



LEGAL SERVICES FOR PRISONERS
WITH CHILDREN

Annual

JUSTICE JOURNAL

Advocacy

Grassroots Organizing

Movement Building



Are We Truly Citizens?

Published Fall 2014



By Dorsey Nunn

In 2013 a formerly incarcerated person was indicted in Alamance County, North Carolina...for vot-

ing. The indictment alleged he had voted in the 2012 general election despite being previously convicted of selling marijuana, "which excluded him from the right of suffrage, to vote at any election without having been restored to the right of citizenship...prior to voting."

This raises a deeper question around not just the voting rights of formerly incarcerated people (who are disproportionately from underclass communities of color), but the more fundamental question of our citizenship. Many of us believe that what makes us a citizen is the right to vote. But for me, voting rights is shorthand for many other problems I experience as a formerly incarcerated person.

Citizenship is not just about voting – it is also about sitting on juries, running for office ourselves, and having representation that truly reflects the interests of our communities. By these measures, are we actually citizens at all? This question should act as a bridge between black and brown communities, and our struggles with prisons and detention centers.

We have a community upwards of 65 million people born in this country for whom the state

has made the full range of citizenship rights permanently out of reach. Once we have a conviction history, we are structurally excluded from meaningful participation in the democratic process for the rest of our lives. This looks a lot like the situation that ignited the Boston Tea Party – taxation without representation.

Our exclusion from the democratic process denies our communities and society at large the benefit of our knowledge and experience, particularly on issues related to incarceration and punishment. It results in policies like Three Strikes, the death penalty and other "tough on crime" initiatives that devastate a disenfranchised underclass. We have lost the right to have a say in who sits on the Board of Supervisors, how our children are educated, and how the police behave in our communities. Candidates for District Attorney or Attorney General don't campaign in poor neighborhoods of color.

In addition, our disenfranchisement bars us from direct input on massive shifts in public policy, like marijuana legalization. Young black men like the one above, indicted for the "crime" of voting after a conviction for selling marijuana, will have no voice in shaping new policies around marijuana laws. As a result they will undoubtedly be excluded from profitable marijuana-related business ventures, perpetuating an economic undercaste when we could create opportunity for com-

munities of color.

So our struggle for voting rights goes far beyond simply voting – formerly incarcerated people, particularly from communities of color, are still fighting for the fundamental rights of citizenship. Most especially, we want to be able to vote for people from our own community who will truly represent our interests!

That's why LSPC is actively engaged in both incremental reform via our voting rights lawsuit (see page 2) as well as empowering people in communities most directly impacted by incarceration – the people who best understand the impact of conviction and incarceration on citizenship. Both our Policy Academy and the All of Us or None Freedom School are working to develop savvy leaders who will speak out about and organize against these injustices.

We're grateful for all your support as we continue to challenge the dominant paradigm that upholds mass incarceration and the punishment system.

Are you on our email list?

Sign up now at www.prisonerswithchildren.org to receive action alerts and our monthly e-newsletter, with regular updates about policy work, community organizing and analysis on movement strategy. We never share our email list with others so your privacy is assured.

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LITIGATION

Fighting Solitary Confinement

By Carol Strickman



LSPC continues to fight prolonged solitary confinement at Pelican Bay State Prison through its contribution to the federal class action lawsuit, *Ashker v. Brown*. Filed in 2012, the suit challenges the constitutionality of procedures governing the detention of hundreds of state prisoners in isolation. The trial is scheduled for December, 2015. Most of our ten plaintiffs have been deposed by opposing counsel and interviewed by the defendants' mental health expert.

Since this suit was filed, the California Department of Corrections and Rehabilitation (CDCR) has instituted new regulations governing detainment in solitary confinement, and is conducting case reviews of prisoners currently in isolation. While the department does not admit it had employed illegal and ineffective policies for decades, it is now releasing almost 70% of reviewed prisoners to general population. Two of our ten plaintiffs have been transferred to general population.

Despite these welcome developments, the new regulations do not significantly address the constitutional issues we are raising in *Ashker*, nor the core demands of the prisoners. The SHU cells are still at full capacity, due to new transfers. Thanks to public awareness and pressure sparked by the massive peaceful hunger strikes of 2011 and 2013, hearts and minds are changing, but prolonged solitary confinement under harsh conditions remains a cornerstone of prison policy. Our work on *Ashker* and our daily advocacy continues to fight this.

Expanding Voting Rights for Formerly Incarcerated People

By Jesse Stout

In February 2014, LSPC as co-counsel with the ACLU, the Lawyers' Committee and other organizations filed *Scott et al. v. Bowen*, challenging Secretary of State Debra Bowen's claim

that people being supervised by counties after release from jail (mandatory supervision) or prison (post-release community supervision) cannot vote. The California Constitution only disenfranchises people in prison and on parole. Plaintiffs include All of Us or None and Dorsey Nunn, among others. Although an Alameda County court ruled in our favor in May 2014, the victory is stayed pending the Secretary of State's appeal. We will respond to the appeal, and continue challenging Secretary Bowen's unconstitutional claims.

Supporting Fatherhood for Incarcerated Men

By Jesse Stout

In 2011, CDCR implemented the Alternative Custody Program (ACP), allowing incarcerated parents to finish their sentences on electronic monitoring while living with their children. Over 400 female prisoners with children have been granted ACP, but the program is not currently available to men with children.

In July 2014, LSPC partnered with Rosen Bien Galvan & Grunfeld to file *Sassman v. Brown* in federal court. The lawsuit seeks to expand ACP by challenging CDCR's gender-discriminatory implementation on the grounds that it violates the U.S. Constitution's Equal Protection Clause.

LSPC Mission

LSPC organizes communities impacted by the criminal justice system and advocates to release incarcerated people, to restore human and civil rights and to reunify families and communities. We build public awareness of structural racism in policing the courts and prison system and we advance racial and gender justice in all our work.

Our strategies include legal support, trainings, advocacy, public education, grassroots mobilization and developing community partnerships.

Updates

By Jesse Stout

Legal Services for Prisoners with Children strives to amplify the voices of people who are directly impacted by punishment system policies, including those who are or have been incarcerated and their families. We support policy advocacy to stop jail construction, create alternatives to incarceration, improve conditions of confinement, reduce the number of incarcerated people, maintain family unity, end discrimination against formerly incarcerated or convicted people and increase reentry opportunities. Here are some recent victories:

Ban The Box for Government Employers

In 2013, LSPC successfully co-sponsored AB 218, “Ban the Box,” with All of Us or None, PICO and National Employment Law Project. After all of our hard work, the law came into effect in July 2014. Now, under new California Labor Code §432.9, government employers cannot in-

quire about an applicant’s conviction history until after determining they meet the job’s minimum qualifications. This means initial state, county, city and special district job applications can no longer ask “Have you been convicted of a crime?” These public employers can still ask about conviction history or perform a background check after an interview or a conditional job offer.

Anti-Shackling Legislation

LSPC continues to follow up on the 2013 legislation we co-sponsored forbidding shackling of pregnant women. Our 2014 report *No More Shackles* (available on our website) details the results of work contacting the sheriffs of all 58 California counties to request their compliance.

Public Benefits for People with Drug Convictions Restored

For over a decade, LSPC has worked with a diverse coalition to gain people with felony drug convictions access to CalWORKS (welfare)

and CalFresh (food stamps). This year, we succeeded. The new state budget signed in June 2014 restores these critical public benefits starting **April 1, 2015**. Please help spread the word that people who have been convicted of drug felonies are eligible for food stamps and CalWORKS starting April 2015!

Alternative Custody Programs Expanded

LSPC successfully advocated for more parents to have access to Alternative Custody Programs (ACPs), programs that allow incarcerated parents to serve part of their time in the community with their children. The new state budget allows county sheriffs to create county ACPs.

These county programs can include living at home, or in a facility such as a drug treatment program. You can contact your own county sheriff to ask whether they have implemented an Alternative Custody Program under Penal Code § 1170.06 yet.

“We Have the Right to Remain Unsilent!”

“I’m here so I can feel like I’m part of a change, to help ourselves and others who’ve been caught up in the legal system to feel like humans once again rather than animals.”

—Mauricio with Fathers and Families of San Joaquin; 2014 Quest for Democracy Day

By Jesse Stout

Formerly incarcerated and convicted people and families with incarcerated loved ones are uniquely positioned to educate policy makers and the public on necessary systemic changes, but too few are trained to lead advocacy efforts. That’s why LSPC launched the Policy Academy in 2014, a leadership development program providing participants from directly impacted communities with the skills to lead state policy advocacy campaigns.

LSPC has held Policy Academy workshops with organizational partners in Los Angeles, Sacramento, Stockton and East Palo Alto. The

Academy provides training in the legislative process, and keeps graduates connected with mentorship, advocacy updates and our annual Quest for Democracy (Q4D) held each spring. Q4D is a statewide advocacy day in Sacramento that includes presentations by legislators, advocacy training and legislative visits.

The next Policy Academy is scheduled for October 11, 2014 at Starting Over, Inc. in Riverside, CA. For more information please email jesse@prisoner-withchildren.org. See the LSPC website for additional training dates.



Harriette Davis with Jacquena Matthews and Robert Spells from Homeboy Industries in Los Angeles studying legislative information at 2014 Quest for Democracy

Photo: Pochoi

ALL OF US OR NONE

We Are PEOPLE, Not Labels or Numbers!



By Manuel LaFontaine

As a conscious formerly imprisoned person, I recognize the impact of language on my freedom, survival and dignity. There's a significant difference between being characterized as an ex-offender or a formerly incarcerated community organizer. The former almost forced me into the underground economy in order to survive, while the latter provided me with real opportunities for employment, housing and a truly sustainable life.

Upon my release over eleven years ago, I immediately discovered that most employers and landlords were afraid to take a chance on those they saw as "ex-offenders" or "ex-cons." But once they got to know me as a person, their attitudes changed. Our current landlords, for example, opened their home to my family despite their knowledge of my conviction record. They saw us as parents, as friends of friends and ordinary people – one of whom, in my case, had made a mistake at a young age.

Unfortunately, not everyone believes that survivors of imprisonment deserve basic human rights. Even if the crime was possession of a controlled substance for personal use – a public health issue – the associated stigma can be too daunting for people who do not understand the realities of incarceration.

Many of us believe that language is key to addressing that stigmatization. That's why critically conscious formerly incarcerated people – many

of whom are now parents, aunts and elders – urge supporters to avoid terms like "ex-offender," "ex-felon" and "ex-con." These characterizations limit a person to their past behavior rather than overall character, and prevent us from being treated as human beings. Although we may have been to jail or prison, our lives are much more than the sum total of our past indiscretions.

We ask all who support our struggle towards the full restoration of our rights to use language

that reflects our humanity and does not undermine our ability to survive post-incarceration. The operative word should be "PEOPLE."

We prefer *formerly* or

previously incarcerated person for those on the outside, and *incarcerated person* or *captive* for those of us still trapped in the punishment (aka "criminal justice") system. This language will aid the shift in consciousness needed for All of Us or None campaigns to have long-lasting, meaningful effects.

With your support we will continue to remove barriers to employment, housing, civic engagement and other survival needs so that we – collectively and not just individually – are a step closer to restoring our dignity.

"They can kill an ex-offender, inmate, or parolee, but it's harder to get away with the murder of a father, mother, or son."

— Anonymous formerly incarcerated person

LANGUAGE MATTERS

Words to Use When Talking About Mass Incarceration

AVOID	SAY
Convict, Inmate, Offender, Thug, Criminal, Felon, Prisoner ❌	Incarcerated Individual/Person ✅
Ex-con, parolee, ex-offender, ex-inmate ❌	Formerly Incarcerated Individual/Person, Returning Citizen ✅
Criminal Justice System ❌	Punishment System ✅

Words Are Powerful
They Inform How We Think About & View Others

Source: Education From The Inside Out, www.eiocoalition.org



In Loving Memory of Edwin "Eddie" Ellis, who made a powerful contribution to our struggle with the use of language that promotes our humanity.

1941-2014

Rest in Power Comrade

New Organizer Brings Youth Focus



By Alexandra Berliner

As the new organizer for All of Us or None, I'm excited to increase the participation of youth in our work. I'll be working on policy tracking and pushing forward the Clean Slate campaign to seal juvenile records. With my experience in out-

reach and my new position representing the Mission District on the San Francisco Youth Commission, I'm also striving to strengthen our base-building among SF/Bay Area young people. If you're a youth or know of any who are interested in joining the movement, contact me at alex@prisonerswithchildren.org to learn more about how to get involved.

FAMILY UNITY PROJECT

Throwing a Lifeline to Jailhouse Lawyers

By Brittany Stonesifer

“Lifelines: Protecting the Rights of Incarcerated Parents and Their Children” is a family law course designed by LSPC to inform incarcerated women of their rights as parents, and to help them become advocates in the areas of custody and visitation. Too often, women who do not receive family law information soon after their arrest lose their children solely by virtue of being incarcerated. Receiving this information promptly can mean the difference between family ties being devastated or maintained during incarceration.

“Lifelines” includes practical information on how women can represent themselves in court as well as parenting skills-building exercises. It also empowers women to become jailhouse lawyers, helping other women to keep and maintain relationships with their children. Taught last year in county jail, this year, with the assistance of LSPC staff and community members, “Lifelines” will expand to a two-day workshop for state prisons.

Supporting Incarcerated Women and Their Children



By Harriette Davis

In 1983 I was sentenced to six years in prison. At seven and a half months pregnant with two older children, I was scared about how that separation would affect them – that no one could take care of my children and love them the way I would. I wanted to be able to breastfeed, swaddle, rock, cradle, sing to, play with and just care for my baby and children.

My oldest children were traumatized by the fear of my upcoming imprisonment. When I found out I could actually have my baby with me in a community-based mother-infant program instead of in prison, I knew my baby was going to be okay. I eventually got into the program with my youngest child, and was close enough to have regular visits with my other

children – a tremendously positive impact on all our lives.

When I was released I worked with LSPC and other organizations to help expand the mother-infant program and other alternative sentencing programs. At one point there were six mother-infant facilities in California, with many women on the waiting list. Today there is only one.

Pregnant and parenting woman have always been important to LSPC, as seen most recently in our work to stop shackling of pregnant incarcerated women in CA.

In response to the voices of incarcerated women, this fall we will convene formerly incarcerated people, their family members and allied organizations to strategize on improving health care, conditions of confinement, and increased access to alternatives for pregnant and parenting women. Contact me at harriette@prisonerswithchildren.org to get involved.

Legal Training Helps Keep Families Together

By Carol Strickman

Incarcerated and recently released people face many family law issues, ranging from establishing parental and visitation rights to reunifying with minor children upon release. The prejudice they face based on convictions and/or incarceration adds to their difficulties. Both civil attorneys and parents who represent themselves in court need information and resources to get the best outcome.

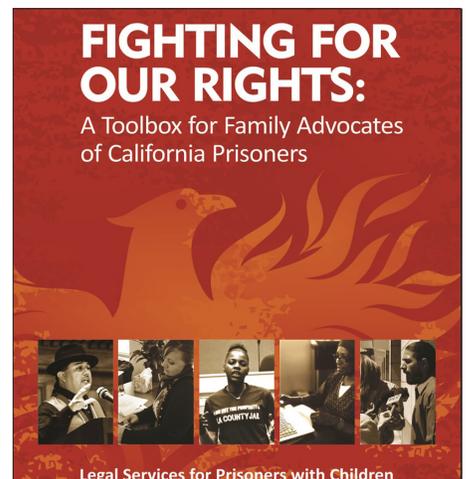
To address this need, LSPC regularly leads training workshops around the state for legal aid attorneys, court staff and other attorneys involved in this work. Most recently, LSPC’s full day reentry law conference in San Di-

ego, “Seize the Moment,” included a family law panel, and we will convene another panel of experts on family law in Los Angeles later this year.

Please contact me at carol@prisonerswithchildren.org or Brittany Stonesifer at brittany@prisonerswithchildren.org for details.

Our manuals on family law continue to help attorneys, incarcerated people, and their loved ones.

Since 2012, we have produced four new manuals, and are in the process of updating our most popular one, *The Incarcerated Parents Manual*.



Cover of LSPC’s most recently updated manual. All our manuals are available on our website, www.prisonerswithchildren.org

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Autodesk
Beasley Books
California Prison Focus
Californians for Safety & Justice
Carpenter & Mayfield
California Coalition for Women Prisoners

LSPC INTERNS

Turning Theory into Practice

Interns Share What They've Learned:

“LSPC has shown me it’s possible to push for immediate change in the prison system without compromising your commitment to an entirely different vision of justice, and that’s something really valuable that I can bring to future work on and off campus.”

—Emma Hartung

“After learning so much from LSPC, I’m bringing a more informed perspective to my conversations with family and friends around the prison system, and a level of respect for the dignity of incarcerated people that is often missing.”

—Angela Chung

“The stories and voices of the incarcerated community are crucial in the success of the prison resistance movement, and LSPC has reinforced the importance of listening to those voices within my own life and community.”

—Taylor Mack

By Bailey Miller

Last year, I discussed institutional racism, income inequality and draconian drug policy in stone classrooms that are hundreds of years old. When relatives asked why I found fault with our prison system, I responded with sentencing statistics from my last paper and a quote from Foucault about discipline and state repression.

On the first day of my summer internship at LSPC, I was shocked to hear Executive Director Dorsey Nunn encourage us interns to actively offer solutions to the injustices LSPC was working to address. After looking around the room at the remarkable people who had just introduced themselves, I was still skeptical that a group of young people could possibly contribute anything of value. But Dorsey was adamant, saying we had something different to offer, like new ideas and valuable perspectives.

Soon, I realized Dorsey’s statement that we had the potential to change things for the better wasn’t just a suggestion – it was a call to action.

This summer at LSPC has taught



2014 Interns, left to right: Emma Hartung (Stanford University), Bailey Miller (Vassar College), Jennifer Doan (UC Berkeley), Taylor Mack (College of William and Mary), Ashwini Velchamy (American University), Clint Christofferson (UC Hastings), Angela Chung (UCLA)

me the importance of a harmonious relationship between theory and practice. When I return to those stone classrooms, I’m going to talk about the organizers I met who are fighting for justice in their communities, and the letters I read from incarcerated people who are fighting for their basic human rights inside. I’m going to tell my relatives about the horrors I heard about solitary confinement and my friends who are impacted by the policing of entire communities.

Instead of Foucault, I’m going to quote Dorsey.

Community Giveback: Bringing Smiles to Their Faces

The holiday season is one of the most frustrating and isolating times for those of us behind prison walls. We’re missing everything and everyone we love on the outside even more at that time.

The annual “Community Giveback in honor of Robert Moody” gives bicycles to children who have incarcerated parents & grandparents. One of the most important features of this project is that the children are given the bicycles on behalf

of their incarcerated parents. We all benefit from this gesture of love and selflessness.

The Community Giveback is 100% supported by your donations and volunteer labor. It is held every December on the second Saturday. Further details will be posted on the LSPC website closer to the event.

Please contact Hamdiya Cooks-Abdullah for more information about how to support this project. 415-255-7036 ext. 315.



Dorsey with participants at the 2012 Community Giveback

Network on Women in Prison

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San Francisco, CA 94102



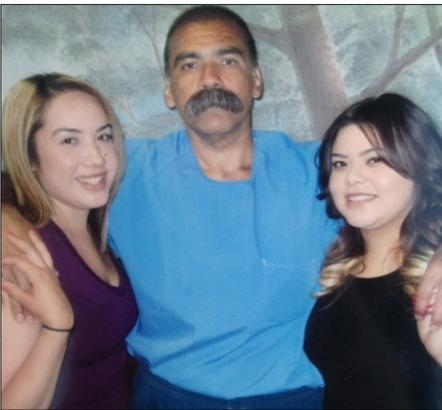
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We believe in the human dignity of people in prison and recognize that they come from and are part of our communities.

SHU Survivor Reunites with His Daughters

Gabriel Reyes is one of the plaintiffs in the solitary confinement lawsuit (see page 2). After 18 years of resisting SHU torture, he is now in general population. This is an excerpt from a longer article Mr. Reyes sent to LSPC. You can read it in its entirety at www.prisonerswithchildren.org.



By Gabriel Reyes

During the 2013 hunger strike, for 59 days I willingly put my mind and body to the test and my life on the line! We looked death in the face and laughed each day, knowing the cause

we stood for was bigger than any one life, and we all were willing to give that life if necessary.

Because of this extraordinary unity never before seen in California state prisons, I stand here a proud participant of the struggle, and free from the cruel and unusual conditions of the home of the living dead at Pelican Bay SHU. I can now receive contact visits with my daughters, mom, family and loved ones!

Holding my daughters in my arms was overwhelming. My mind and heart was filled with all sorts of emotions, and scenes from their childhood came crashing down on me. Inside my heart was melting, finally holding my babies in my arms and discovering their hair no longer smelled like baby shampoo! But I was incapable of shedding tears –my mind and body had adjusted to the hard conditions of SHU isolation and 18 years of it had left its mark.

I cannot explain the joy I did feel and of course I embarrassed them by trying to feed them like they were still

babies! I kept wanting to touch them to see if they were real and this was really happening! They regularly reminded me they were not babies anymore and I told them they would always be babies to me, no matter how old they got!!

During each visit and each hug with my family, I also thought of those I had just left behind in the SHU. I would say “Darrell would like this,” after biting into an avocado from the vending machine, or “Oh, Tony and Jack would love this for Saturday burritos! Fernando would love this mango!” They are all constantly on my mind and my heart and will always be no matter what! I am dedicated to each and every one of these men, and for their release from the SHU!

Because of the sacrifices we and our supporters made during the hunger strike I now have the opportunity [to reunite with my family], and I thank each and every one of you brave human beings each time I hold my baby girls in my arms and hear them face to face tell me, “Hi Dad, I love you!”