

LIFE SUPPORT

HOPE



ALLIANCE

HELP

& California Lifer Newsletter

HOME

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FAQs ON THE STIMULUS PAYMENTS

Since the court ruling that prisoners can receive Economic Impact Payments (better known as stimulus payments) there has been a barrage of questions from inmates and families alike as to who, how when—or why not. And we don't have any definitive answers, as we have studiously kept out of this issue, preferring to let those who have the time and expertise to wrangle with the IRS.

But we can report a few things CDCR has officially said that may not have made it fully throughout the prisons. One problem: the last batch sent by IRS were in the form of debit cards, which obviously those still in custody can't use. If that occurs, the Trust Office at your institution will notify you and will return the debit card to the issuing bank. You will need to claim the RRC (Form 1040) when filing your 2020 taxes. There will be a delay while the IRS processes these credits and issues paper checks. If you will parole/release on or before March 31, 2021, CDCR will issue the debit card upon release. You will be given two debit cards upon release – one issued by CDCR with release funds and trust balance and one issued by the IRS (EIP debit card) with your stimulus credit.

In order to be eligible to receive an EIP, individuals must be a US Citizen or Permanent Legal Resident; not claimed as a dependent on another person's tax return; and if married, you and/or your spouse must have a valid Social Security Number. If you are now housed at a different institution your debit card will be returned to the IRS and you must claim the RRC (Form 1040) when filing your 2020 taxes. If you are still in a CDCR institution, the Trust Office at your previous location will notify the Trust Office at your current location and you will be notified a card was received in your name and returned to the IRS.

If you filed a 2019 tax return, or received a Round 1 EIP, you do not need to take action and should receive a payment. If you did not receive a Round 1 EIP, you may be able to claim a payment by claiming a Recovery Rebate Credit (Form 1040) when filing your 2020 taxes. Tax filing season opens February 12, 2021 and closes April 15, 2021. Forms submitted late are subject to penalty.

If you or your family need more information, CDCR advises calls be made to the following number (this would probably have to be a family-made call, as there appears no arrangements made to accept collect calls.)

For general information, call (800) 919-9835.



BITS & PIECES FROM CDCR

During the course of calls and conversations with CDCR we accumulate random information on topics that are probably of interest to the lifer population. Here's a couple of weeks' worth of News You Might Be Able to Use.

New electronic tablets are expected to be made available to most of the population, hopefully by the end of this year (though that might be an ambitious goal). These will be provided free of charge via a contract between CDCR and our old friend, GTL. This process is scheduled to start in April at VSP, with other institutions added in blocks in coming months.

The tablets will be used primarily for educational purposes, some may have limited emails capabilities, can be used to request medical and similar appointments or to file requests, such as 602s. That should be interesting.

The devices will also be able to load some entertainment content but there will be a charge for that content to the individuals. So far CDCR has not indicated they will allow tablets to be used for other programming purposes, such as correspondence courses or video workshops, but many of us are pushing for that function too.

There are currently no plans or discussion for another round of Positive Programming Credits. Although the option hasn't been torpedoed, it just isn't on the front burner now.

To no one's surprise, video parole hearings have been approved to continue in that format through the end of March. The parole grant rate remains about the same as last year, around 34%, though there have been more stipulations than last year in the same time frame.

Video visiting is available to all institutions and now moving into the fire camps. There are currently **NO PLANS TO RESUME IN PERSON VISITING**. And, CDCR has pledged not to replace in-person visiting with video visits.

CHANGES VIA SB 132

The Transgender Respect and Dignity Act

SB 132, The Transgender Respect and Dignity Act took effect January 1, 2021 and requires CDCR to ask each person entering its custody specified information, including the individual's gender identity; requires CDCR to conduct searches of and assign housing to transgender inmates based on the inmate's individual preferences, as specified; and requires CDCR to articulate the reasons for denying a search or housing preference if the department has management or security concerns.

Additionally, an inmate who is transgender, nonbinary, or intersex is to be searched according to the search policy for their gender identity or according to the gender designation of the facility where they are housed, based on the individual's search preference, and require that they be housed based on their preference. CDCR cannot deny search or housing preferences based on any discriminatory reason, and requires those inmates affected by be provided a written copy of a denial of an their search or housing preference, and provide a meaningful opportunity for the inmate to verbally raise any objections to that denial, and document those objections.

California law goes into great detail regarding what is expected of CDCR in accommodating those who identify as transgender. These range from access to various clothing and personal care items, to searches and housing, to showering separately.

In order to implement these changes and CDCR reports all custody staff have been trained on the bill and the department has put out an implementation memo for direction while DOM and Title 15 changes are promulgated. A short video was created and is playing on DRP TV, to inform the inmate population about the bill and how to seek further information on requesting a search preference and on making a housing request.

A brochure is also available, and work is ongoing on providing an educational video of a recorded 'town hall' session at SQ and CCWF of interchanges of questions and comments between those affected by the law and those with questions. The brochure is available by request from counselors in the institutions.

The new policy and law also allows those incarcerated to notify their counselors at any time of their gender identity and may, via Form GA 22, or a note to a staff member, request to be housed in a male or female institution, consistent with their gender identity. The housing is not automatic but will be reviewed through an in-depth interview by ICC. However, those requests cannot be denied simply on the basis of the requesting individual not having already had gender affirming surgery or hormone therapy.

Additionally, CDCR notes it would be a violation of PREA to establish a facility solely for housing transgender individuals. Currently, transgender and cisgender people are housed together when appropriate.

CDCR reports that a survey of more than 600 incarcerated transgender, non-binary, intersex and gender non-conforming people between Nov. 26, 2019, and Dec. 28, 2019 showed that 9.5 percent of respondents housed in a women's prison said they would prefer being housed in a male prison, 14.3 percent were undecided, 70.2 percent preferred to stay in a women's prison, 5.4 percent had no preference and 0.6 percent had no response.



EARLY BILL PROPOSALS

The legislative session is newly underway, and as of this moment these are the bills we will be watching going forward. Because we are still in the bill introduction phase of the session, these bills have yet to be heard in any committee.

We'll keep you apprised of the progress as well as any new legislation that is propose during the coming days of the session.

SB 248: (Introduced Jan. 21, 2021, Sen. Bates, R, Laguna Hills)

This bill would require that proceedings for the civil commitment of a sexually violent predator be in open court, on the record, unless the court makes certain express findings, including that there exists an overriding interest, based on compelling and extraordinary circumstances, that overcomes the right of public access to the proceedings. The bill requires that there be 10 days' notice to all parties in a proceeding before the closure.

For an individual who is in custody under the jurisdiction of the department for the commission of a new offense committed while the individual was serving an indeterminate term in a state hospital as a sexually violent predator, would require the Secretary of the Department of Corrections and Rehabilitation to refer the person directly to the State Department of State Hospitals for full evaluation as to whether the person still meets the criteria as a sexually violent predator. The bill would, if the evaluators concur that the requirements are still met, require the Director of State Hospitals to petition the court to either return the person to the State Department of State Hospitals to continue serving the remainder of the individual's original indeterminate commitment as a sexually violent predator if the original petition has not been dismissed, or to forward a request for a new petition to be filed if the original petition has been dismissed.

SB 300: (Introduced Feb. 2, 2021, Sen. Cortese, D, San Jose)

This bill would repeal the provision requiring punishment by death or imprisonment for life without the possibility of parole for a person convicted of murder in the first degree who is not the actual killer, but acted with reckless indifference for human life as a major participant in certain specified violent felonies.

The bill would also provide a procedure for incarcerated inmates previously convicted under that provision and awaiting execution or serving a sentence of imprisonment for life without the possibility of parole to petition the court to recall the sentence and resentence the inmate.

Existing law provides for various specified special circumstances, including the murder of a peace officer, firefighter, or witness, which, if found true as specified, require a defendant found guilty of

murder in the first degree to be sentenced to death or imprisonment for life without the possibility of parole and prohibits a judge from striking or dismissing those circumstances. This bill would repeal the provision prohibiting a judge from striking a special circumstance.

AB 328: Introduced Jan. 16, 2021, Assembly members Chiu, D-San Francisco; Kalra, d-San Jose and Wicks, D-Oakland)

This bill would establish the Reentry Housing Program. The bill would require the department to, on or before July 1, 2022, take specified actions to, upon appropriation by the Legislature, provide grants to counties and continuums of care, as defined, for evidence-based housing and housing-based services interventions to allow people with recent histories of incarceration to exit homelessness and remain stably housed.

ON THE COVID FRONT

At the end of February, nearly a year into the CoVid pandemic, the news is starting to look cautiously optimistic. The final 2 weeks of the month saw the number of positive cases in the prisons dropping dramatically, and deaths rise.

As we go to print, there were just over 300 active CoVid cases among the inmate population, and a total of 211 deaths since the first reported case in March 2020. At the end of the month, 9 prisons were reportedly free of any active cases and no prisons reported more than 100 cases.

Of the more than 49,000 inmates who, at one time or another, tested positive for the virus, nearly 48,000 have ‘resolved,’ or recovered and 614 were released while still testing positive. Yes, that happens. Once an individual’s release date rolls around CDCR has no legal avenue to retain them in custody, CoVid or not.

And over 39,000 prisoners have received vaccines for the virus, some receiving the second of the two-dose regime recently. But the restrictions on programming, visiting and what passes for normal life remain in most locations. Those are being lifted slowly on a case-by-case review. Perhaps next month we can talk about a return to the ‘new normal.’ Whatever that may be.

ADDRESS REMINDER

Last month we noted, that if you are receiving Lifer-Line monthly newsletter as part of LSA’s volunteer mailer tree and not via the kind efforts of a friend or relative—heads up. In March begin auditing the addresses on our indigent list and those that do not have a housing assignment noted will be removed.

We currently have a waiting list of indigent inmates who would like to receive this newsletter from one of our volunteers, but we have more requests than volunteers, so we need to manage our subscriber list.

Send us an update—your name, CDCR # and housing. Get it to us before the end of March, and you’ll be good to go, PO Box 277, Rancho Cordova, Ca. 95741. We’ve received several updates—thanks to those who’ve responded. If your address on this issue hasn’t been changed and you’ve sent us the update—we’ve got it and are in process of updating—no worries.



FINALLY (ALMOST)—A LETTER BANK

In mid-2016 LSA began offering The Amends Project to lifers and other inmates, helping them understand and write an appropriate and impactful apology letter to their victims or victim's family. Not just because it's the right thing to do, but because we understand the important part making amends, to the extent that you can, plays in rehabilitation. Those who successfully completed the letter received a certificate of achievement and we noted we would retain their letter until such time as CDCR's Office of Victims and Survivors Rights and Services was prepared to accept those letters.

And since that time, we've been talking with OVSRS about that prospect. OVSRS has been in the process of creating such a letter bank for several years now and, at last, appears to be about to unveil their Accountability Letter Bank, to accept apology letters from inmates and make it possible, if desired by the victims' and families, for them to read those letters.

Since LSA began the Amends Project we've issued several hundred certificates of achievement. Those who've taken the workshop can attest, it isn't an easy feat. No one write the letter for you, and it often takes more than one attempt, as our staff of readers gently guide participants through the process. And, about 30% of those who have completed the Amends Project, have been released on parole.

Not that their apology letter was the cherry on top of suitability, but the understanding that the letter is based on is an important part of suitability. And board members have been supportive of the program.

OVSRS's upcoming letter bank will, it appears, begin as a pilot project in a small number of institutions and implemented by programs there, no info yet on just which ones. But, as the pilot project rolls out and the logistics are finalized, OVSRS has plans to reach out to other organizations, such as LSA, to include letters produced through those programs.

Those of you who have already created a successful amends letter through LSA, yes, we still have your letter and as soon as OVSRS opens the door, your letter will be offered for inclusion in CDCR's official letter bank. Remember—the process of getting an apology letter to the victims is entirely driven by their desire and willingness to receive that letter.

Even when your letter makes it into the letter, bank, if the victims choose not to participate, they are under no obligation to do so. That, however, does not negate the worthiness of your writing a letter. As noted previously, making amends is part of your rehabilitation too.

We're keeping in touch with OVSRS and when their letter bank is available and able to receive letters from The Amends Project, we'll let you all know. We're delighted that something we've hoped for, encouraged and worked for over several years appears about to happen.