieve our demands, and we are already making a difference. One of our most important accomplishments is that formerly-incarcerated people are finally finding our own voice, and speaking out LOUD and CLEAR about our needs

PhotoVoice Project Continues

LSPC's Family Advocacy Network has developed an inter-generational project to document the effects of incarceration



*"Everyday at least one person gets arrested. Everyday I see a person on the corner, drunk or high."
- Ruby Villaneuva*



"To think that some day when they grow up, instead of playing with each other they might be fighting each other, or one of them might end up in prison." - Erika Navarro

on communities that are particularly impacted by the prison industrial complex. The participants in the project, called Photovoice, use cameras to paint a picture of what they see happening in their communities as it relates to the larger theme of the impact of incarceration in their individual lives, families and larger communities.

Photovoice is a way to involve members of a community in shaping the policies and programs that affect their lives by visually documenting the community's strengths and concerns. Photovoice provides a space in which people who have been

traditionally shut out of power can articulate a collective voice and develop their visions of what is possible. Photovoice projects are designed to open up discussion about important community issues through large and small group discussion of the participants' photographs. It is also about relating to root causes, developing solutions and strategies, and documenting the mental, physical, and spiritual health of affected communities.

Our first Photovoice project was with a group of women from A New Way of Life, a transitional home for recently released women re-entering their communities. The second phase of the Photovoice Project took place at Oasis High school, a charter school in East Oakland. Over a four-week period, staff member Maisha Quint worked with 5-7 youth every week, ranging in age from fifteen to eighteen years old. Much like the first phase of the project, the youth participated in weekly discussions about their photographs facilitated by Maisha. The pictures that they took are incredibly powerful, and cover a wide range of issues all related to the impact that incarceration has on their communities.

This phase of the project was incredibly rewarding, not only for the youth participants but also for Maisha. The youth participants have chosen six final pictures, and we are currently working with a graphic designer to combine the students' thoughts with their photographs. We will celebrate the end of this phase of the project with a small exhibit of their work.

Prison Visitation and Correspondence Laws

In May 2003, new regulations restricting visits between prisoners and minor children went into effect. Since that time, LSPC staff attorney Cassie Pierson has received hundreds of letters, phone calls and e-mails from prisoners and family members who have been affected by the new restrictions. There are now at least 70 prisoners and/or family members who are sending LSPC copies of their 602s (grievances), habeas petitions, letters to wardens and other examples of how they are attempting to challenge this regulation.

While LSPC does not have the capacity to initiate any litigation about this issue, we will continue to advocate for our 70+ "clients" by contacting CDCR officials on their behalf and by maintaining files for each affected prisoner so that his/her important documents are not "lost" or destroyed. LSPC's most recent communication with the CDCR regarding this issue, was a five-page letter to Director Jeanne Woodford calling for an immediate suspension of section 3173.1 and asking for a meeting with her to discuss this troubling regulation. Unfortunately, Ms. Woodford has not favored LSPC with a response.

New and Departing Staff

Staff Attorney Olivia Wang left us to travel with her partner throughout Central and South America. She started in 2001 as a Domestic Violence Program Coordinator, and founded The Habeas Project. She was instrumental in winning the release of several women from prison for crimes connected to domestic abuse. Olivia received the Jefferson Award for public service in June, in recognition of her success and dedication to the cause of incarcerated survivors of domestic violence.

Olivia will be deeply missed, and we wish her the best of luck and success in the future. Former intern Marisa González will replace Olivia in September.

Also leaving LSPC, but not leaving us entirely, is Yvonne Cooks. After serving as Community Liason and Intern Coordinator for 2 1/2 years Yvonne has taken her skills to the California Coalition for Women Prisoners, where she will serve as Director.

We will certainly miss Yvonne's skills and dedication at LSPC, but could not imagine a better leader for CCWP and are excited that

she will be continuing to work for social justice.



Tony Coleman

Joining the All of Us or None project is Tony Coleman. Tony has been a community organizer since 1996, working for the rights of people affected by incarceration.

Tony was a co-founder of the Thirdeye Movement, a hip-hop activist organization that succeeded in getting a killer cop fired in 1997. Tony will be working to build a stronger youth contingent within All of Us or None.



Aaliyah Muhammad

Aaliyah Muhammad has taken over as intern coordinator and community liason, replacing Yvonne Cooks.

Aaliyah says: "I've met so many dedicated, positive and productive people, staff, interns as well as vol-

unteers since working here. I am very happy and blessed to know and work side by side with these good folk."

Thank you Interns!

This summer, five law students and two undergrads spent June and July working for LSPC. In exchange for their hard work, we provided them with legal and advocacy training. Their work was invaluable--without the work of interns, we could provide only a fraction of the services that we do. Like all of our interns, we hope that Jessica, Caitlin, Amanda, Andras, Jacqueline, James, and Nicole left their summer at LSPC with an appetite for public interest work!



LSPC's summer 2005 Interns (left to right): Jessica, Caitlin, Amanda, Andras, Jacqueline, James, and Nicole.

Recent and Upcoming Publications

Here at LSPC we are constantly updating our printed materials and sending them off to prisoners, their families, and other interested community members. We send everything to prisoners free of charge, and ask for a donation on some of our larger manuals.

Our publications include:

**Fighting for Our Rights, a toolbox for family advocates (also in Spanish)*

**The Incarcerated Parent's Manual (also in Spanish)*

**Manual for Grandparent-relative Caregivers (also in Spanish)*

**Bill of Rights for Children of Incarcerated Parents*

Also coming in Fall 2005:

**Marriage Dissolution Manual for Incarcerated People*

**Pregnant Women in California Prisons and Jails: A guide for prisoners and advocates.*

LSPC Founding Director Ellen Barry Nominated for Nobel Peace Prize



Ellen Barry

We are honored to announce that founding director Ellen Barry was selected as one of 14 Bay Area women to be among the '1,000 Women for Nobel.' As a member of this prestigious group Barry's name has been submitted to the Nobel Peace Prize selection committee.

The honor of her selection was reported in the San Francisco Chronicle. She summarized her belief in the importance of her work: "Without a system of justice that all of the population can believe in and accept as equitable and fair, the U.S. will never be able to achieve peace within its borders and will never be able to defend a position of peace around the world."

Donate to LSPC!

Grants from a wide variety of foundations pay for some of our work, but donations from individuals like you play a vital part in continuing the work we do at LSPC. Every contribution - whether \$1000, \$100, or \$10 - enables us to continue the advocacy and organizing work that has brought LSPC respect and appreciation for over 27 years.

Your contributions make it possible for us to continue all of the work outlined in this newsletter, including our Older Prisoner Campaign, the Habeas Project, All of Us or None, Photovoice, our Pregnant Prisoner Campaign, creating and distributing publications, and mentoring volunteers and interns.

We could never have begun this work without the support of donors like you, and your continued giving will ensure that these programs and others like them continue to make a difference in the Bay Area and around California. Now more than ever, the work we do is vital, both in the lives of the individual people in prison who we work with, and in local and global movements for justice.

In the words of former intern Natali Smith, "Donations to LSPC are more than just money changing hands, it's hand in hand collaboration and support. Please give generously."

Sasha Vodnik
Technology & Development Coordinator

Legal Services for Prisoners with Children
1540 Market Street, Suite 490
San Francisco, CA 94102