



## **FAMILY VISITS FOR LIFERS COMING AT LAST**

*But there will be waits and confusion.*

On July 1, 2016 LSA met with Director of Adult Institutions Kathleen Allison, followed 6 days later, on July 7, by a second meeting with Allison and Undersecretary for Operations Ralph Diaz. At both meetings a major topic of conversation was the recent decision to restore family visiting privileges to lifer inmates and families. Yes, it has been approved; this is not a rumor.

Both Allison and Diaz emphasized the commitment of CDCR to restore these visits as soon as possible, and both also noted the authority to do so as well as the difficulties in implementing that change of policy. We also received the go-ahead from both to announce this new policy to the interested public of lifers and families, and so we posted the news on LSA's Facebook page.

What followed was an avalanche of questions, comments, calls and what-ifs. In less than 3 days our Facebook page logged over 11,000 hits. So you might say, family visits for lifers is a topic of great interest to many. Here's what we know, as of the time Lifer-Line goes to print:

*CDCR expects family visits for lifers to begin 'soon,' hopefully as soon as the next few months, and LWOP IS included in family visits. The authority for this comes via the state budget. a few lines on page 42, passed by the state legislature and signed by Governor Brown contains these words:*

*"Extended Family Visits—the budget includes statutory changes to allow life-term inmates to be eligible for extended family visits."*

*There are some exclusions--no close custody inmates, no one with a 290 conviction or history of domestic violence. An official memo outlining procedures and policies is expected and we've asked for a copy.*

*Availability will also be an issue, as the budget does not have funds to rehabilitate, reclaim from other uses or build new family visiting units, so they will be a prime resource, as many of the former family visiting areas are now used for other purposes. Many former family*

*visiting units are now used for offices, often for the medical receiver's office, some have been converted to other uses including storage and some have been condemned as unfit for habitation. And again, there are no funds in this year's budget to provide more units.*

*When asked about chances for funds to provide additional units in coming years both Allison and Diaz urged LSA to lobby the legislature to provide those funds, either in next year's state budget or perhaps in the May Revise of budget next spring. And so we shall, and we will be asking for your help in that effort.*

*While some have said these have already been 'enacted' and wanting to know why not at every prison..the answer is that they have been 'enacted' only in that the budget containing money for restoration has been approved and signed, but they have not yet begun to happen. As to when--after meetings the word is...dunno yet. CDCR legal has not yet produced the expected concluded the regulation change required, but it is in process.*

*As for whether or not you will qualify...that will be on case-by-case at times, but basically the requirements for family visiting are set out in Title 15, Section 3177 especially Section 3177 (b) (1). Immediate family members including children, step-children, parents, siblings and grandparents are included in FAMILY visits as well as spouses. And yes, you must be legally married or a registered domestic partner.*

*This is the preliminary criteria, which will be evaluated in each case and can be modified, as things progress. If you are in doubt about whether or not you will be eligible, submit the form, if the answer is no, begin the 602 appeal process and make your case.*

*All counselors and wardens are now aware of this change and should be ready shortly with forms for you to fill out. As of now, some counselors, true to their breed, are refusing to acknowledge the change and telling inmates and families it's a rumor. No, this time, it's TRUE.*

*We can't stress enough that this will be a time consuming process, as there is already a wait of 2-3 months or more for family visits because of few facilities, and now there are suddenly several hundred/ or thousands of inmates eligible. So you won't be getting your visit next weekend, or the next or the next--but it WILL happen. Everyone at CDC Headquarters is fully and completely behind this new move and it will be system-wide--no prison or warden will be allowed to opt out.*

*There are more changes coming regarding custody levels and points and as these changes roll out we'll post what they are and when effective. The preliminary word is that the Close Custody designations, brought into place when there were no electric fences around prisons to minimize escape attempts, are now considered somewhat outmoded, since nearly all institutions have electric fences and so these designations will be greatly modified. Similarly, the department has recognized that allowing inmates to rack up unlimited number of points through disciplinary matters but only provide the ability to reduce points by a maximum of 8 per year is counterproductive. We expect to see changes in those policies as well.*

*Please be aware, there will likely be a backlash regarding the restoration of family visits for lifers, from a variety of sources. We expect the victims' groups to be vocal in their opposition, but we are also hearing comments from curmudgeons in the public arena, from some 'law and order types' (including custody staff) and, perhaps as a surprise to some, from some prison families. Some prisoner families have said those with a murder conviction 'don't deserve'*

*family visits; we disagree. And we caution against comparing prisoners, any prisoners, against one another for who's crime is 'more horrendous.' Just be aware of these possibilities. Bottom line, yes, lifers AND LWOP will see family visits, by the end of the year is the target date, if not sooner. It's real, it's happening and it's coming your way.*

It was about 20 years ago that family visits for lifers were summarily discontinued, reasons given were everything from not wanting lifers to father children they might not ever be able to financially support to sheer vengeance on the part of law 'n' order political administrations and victims' groups to assaults on wives in visiting units. The real truth may never be known, but the past is past and now the rehabilitative value of strengthening and renewing family bonds is being recognized by CDCR, and that new value of family visits has played a part in the powers-that-be agreeing to reinstate those visits.

Many people and many organizations have worked quietly but unflinchingly over the years to see this privilege restored to lifers and families. Over time we've all battled unfounded rumors, calls for marches on Sacramento and cries for petitions to the President to allow family visits. From our perspective marches and petitions, especially to those who could not affect the state's policy, could have been more detrimental than helpful; it appeared to us, and many others, that continued work, under the radar, through channels available, would eventually bear fruit. And this has proven to be the case.

So try to be patient, take into consideration all the issues involved in putting visits back in place and the usual roadblocks and foot dragging we usually see in CDCR. Family visits for lifers and LWOP inmates are approved, are coming and your turn will come.

## **TOP 10 QUESTIONS ON FAMILY VISITS FOR LIFERS**

1. Yes, family visits for lifers (and LWOP) have been reinstated after 20 years.
2. No, they have not begun yet (yes we know there are rumors that X or Y prison is already allowing them, all not true), prisons waiting the official memo that tells them how to proceed, and how to qualify for visits. Memo due any day.
3. Yes, you must be legally married or immediate family to qualify, girl friend or fiance is not immediate family; parents (step parents too), spouse, siblings, children (and step-children) qualify. There is no minimum time married needed to qualify.
4. You must fill out a family visiting form and be approved for family visits; some counselors are handing out the forms but not yet accepting them back (see #2 above) and some are not--try to be patient and keep asking.
5. Yes, there are some crimes or in-prison behaviors that will be screened out, waiting for those guidelines now.
6. Even when visits begin there will be a waiting period, as there are only a limited number of family visiting units, already a waiting list for visits and we've just thrown several thousand more participants into the mix.

7. Yes, we are positive this is happening--this was confirmed by and discussed with the Undersecretary for Operations and the Director of Adult Institutions, at CDCR in Sacramento, face-to-face..we don't make this stuff up.
8. No, we can't tell you why some counselors and prisons are still denying it, but remember, we're dealing with CDCR here; when was the last time they made anything easy.
9. No, we can't tell you if an individual prisoner will qualify due to his past or crime--we can only guess.
10. As we find out more details and solid info we'll post it and print it. Tell your families to watch our Facebook page and website, and any new information will be available in the next newsletter also.



## **YOPH CRA? WE'D LIKE TO SEE IT**

Although the Board of Parole Hearings has greatly increased in transparency in the last 5-6 years, and we've learned a great deal attending dozens of parole hearing as observers, some things are still difficult to review. Top of that list is probably the fabled (some would say fumbled) Comprehensive Risk Assessments—you know, the psych evals.

Neither fish nor fowl, not actually a privacy protected medical document, yet not a document of public record either, CRAs are something of a hybrid. Although done for every lifer before a parole hearing and included in his or her C-file, CRAs are not available to the public as are hearing transcripts (yes, those are public record). And although large portions of CRAs are often read into the transcript the entirety of the document is often simply noted as 'included by incorporation' or reference, leaving those of us without access to the C-file with only the portions transcribed.

However, lifers often send us their CRA, sometimes asking for clarification, sometimes aghast at the conclusions of the clinician and sometimes just for 'informational and educational purposes,' to borrow a phrase from the DOM. What we have noticed in several of the YOPH hearings we've attended is that FAD clinicians, required under the guideline of SB 260 and 261, to give 'great weight' to the youthfulness and poor decision-making ability of those inmates when drawing their conclusions and making their risk assessments, frequently try to do an end-run around those hallmarks of youth. We recall phrases such as 'while the inmate falls under YOPH, the sophistication and planning of this crime belies youthful hallmarks,' or 'in spite of his (usually male) young age, this crime revealed a



And we'll be honest, while we didn't do it just for the chrono/certificate, we didn't expect to learn anything greatly significant, and that proved to be the case. As expected, the Academy was more propaganda and publicity than information and enlightenment. But there was one interesting presentation that really made us stop and think. And realize who and what we are. And we'd like to thank the Sac County DA's office for bringing us this realization.

We're a gang. A disruptive group. A posse. Maybe even a syndicate or a cartel.

How do we know? Because the authorities were good enough to give us the 10 hallmarks of a gang, mentioning that any group only has to meet 2 of those 10 to be considered a gang. Only 2; we hit 5. Here they are:

- 1) We associate with criminals. Yeah, that would be you guys.
- 2) We travel in groups of 3 or more. Our normal posse is 3-6.
- 3) We dress alike. LSA T-shirts and jeans are uniform of choice.
- 4) We speak a special lingo. You know, things like PTA, BPH, RVR, CRA.
- 5) We self-identify as a cohesive group. Well, that we do. We have to be us, nobody else wants to be.

And that, apparently, makes us a gang. Or disruptive group, as CDCR now labels such groups. We'll own that too, we're pretty disruptive of the status quo.

So we're embracing our gang identity, and currently working on writing a rap, because every gang has to have a rap. Then we'll put it to music and video record the results. It may be the next YouTube hit or maybe will go viral on the internet. Only thing missing at the moment is a name for our gang....we're thinking of calling ourselves The Criminogenics.

The realization that we qualify as a gang has opened up a whole new field of possibilities for us. We'll probably need some sort of hand sign too, but the one that comes to mind is already pretty well known and used.

In all seriousness, we don't mean to make light of gang actions or involvement. Gangs, both the street and prison variety, have wreaked havoc on countless lives and sent many to prison with life sentences. There's nothing attractive, honorable or worthwhile about a gang

But at the same time, the over-reaction of those 'authorities' to what constitutes a gang is both maddening and troubling. The 5 'hallmarks' that can identify LSA as a gang could also be applied to police. Or correctional officers. Or even parole agents.

And if you only have to hit 2 (say, dressing alike and self-identifying as a group) to be a gang, Girl Scouts, fraternities and sororities could qualify. As could some religious groups or organizations that do great pro-social works, like the Shriners. Wonder how those groups and organizations would feel about being labeled a gang?

So when we do our rap video (yeah, we're gonna do it, it's too enticing not to) you can be sure it will be done with tongue firmly in cheek, and in the hope that a little dark humor will shed some light on the ridiculous reaches for 'enhancements' in some quarters, all in the name of being "tough on crime" and handing down longer sentences.

Hey DAs~does that have a familiar ring?