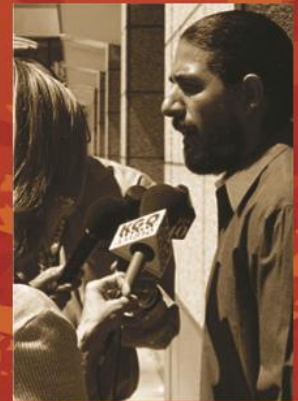
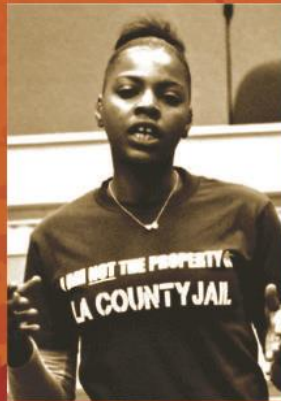


# FIGHTING FOR OUR RIGHTS:

A Toolbox for Family Advocates  
of California Prisoners



Legal Services for Prisoners with Children

# A Toolbox for Family Advocates of California Prisoners

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***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.

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# Dedication

*This manual is dedicated to the families and friends of prisoners who have refused to let the bars be a barrier, whose love and perseverance keep their families and communities together against all odds.*

## The Visit

The pain is too acute as we watch

Our brother/son/husband/friend  
Herded by fat, uniformed vacant-eyed guards  
Back to a hell that seems to never end  
Except for our visit.  
It's a sharp stab to the heart  
A vertigo that starts in the head  
Knowing that these men  
Strong yellow/brown/black/red  
Might be dead before our next visit.

The hurt overwhelms, goes to the core.  
A collective ache felt by us all  
As we leave our sister/daughter/wife/friend

In the cells, rooms, dorms and halls  
And we start to grieve, crying in silence  
For a longer visit.  
We leave by car, bus, train and plane  
Their face on our minds their touch still felt  
Words and kisses warm on our ear  
We slump in our seats and try to melt  
Into the memories of our too short visit.

Whistles, bells, head counts, lines  
We sit or stand for hours, it seems  
As the life behind the prison walls

The hellish life and what it means  
Bombards us in the visiting halls  
Waiting, watching, for our visit.  
We fill out the forms, wait in the lines  
Go through the metal detector  
a thousand times  
The sounds that reach us shock us so  
We can hardly talk when at last we meet  
Our sister/daughter/wife/friend  
As the gate finally opens, we smile and greet  
Them on another visit.

Our hearts beat fast.  
Do I look alright? What will he say?  
You know he called last night.  
Cowboy is back in here again.  
He stayed out almost a year this time.  
Chile, James just got out the hole  
Said a chump on A Tier told.  
I swore I wasn't comin' up here no more.  
Junior, bring your butt back here before –  
Shaniqua let me fix your hair  
TJ, look, look over there  
Here comes daddy.

-Staajabu

Staajabu is a nationally published, award-winning poet. She and her daughter V.S. Chochezi are a dynamic mother/daughter poetry team known as Straight Out Scribes; they have several volumes of poetry and a CD to their credit. Their website is [www.angelfire.com/biz2/straightoutscribes](http://www.angelfire.com/biz2/straightoutscribes).



Photo by Bill Hackwell

## Introduction

This manual was developed to assist families and friends of California state prisoners in advocating for their rights and the rights of their incarcerated loved ones. People incarcerated in the California prison system can face steep challenges; it is crucial that every prisoner has advocates on the outside.

While our primary audience in developing this “toolbox” is the friend and family members of California prisoners, note that it may also be useful to California prisoners themselves. Therefore, the pronoun “you” is used in this manual to refer to friends and family advocates. Conversely, “he” or “she” – which are used alternately by chapter – is generally meant to refer to the prisoner.

The “war on crime” and the “war on drugs” have taken devastating tolls on our communities – we have watched the number of people incarcerated in California state prisons increase from 29,000 in 1980 to a peak of 173,000 in 2007. The heaviest burden falls on Black and Latino communities; nearly 75% of California’s prisoners are from communities of color.<sup>1</sup> Those of us who have ties to someone on the inside know how many obstacles we face in maintaining support for and communication with our loved ones. When families and friends go to visit, they often have to put up with humiliating treatment by prison guards.

Women visitors are subject to judgment by guards about their clothing and are often spoken to in a demeaning manner. We find ourselves being criminalized simply because someone we care about is in prison. We may even be threatened with being investigated just for visiting our loved ones. After spending hours driving long distances and a lot of money on hotels, we arrive for our visit and are told our clothes are not appropriate, the paper work isn’t in order, or our loved one is not able to come to the visiting room. No reason is given. If we try to get some answers, we’re threatened with termination of our visits. When something worrisome is happening – our loved one inside is sick, there has been a death in the family, or some emergency with the kids – we call the prison and are met with a wall of silence. We are treated as if we have no right to look after the people we love.

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<sup>1</sup> Prison Census Data, California Department of Corrections and Rehabilitation Offender Information Services Branch, June 30 2013.

We believe that family members can play an important role in making sure our loved ones are safe from abuse, get necessary medical care, and are treated with the dignity and respect they deserve. Our support is critical on so many levels: our loved ones need to know they can count on us, and the California Department of Corrections and Rehabilitation (CDCR) needs to know that it must be accountable for what happens to the people it keeps behind bars. When we join forces by writing letters and speaking up at public hearings in Sacramento, we are able to make our voices heard. Family members have testified at legislative hearings about many issues that affect their loved ones, from inadequate medical care to solitary confinement, and are clearly having an impact on legislators and public opinion.

This manual outlines some basic tools you can use to fight for the rights of your loved one inside. From official complaints and communicating with prison officials, to contacting your legislators and the media, you have ways to make your voice heard and to change situations that are not acceptable. If someone you care about is being denied medical care or is being abused by prison authorities, you can play an important role in changing the situation.

Here are some tools you and your loved one have at your disposal:

- Letters and phone calls to the warden, chief medical officer, and other CDCR officials
- Inmate grievance process (602) and family appeals
- Letters and phone calls to the federal receiver overseeing health care in California prisons
- Claims with the Government Claims Board in order to preserve the right to sue for damages in court
- Public records requests
- Letters, phone calls, and meetings with your elected representatives
- Contacting the media
- Voting

Each of these tools will be discussed in a separate section. Additionally, sample letters from family members and other advocates are included in several sections as examples.

This manual also gives information on specific issues you may need to advocate about:

- Medical neglect
- Compassionate release and medical parole
- Phone calls, visits, and correspondence
- Transfers
- Parole and Post Release Community Supervision
- Juvenile justice reform

Issues of medical care are a primary focus, but the tools described here can be used to advocate about many issues. Most importantly, this manual draws on the experience of family members who have used their power to change situations that seemed



unchangeable. Their involvement made a difference. We have included letters here that were written by family members and other advocates. Names of state officials, doctors, family members, and prisoners have been changed to protect their privacy.

## **TIPS FOR COMMUNICATING WITH PRISON OFFICIALS**

Later in this toolbox, you will find advice for advocating for your loved one by communicating with legislators and members of the media. However, because communicating with CDCR officials will likely be part of every stage of your advocacy, keep these helpful tips in mind as you read and use the various sections of this manual.

### ***For Medical Issues:***

- **Check the emergency contact listing:** Make sure the appropriate person is listed as the emergency contact on the prisoner's central file (C-file).
- **Ensure the prison has permission to discuss medical conditions:** Make sure your incarcerated loved one gives the prison written permission to discuss his or her medical condition and related issues with you. (*See sample medical release on page 12.*)
- **Learn more about your loved one's health challenges:** You can get educational information from various groups, like the American Lung Society or the Arthritis Foundation. This is important to help you better understand what kind of medical care your loved one should be receiving. Knowing more about their medical condition also helps your loved one advocate for him or herself. Sites like [www.mayoclinic.com](http://www.mayoclinic.com) or [www.webmd.com](http://www.webmd.com) can assist you in researching a medical condition.
- **Keep a medical diary:** Encourage your loved one to use a medical diary to track every attempt made to seek medical care, every attempt to obtain medical records, and all interactions with CDCR staff that are related to medical care. The prisoner should record date and time of these events and name and title of the person spoken to, as well as keeping copies of all co-pays, inmate request forms, 602 forms, etc. Your loved one should also periodically send you copies of his or her diary to keep as a back-up.
- **Request previous medical history:** It is common for prison medical staff to fail to get a prisoner's previous medical records in a timely fashion. If your loved one has a chronic illness, it helps for you to get previous medical records from doctors who were providing care before incarceration. Sometimes a family doctor may be willing to summarize someone's medical history and send it to the chief medical officer (CMO).
- **Get prison medical records:** Encourage your loved one to obtain his or her prison medical records, from the institution as well as any outside hospital where they have received treatment. This creates a record that may be necessary to prove that he or she is not getting proper medical treatment and can be used if a lawsuit is filed in the future. The prisoner must fill out an inmate request form specifically requesting medical records. If the records are many pages, it might be best to request records for a specific

time period or for those related to a specific lab test. Your loved one should copy the records and send you a copy for safekeeping.

### ***For All Issues:***

- **Get online support:** Look for websites created by other family members who are publicizing similar issues.
- **Check for an inmate family council:** Find out if the prison where your loved one is incarcerated has an inmate family council you can be a part of.
- **Discuss your plans:** Whenever possible, discuss a plan of action with your incarcerated loved one before you take action. This is necessary because advocating on someone's behalf often results in retaliation by prison officials.
- **Be specific:** Make your complaint specific, clear and as short as possible.
- **Direct your complaint appropriately:** Make sure you direct your complaint to the person who has authority to affect the situation, and send copies to other people with responsibility who could have an impact.
- **Use certified mail:** Whenever possible, you should put communications to prison officials in writing, and send them certified mail.
- **Send follow-up letters:** If you have a phone call or a meeting with prison officials, send a follow-up letter to that individual summarizing your conversation.
- **Create a paper trail:** Keep copies of everything you send and encourage your loved one to do the same. This creates a "paper trail" that could prove helpful later.
- **Keep a written log of all your efforts:** And encourage your loved one to do the same. This way you can easily keep track of when you spoke to someone, what was said, and when that person said you could expect a response. Always write the full date and time of these events, as well as the full name and title of the person with whom you spoke.
- **Distribute copies to elected officials and media:** Send copies of your correspondence with CDCR to your elected representatives and the media; include copies of CDCR's responses or any other useful documents.
- **Be persistent:** Don't blame yourself if your efforts don't work the way you had hoped. You're up against many roadblocks! Hang in there!

Communicating with and seeking reform by CDCR can be a difficult task, but with persistence and creativity, you can achieve change. We hope you find this manual informative and helpful in advocating for the rights of your incarcerated loved one.



# I.

## GETTING MEDICAL, MENTAL HEALTH AND DENTAL CARE IN PRISON

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### A. Health Care Rights in Prison

#### CASES GOVERNING THE PROVISION OF HEALTH CARE IN CALIFORNIA PRISONS

The medical care system in California's prisons has been the subject of several federal class action lawsuits addressing the substandard care endured by prisoners. In the *Plata* case, the medical care in California's prisons was found to be unconstitutional. After the state failed to make court-ordered corrections, the medical care system of the CDCR was put under the control of a federal receivership.

This decision essentially stripped the state – including the governor, legislature, and CDCR – of its power to manage medical care in the prison system. The California Prison Health Care Receivership Corporation is directed by the receiver, currently J. Clark Kelso. He reports directly to Judge Thelton Henderson, the presiding judge in *Plata*. For more information on the receivership, go to [www.cphcs.ca.gov](http://www.cphcs.ca.gov).

Mental health services are the subject of the *Coleman* case, which resulted in the Mental Health Program (MHP) of CDCR operating under court orders. In that case, the parties agreed on a plan to address constitutional inadequacies by establishing mental health services at different levels of care, including programs and staffing. Judge Lawrence Karlton appointed a special master to oversee remedial efforts.

Dental services were the subject of another lawsuit, *Perez v. Cate*, presided over by Judge Jeffrey White. Rights for disabled prisoners under the Americans with Disabilities Act (ADA) were addressed in *Armstrong v. Schwarzenegger* by Judge Claudia Wilken.

Despite years of lawsuits, medical and mental health care in California's prisons is often grossly inadequate. The following section discusses prisoners' legal rights. It should not be taken as a description of the *actual* state of care in California's prisons, but to serve as a guide for what medical care *should be*. It is a starting point to help you advocate for your loved one if her medical care does not measure up

## **THE RIGHT TO MEDICAL AND MENTAL HEALTH CARE: FEDERAL LAW**

All prisoners have a constitutional right to medical and mental health care. In *Estelle v. Gamble*, the U.S. Supreme Court decided that “deliberate indifference to a serious medical need” is a violation of the U.S. Constitution. In order to prove that a prisoner’s right to health care has been violated, it must be shown that:

1. A medical need was present and serious. To prove this, the prisoner must have:
  - A condition that a doctor finds in need of treatment,
  - A medical need that affects the prisoner’s daily activities, and/or
  - The presence of intense or chronic pain, *and*
2. That she was denied medical care, the treatment was delayed, or the care was improper.

## **THE RIGHT TO BE PROTECTED FROM MALPRACTICE AND NEGLIGENCE: MEDICAL CARE TORT STANDARDS**

Patients also have the right to be protected from medical malpractice or negligence. To prove medical malpractice, the prisoner must show:

1. The doctor did not act according to the standards of the medical profession, *and*
2. Because the doctor did not act accordingly, the patient suffered injury or illness.

California law holds public employees (prison staff) accountable for failing to take action if they have reason to know a prisoner needs immediate medical attention. The circumstances demanding immediate medical attention must be serious. For example, requesting medicine for a headache is not considered an emergency, but if a prisoner fell off of her bunk and became unconscious, emergency attention would be needed.

## **OTHER HEALTH CARE RIGHTS: RECEIVER POLICIES**

Under the policies of the federal receiver, which manages health care in California prisons, prisoners have certain rights regarding access to medical care. However, there is often a big difference between written policies and what happens in reality. CDCR and the receiver also reserve the right to deny or limit these rights.

The following is a brief summary of patients’ rights under the receiver’s policies:<sup>2</sup>

- Prisoners shall be provided medically necessary care. “Medically necessary” is defined as “health care services determined by the attending physician to be

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<sup>2</sup> California Prison Health Care Services (receiver), Inmate Medical Services Policies and Procedures, Vol. 1 Chapt. 11.

reasonable and necessary to protect life, prevent significant illness or disability or alleviate severe pain and supported by health outcome data as being effective medical care.”<sup>3</sup>

- Prisoners have the right to be free from mental and physical abuse.
- Prisoners shall not be discriminated against in their attempts to get medical attention.
- Prisoners have the right to be treated with consideration, respect and dignity.
- Prisoners have the right to confidentiality regarding their medical situation and the right to approve or refuse the release of this information to anyone outside of CDCR, except in the case of transfer to another health care facility, or as required by law or third party payment contract.
- Prisoners have the right to obtain information about their health status, including diagnosis, treatment and prognosis (if known) from prison health staff.
- Prisoners have the right to communicate with persons outside the prison consistent with CDCR policies.
- Prisoners have the right to have access to an interpreter.
- Prisoners have the right to informed consent and to refuse medical treatment.
- Prisoners have the right to refuse convulsive treatment (electroshock).
- Prisoners have a right to access their medical records.
- Prisoners have the right to be free from chemical (except in emergencies), clinical, and treatment restraints, except when necessary to protect themselves or others from injury.
- Prisoners have the right to be informed about prison rules applicable to their status as a patient and have the right to file grievances.

## **MEDICAL CARE FREQUENTLY ASKED QUESTIONS**

### ***Does my loved one have a right to health care?***

All prisoners, including those in administrative segregation, have a right to medical care. As the website for CDCR’s Division of Correctional Health Care Services (DCHCS) states, “Individuals incarcerated within the CDCR are considered to be the responsibility of the State. As such, the State is required to provide the basic needs of food, clothing, and shelter, as well as health care, since prisoners do not have the capability of acquiring these needs themselves. The courts have ruled that the withholding of such basic needs would be considered cruel and unusual punishment.”

### ***What types of medical services are available in prison?***

In conjunction with the receiver, CDCR provides medical care through primary care, standby emergency care, mental health crisis care, and basic medical care in skilled nursing facilities, hospices, and correctional treatment centers. CDCR prisons differ in the level of health services they provide. All prisons provide out-patient medical, dental, pharmacy services, public health and mental health care that is delivered in clinics, offsite, or in special housing units. Many prisons contract out for specialty services.

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<sup>3</sup> California Code of Regulations, Title 15 § 3350(b)(1).

***How does my loved one access health care?***

Prisoners must fill out a Health Care Services Request Form (also called a “co-pay” or CDCR 7362) and explain why they need medical attention. Prison health staff reviews these requests for care and set up appointments based on priority.

***Does my loved one have to pay for health services?***

Prisoners are charged \$5.00 for each “inmate initiated” health care visit. However, they are not supposed to be charged for the following: initial health care evaluation; emergency care; diagnosis and treatment of communicable diseases; mental health services; follow-up care; health services necessary to comply with state law; reception center health screening; inpatient services; extended care; skilled nursing care; and Chronic Care Program visits.

***What if my loved one can't afford the \$5.00 co-pay?***

If a prisoner does not have any money in her account for 30 days, she is considered indigent and the \$5.00 co-pay fee for medical services is waived.

***What dental services is my loved one guaranteed?***

Prisoners are entitled to basic dental care and can request care which includes: a dental examination; teeth cleaning; basic fillings; extractions; replacement of missing teeth with a removable appliance; and root canals on front teeth. No cosmetic dentistry is provided. The amount of dental care available depends on the person’s sentence. Not all of these services are available to those with a term sentence of one year or less.<sup>4</sup>

***What mental health services is my loved one guaranteed?***

CDCR Mental Health Services Delivery System (MHSDS) offers structured counseling and crisis intervention services available in varying amounts depending on the patient’s needs. Services can range from talking to a counselor to being placed in a mental health crisis holding cell. Finally, CDCR can provide medication to aid those with mental health needs. CDCR prisoners are not charged a co-pay for psychiatric medications. Prisoners who require Correctional Clinical Case Management System (CCCMS) level of care (typically, those who are on psychiatric medication) shall be reevaluated by a psychiatrist a minimum of every 90 days regarding psychiatric issues.

***Will my loved one be given medical care upon arrival at the prison?***

All prisoners are supposed to receive an initial health screening within 24 hours of arrival at the prison and a complete medical evaluation and physical within 14 days.

***Does the prison provide specialized care for prisoners with chronic illnesses?***

CDCR has a Chronic Care Program (CCP) aimed at identifying and providing treatment to prisoners with certain chronic and communicable diseases such as heart problems, diabetes, HIV, seizure disorders, etc. Those enrolled in this program are supposed to be seen by a doctor at least every 180 days for monitoring and treatment.

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<sup>4</sup> California Department of Corrections and Rehabilitation, Inmate Dental Services Program, Policies and Procedures, Chapt. 2

***What happens if there is a medical emergency at night or during weekends?***

Registered nurses are on site and available to respond to emergencies at each CDCR prison 24 hours a day, seven days a week. A physician is on-call by telephone during evening hours, weekends and holidays. At those prisons with a General Acute Care Hospital, a physician is available on site at all times. Prisoners in need of hospitalization are transferred out of the prison as necessary.

***Who is in charge of health care at each prison?***

CDCR is responsible broadly for the health care of prisoners. The CDCR Division of Correctional Health Care Services (DCHCS) and the receiver collaboratively monitor the provision of care. Each prison has a chief medical officer (CMO) or chief medical executive (CME) who is responsible for overseeing the delivery of health care services. Each institution also has a management team which consists of a CMO or CME, a chief nurse executive or director of nursing, a chief of mental health, and, for the dental program, a supervising dentist and health program manager.

***Can our family hire an outside doctor to examine and treat our incarcerated loved one?***

A prisoner or an outside advocate, such as a family member or legal representative, may request that a prisoner be examined by an outside doctor. These requests must be

submitted to the warden, who consults with the chief medical officer before issuing a decision on the request. The person requesting the examination must pay any costs associated with such an examination. Also, prison health staff is not required to follow any recommendations made by the outside doctor.

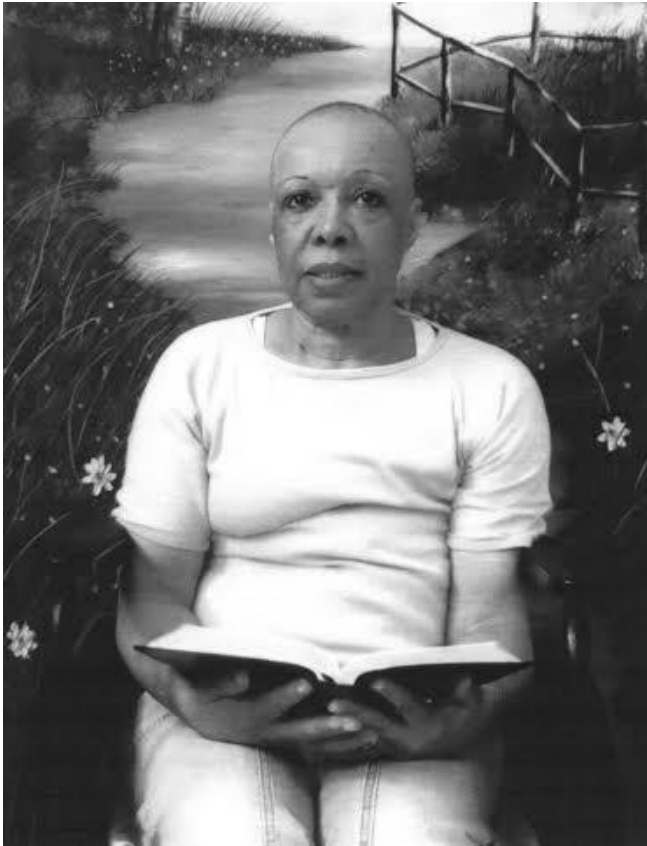


Photo Courtesy of CA Coalition for Women Prisoners

***Can I visit my loved one if she is sick in the hospital or a prison medical unit?***

It can be extremely difficult to visit a sick loved one who is temporarily housed in an outside hospital or an on-site prison medical unit. Generally speaking, these types of visits require special approval from prison staff (such as the warden, visiting lieutenant, and/or watch commander) and the attending physician.

If your loved one does not have a terminal diagnosis, you must demonstrate why the visit cannot wait until the prisoner returns to the institution or her regular general population housing unit. For specific requirements, contact the visiting lieutenant.

***Can my loved one be released from prison if she is dying?***

California state law allows for the early release of terminally ill prisoners under certain circumstances. (See “Compassionate Release” section on page 23.)



## **B. Medical Information Release Form**

Often the most effective way for a family member or friend to help a loved one get necessary care in prison is to write letters or make phone calls on the prisoner’s behalf. Being able to advocate effectively for your loved one’s medical care in prison will usually require having access to her central file and medical records. Because these records are otherwise confidential, you can only access them if your loved one fills out an information release form.

### **WHAT IS AN AUTHORIZATION TO RELEASE MEDICAL INFORMATION?**

Before they can release information, agencies – including CDCR – must have permission



from the patient in order to protect the confidentiality of the patient's health care records, hospitals and doctors. If you are attempting to obtain a copy of your loved one's medical file from CDCR or an outside hospital or clinic, you must show that you are authorized to receive the information you are requesting. It may be necessary to fax the signed Authorization to the facility to prove that you are authorized to receive the information.

According to California Civil Code section 56.11, an Authorization must meet the following requirements to be valid:

- It must be handwritten by the person signing it or typed in at least 14 point.
- It must state the name or function of the health care provider that may disclose the information.
- It must state the limitations on the type of information to be disclosed.
- It must state the name or function of the person authorized to receive the information.
- It must state the specific uses and limitations on the use of the information by the person authorized to receive the information.
- It must state a specific ending date for the authorization.
- It must tell the person signing the authorization that she has a right to have a copy of it.
- It must be signed and dated by the patient.

On the following pages you will find two examples of Authorizations to Release Medical Information that meet all of the requirements above. The first form is more general and would be used to obtain medical records from other sources, such as an outside hospital.

The second form is used to obtain prison medical records from CDCR. When you make a written request for your loved one's records, include a copy of her signed authorization as proof that you are authorized to receive the information.

You will probably have to pay a fee for your loved one's medical records. Charges for copying medical records will vary from one agency to the next. It is not unusual to be charged anywhere from 10 cents a page to 50 cents or more per page, and can become costly.



# AUTHORIZATION FOR RELEASE OF INFORMATION

YOUR INFORMATION			
Last Name:	First Name:	Middle Name:	Date of Birth:
Address:	City/State/Zip:	CDC/YA Number:	

Person/Organization Providing the Information	Person/Organization to Receive the Information
Name: _____	Name: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Phone #: (____) _____	Phone #: (____) _____
Fax Number: (____) _____	Fax Number: (____) _____
[45 C.F.R. § 164.508(c)(1) (iii) & Civ. Code § 56.11(e), (f)]	

Description of the Information to be Released (Provide a detailed description of the specific information to be released) <small>[45 C.F.R. § 164.508(c)(1)(i) &amp; Civ. Code §§ 56.11(d) &amp; (g)]</small>		
<input type="checkbox"/> Medical	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Genetic Testing
<input type="checkbox"/> Dental	<input type="checkbox"/> Substance Abuse/Alcohol	<input type="checkbox"/> Communicable Disease
<input type="checkbox"/> HIV	<input type="checkbox"/> Psychotherapy Notes	<input type="checkbox"/> Other (Please Specify)
_____		
For the following period of time: From _____ (date) to _____ (date)		

Description of Each Purpose for the Use or Release of the Information (Indicate how the information will be used) <small>[45 C.F.R. § 164.508(c)(1)(iv)]</small>		
<input type="checkbox"/> Health Care	<input type="checkbox"/> Personal Use	<input type="checkbox"/> Legal
<input type="checkbox"/> Other (please specify) _____		

**Will the health care provider receive money for the release of this information?**

[45 C.F.R. § 164.524 (c) (4) (i), (ii)]

Reasonable fees may be charged to cover the cost of copying and postage.

This authorization for release of the above information to the above-named persons/organizations will expire on: \_\_\_\_\_ (date). [45 C.F.R. § 164.508(c)(1)(v) & Civ. Code § 56.11(h)]

**I understand:**

- I authorize the use or disclosure of my individually identifiable health information as described above for the purpose listed. I understand that this authorization is voluntary. [45 C.F.R. § 164.508(c)(2)(i)]
- I have the right to revoke this authorization by sending a signed notice stopping this authorization to the health Records department at my current institution. The authorization will stop further release of my health information on the date my valid revocation request is received in the Health Records department. [45 C.F.R. § 164.508(c)(2)(i) & Civ. Code § 56.11(h)]
- I am signing this authorization voluntarily and that my treatment will not be affected if I do not sign this authorization. [45 C.F.R. § 164.508(c)(2)(ii)]
- Under California law, the recipient of the protected health information under the authorization is prohibited from re-disclosing the information, except with a written authorization or as specifically required or permitted by law. If the organization or person I have authorized to receive the information is not a health plan or health care provider, the released information may no longer be protected by federal privacy regulations. [45 C.F.R. 164.508(c)(2)(ii)]
- I understand I have the right to receive a copy of this authorization. [Civ. Code § 164.508 (c)(4) and Civ. Code § 56.11(i)]

Signature:	CDC/YA Number:	Date:
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[45 C.F.R. § 164.508(c)(1)(vi) & Civ. Code § 56.11(c)(1)]

Representative:	Relationship:	Date:
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[45 C.F.R. § 164.508(g)(1) & Civ. Code § 56.11(c)(2)]

## C. Common Health Care Problems and What You and Your Loved One Can Do

### PROBLEM 1: DELAYS IN MEDICAL ATTENTION OR RECEIVING MEDICATIONS

One of the most common problems prisoners experience regarding the prison health system is just getting an appointment with a doctor.

Also, many complain they often experience delays in getting their medications refilled. This can be very serious depending on the type of medical problem they have. For example, those with HIV who do not take their medications regularly may experience drug resistance as a result of medication interruptions. People taking anti-seizure medications may experience seizures, which puts them at risk for serious injury.

#### ***What is supposed to happen?***

The following is a very general and brief overview of the process prisoners are supposed to use to get medical attention from a nurse or primary care doctor. These policies were developed as part of the settlement agreement in the *Plata* case.

1. **Staffing and hours:** Each prison medical clinic shall have one resident nurse (RN), one medical technical assistant (MTA) and one Physician or Nurse Practitioner and be open at least eight hours a day, Monday through Friday, excluding holidays. There must be at least one RN on duty at the prison during the evenings and weekends and at least one physician on-call during non-business hours.
2. **Who gets care:** The health clinic will provide medical care to patients who (a) have submitted a Health Care Request Form, (b) are referred to the clinic by custody staff, or (c) are experiencing an “urgent/emergent” medical problem.
3. **Request forms and exceptions:** Prisoners are expected to initiate health services by filing a Health Care Services Request Form explaining why they need medical attention. Prisoners must pay a \$5.00 co-pay for every prisoner-initiated visit. Some exceptions to this policy include, but are not limited to, the following: a prisoner is without funds for 30 days; the prisoner is seeking emergency medical attention; the prisoner is seeking medical attention for diagnosis and treatment of certain communicable diseases; the prisoner is seeking follow-up care recommended by a medical staff person. Each prison has a chief medical officer (CMO) and/or health care manager (HCM) who are responsible for overseeing the delivery of health care services.
4. **Procedure for submitting requests:** All requests for medical services are placed in a locked box, which is checked daily. All requests are supposed to be reviewed by an RN daily in order to determine medical priorities.

5. **Nurse evaluations:** Prisoners are supposed to be evaluated by an RN within 24 hours of submitting a request form to determine what medical care is needed. The nurse will provide treatment if necessary, within the scope of her abilities.
6. **Primary care providers:** Patients shall be scheduled to see a primary care provider for the earliest possible appointment if (a) the needs of the patient are beyond the scope of practice for an RN, or (b) this is the patient's third request for the same medical complaint.
7. **Priority medical ducats:** Once an appointment to meet with a doctor has been made, the prisoner is supposed to receive a "priority medical ducat" which gives her special permission to leave her job or program assignment in order to go to this appointment.

### ***Getting Medication***

Prisoners are allowed to keep a supply of some medications ("Keep On Person" medications) in their cell. Other medications, such as HIV medications and narcotics, must be taken as "Direct Observed Therapy." This means they are not allowed to keep these types of medications in their cell. Instead they must always wait in a pill-line to take their doses under observation.

Incarcerated patients receive self-administered medications in 14-30 day supplies. Sometimes they may receive a 30-90 day supply. Medications are typically prescribed by the yard doctor. Medications used to treat severe pain, nausea, agitation, and diarrhea are supposed to be issued immediately, unless there is a medical reason for delay.

All newly ordered medications are supposed to be made available to the person within 24 hours. Those enrolled in the Chronic Care Program (CCP) who need to take medication on an ongoing basis often receive a 30-90 day supply. CCP patients are supposed to be seen by a CCP doctor at least every 180 days, at which time the physician should re-order any needed medications.

### ***What often happens in reality?***

Prisoners seeking medical attention often wait days, weeks, and – in extreme cases – months to access medical staff. Some complain that they submit co-pays and are never seen by medical staff, yet have \$5 deducted from their accounts. They regularly have their appointments cancelled without explanation or rescheduling, show up for appointments only to find that their medical records are not available, or see doctors who dismiss their concerns and offer no treatment.

Prisoners with prescriptions experience interruptions in their medications for a variety of reasons. They might wait in the pill line only to discover medication renewals have not been refilled. A scheduled appointment with a doctor may be cancelled, delaying medication reevaluation. Sometimes they are issued other people's medication.

### ***What can your loved one do?***

Incarcerated patients who experience medical problems or trouble getting their medications renewed may consider filing a Health Care Services Request Form (co-pay)

to see their yard doctor. They should make sure that medical staff is accurately recording their complaints, according to the language the prisoner actually uses. Under the SOAP (Subjective, Objective, Assessment, Plan) recording system used by medical professionals, a patient's own description of her condition is an important "subjective" element of the record.

Prisoners who experience problems either accessing medical attention or who are unable to get their medications by filing out a co-pay may also consider filing a medical 602 appeal, and clearly and briefly explaining their attempts to get care. *(For a full discussion of medical 602s, see "Health Care and Disability Accommodation Appeals" section on page 19.)*

If filing a medical 602 for problems getting medications, the prisoner should include the following information:

- Name of the medication(s) and a brief description of why it is needed
- An explanation of what went wrong. For example, she was never called for her regular CCP appointment, and therefore never received a renewal for the medication.
- If possible, include a copy of the medication label to prove that this medication had previously been prescribed and a copy of any co-pay.

In either case, it is helpful for prisoners to keep copies of all documents related to their attempts to get care or medications, including Health Care Request Forms (co-pays), priority medical ducats, Inmate Request Forms, medical records, 602s, etc. It is also extremely helpful for prisoners to keep a medical diary that keeps track of dates that forms were submitted, dates of responses, dates and descriptions of all contact with any medical staff including names and positions, and details of the state of her health.

### ***What can you do to help your loved one?***

You, as a family member or friend, may consider writing letters and making follow up phone calls to the prison's chief medical officer, warden, the receiver and CDCR secretary in Sacramento to make known your loved one's difficulties getting medical attention. You may call the receiver's office directly at (916) 691-1404.

Your letters will have more impact if you can demonstrate that the prisoner has followed the procedures for resolving problems and these efforts have not worked. Your letter should mention if your loved one filed any co-pays or 602s and what happened as a result of these actions.

As always, make sure to keep copies of all documents and correspondence. If you write a letter, it will be much stronger if you address the following issues and show officials that you know exactly what policies have not been followed correctly:

- Has your loved one submitted a Health Care Request Form (co-pay)? If so, how many? When? What kind of medical attention was requested? What happened?

- Find out if an RN saw your loved one within 24 hours of filing a co-pay. Did another medical staff person see the prisoner?
- Was your loved one charged \$5 for care that was never provided, or charged for care that is part of an on-going treatment plan?
- What happened once your loved one was able to see a doctor? Did the doctor physically examine the patient and provide information about a diagnosis, the need for further testing, and possible treatment options? Did the doctor make recommendations for specific follow-up action? Did the follow-up action happen? Try to be as accurate and specific as possible, including dates, names and detailed descriptions of events.
- Include copies of all relevant paper work with your letter.
- Be sure that your loved one has authorized you to receive information about her medical issues or the medical authority will not give you information. (See *“What is an Authorization to Release Medical Information?”* section on page 10.)

## **PROBLEM 2: FORCED JOB OR PROGRAM ASSIGNMENTS DESPITE HEALTH PROBLEMS**

Most California state prisoners are required to work or participate in some type of prison program in order to establish a record of “good behavior” and also to qualify for “good time” credits. However, some are unable to work or program because of medical problems. These individuals must get special permission from prison doctors and administrators to be excused. Unfortunately, many who are sick, in pain, disabled or otherwise having problems working complain that it is often very difficult to obtain an excuse. Those who don’t work or program risk being punished.

### ***What is supposed to happen?***

If a person is unable to work due to a medical issue, a prison doctor must first write a “chrono” – a permission slip granting a special privilege or right – explaining what an individual is unable to do.

For example, a chrono might specifically state that a prisoner is not able to walk more than 50 feet, lift anything over 5 pounds, be exposed to sunlight, etc.

Next, the prisoner will go before a classification committee who decides if there is a prison job or program the individual is able to do, given health-related limitations. If such a position exists, she will be placed into that job or put on a waiting list. If there is no job or program available, the classification committee will put the prisoner on “medically unassigned status” (if the medical issue will get better within 6 months) or “medically disabled status” (if the medical condition is permanent or will last longer than 6 months).

Please note that those who are either put on a waiting list for a job or are classified as “medically unassigned” will receive partial privileges, called “A-2 status.” Prisoners classified as “medically disabled,” receive their full privileges, or “A-1-A status.”



***What often happens in reality?***

Two of the most common problems related to this policy are (1) prison doctors do not issue the appropriate chronos or (2) prisoners have the right chronos but their job or program assignment requires them to perform activities they are not supposed to do.

***What can the prisoner do?***

If your loved one is unable to get her prison doctor to issue the appropriate chronos, she may consider filing a 602 explaining (1) a brief description of her health condition and (2) a brief explanation of why the job or program assignment is inappropriate. She may want to request specific chronos that will make her current job easier or request a different job assignment entirely.

It is the responsibility of the prisoner's work supervisor to provide "reasonable accommodation" on the job. If your loved one is given a job she is not able to perform, she can attempt to resolve the issue informally. She can speak with her work supervisor, who may be willing to adjust the job assignment. For example, if she is a "porter" (janitor) and is not supposed to lift anything over 5 pounds, perhaps her work supervisor will not require her to perform this task. If the supervisor says that she must perform activities she is unable to do or that are extremely painful or dangerous in order to stay at the job, she should be reassigned.

Your loved one may also submit an "Inmate Request Form" asking to speak with the CMO about her desire to be issued a particular chrono. If speaking with the CMO does not resolve it, she may consider filing a "Reasonable Modification or Accommodation Request" form (or CDCR 1824), explaining her attempts to resolve the issue. She should also explain specifically why her current job assignment conflicts with her chronos.

***What can you do to help your loved one?***

As a family member, it can be helpful for you to write letters to the warden and to follow up with phone calls to explain the problems your loved one is having with her classification status and job assignment. Try to be as specific as possible about the problem and what your loved one has done to resolve the issue. (*See "What can you do to help your loved one?" section in Problem 1 above, page 17.*)

## **D. Health Care and Disability Accommodation Appeals for Prisoners**

### **FORM 602-HC: HEALTH CARE APPEALS**

Appeals about medical, dental or mental health issues must be submitted to the health care appeals coordinator at the prison using a CDCR Form 602-HC. Issues that can be appealed on the 602-HC form include, but are not limited to: access to care, chronos,

co-payment, medical supplies, complaints about health care staff, medication, medical records, medical transfers, special diets, health care appliances, and health care policy. CDCR Form 602-HC appeals must be filed within 30 calendar days of the event being appealed. The prisoner must fill out Sections A and B of the 602-HC form for the first level of review. The prison staff should respond within 30 working days.

If not satisfied with the first level response, the prisoner may fill out Section D of the 602-HC form. She should send it to the health care appeals coordinator – within 30 calendar days of receiving the first response – for the second level of review. The prison staff should again respond within 30 working days.

If the prisoner is not satisfied with the institution's second response, she may fill out Section F of the 602-HC form. She should send it with the responses and supporting documents to the Office of Third Level Appeals-Health Care in Sacramento for third level review. This third level appeal must be filed within 30 days of receiving the second level response. The address is on Section F of the 602-HC form. A response should be received within 60 working days.

The 602-HC should be submitted as an emergency appeal if it involves circumstances in which the regular processing time may result in serious or irreparable harm. (*See "Emergency Appeals" section on page 35.*) This appeal should be submitted directly to the health care appeals coordinator for review by the health care manager or a designee, who must be a physician or registered nurse. If granted, the first level of review will be waived and the second level of review must be completed within five working days.

## **FORM 1824: DISABILITY ACCOMMODATION APPEALS**

If the appeal is being filed under the American Disabilities Act (ADA), the prisoner should use the yellow "Reasonable Modification or Accommodation Request" (CDCR Form 1824) and submit it to the appeals coordinator. Quicker than medical 602s, a Disability Accommodation Appeal should be answered within 15 working days.

If the response from CDCR is not satisfactory, it can be appealed to the second level by attaching the Form 1824 to a regular 602 appeal form and filling out Section D. Both forms must be submitted to the appeals coordinator within 15 days of receiving the first answer.

If dissatisfied with the second level response from CDCR, the prisoner may appeal to the third level by filling out Section F of the 602 form. Mail the form with the supporting documents to the CDCR appeals chief in Sacramento for the third level of review. A response should be sent to the prisoner from Sacramento within 20 working days.

## E. Sample Medical Advocacy Letters by Family Members

June 4, 2013

Dr. Richard Smith  
Chief Medical Officer  
Central California Women's Facility  
PO Box 1501  
Chowchilla, CA 93610-1501

Dear Dr. Smith,

I am writing on behalf of my sister Pat Jones, W-00001. I visited her yesterday and was told the following about her urgent medical needs.

She found out she had an abnormal Pap smear test in February 2010, when she first arrived at CCWF. She had laser surgery two months later, but had no follow-up care for two years. She was told in 2012 that she had cancer and had another surgery, this time at Madera Community Hospital. She was denied her post-surgical visit by the MTAs and was not given the antibiotics or pain medication prescribed by her outside doctor. She has had an abnormal vaginal discharge since her surgery, and it took her three requests to be seen, eight months after her surgery. She was given Betadine douches and some pills, but the discharge continued. She also filed a 602 in an attempt to get the medical care she needs, but this failed to resolve this issue. Included with this letter is a copy of her pending 602.

In addition, she has had a breast lump since 2011, which she mentioned to medical staff. She had a mammogram and was told not to worry about the lump unless it hurt. She had a sonogram but was never told the results. The lump now is burning and painful. She put in a request to see a doctor in March of this year but has not yet been seen for this condition.

I am quite concerned that no one seems to be following her care, and no one has taken the time to explain her current status to her. I am asking you to review her chart and make sure she gets the care she needs. I look forward to your prompt response. My sister has filled out the Authorization for Release of Information, authorizing you to speak with me about her medical situation.

Sincerely,  
Karen Jones

July 15, 2012

Warden Eric Johnson  
California Institution for Women  
PO Box 8100  
Corona, CA 92878-8100

Re: Inmate Christina Garcia, W-12345

Dear Warden Johnson:

I am writing on behalf of my daughter, Christina Garcia. She arrived in your care approximately June 15, 2012. She was recently sentenced in the Pomona Superior Court. Prior to her sentencing, she was in Twin Towers in Los Angeles. During her stay at Twin Towers she was housed in the medical ward and at the Women's and Children's Hospital of Los Angeles. She has been diagnosed with cervical cancer, stage 2B. She was under treatment when transferred.

Since her arrival in your care, her symptoms have worsened. I received a call from her on July 14 at approximately 10:30 A.M. She stated at that time that she was very ill and in pain. She also stated that she was losing weight at a fast rate. After examination in your facility, she was given a pap smear and Motrin to treat her symptoms. It has been my understanding after speaking to a nurse in your facility that you are in receipt of her medical records. This is where my question to you arises. Since when is follow up treatment for cancer dealt with by issuing Motrin?

As previously stated, she was receiving treatment for her cancer at Women's and Children's Hospital of Los Angeles. I expect her treatment to be continued, not put on hold as the cancer worsens and spreads. We are talking about the quality of a young woman's life and health. This is not a case of a bad flu, but a matter of a life-threatening disease. She has an 8-year old daughter and many family members are concerned about her well-being.

I am requesting that you take immediate action on this matter and see that my daughter receives the proper medical care and continued daily treatment she was previously receiving. I understand that she is incarcerated, but her human right to medical care is being ignored. I anticipate that you will personally take action to protect my daughter and look forward to a written response from you.

Sincerely and gratefully,  
Juliette Martinez



## II.

# SECURING COMPASSIONATE RELEASE OR MEDICAL PAROLE

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There are two ways that a very ill person held in a California state prison can be released. One is “compassionate release;” the other is “medical parole.”

Compassionate release is primarily for prisoners who are within six months of death. The decision to release a prisoner on compassionate release is ultimately made by a judge. Medical parole, on the other hand, is for prisoners who are permanently medically incapacitated and are therefore unable to perform activities of basic daily living, but who are not necessary nearing death. The decision to release an individual on medical parole is made by CDCR’s Board of Parole Hearings.

Importantly, *any person*, including a prison physician, the prisoner, or friends or family members, may apply for either compassionate release or medical parole. So in the following sections, “applicant” refers to whomever begins the compassionate release or medical parole application process, whether prisoner, family advocate or doctor.

## A. Helping Your Loved One Receive Compassionate Release

California’s compassionate release law is found in California Penal Code section 1170(e). Related regulations are found in Title 15 sections 3076(b), 3076.3 and 3076.4. In addition to authorizing the release of a prisoner who is within six months of death and whose release will not threaten public safety, it also provides for the release of a prisoner who is “permanently medically incapacitated,” requires 24-hour care, and is not a threat to public safety. However, CDCR has resisted compassionate release for those who are medically incapacitated. (For this reason, in 2010 the legislature enacted medical parole, described in the next section.)

Compassionate release is unique in that it is primarily used for prisoners within six months of death, and because the ultimate decision about release is made by a court. The warden has an affirmative duty to provide the applicant with updated information regarding his or her loved one’s medical condition and the status of the recall and resentencing throughout this process.

Also note that prisoners facing a death sentence or serving life without parole are not eligible for compassionate release.

Compassionate release is essential in granting incarcerated people the opportunity to enjoy their final days in the comfort of their own homes surrounded by family and friends. It allows loved ones to give a dignified goodbye. It spares prisoners the horror of dying alone, and spares families the fear of not being present with their loved ones in their final passing. While compassionate release is permitted for many prisoners, it is not guaranteed. Family members can play a crucial role in obtaining compassionate release for their loved one.

## **WHAT CAN FAMILIES DO TO HELP?**

If you are aware of your loved one's deteriorating condition and believe him to be terminally ill or permanently medically incapacitated in a way that did not exist when he was sentenced, there are steps you can take to promote his release. The first step in the compassionate release process is to initiate the application. This can be done by anyone, including friends and family of prisoners. *(See flow chart on facing page for details.)*

The second step in compassionate release (the processing stage) is when families can be the most helpful. Though the prison is supposed to keep the prisoner and his outside agent (family member) informed about the progress of the application, this rarely happens. You can help by making sure you have a medical release form from your loved one, then calling the warden and prison medical staff weekly to ensure the application is moving along. Pass the information you learn along to your loved one, because outside advocates are usually better informed about the process than prisoners themselves.

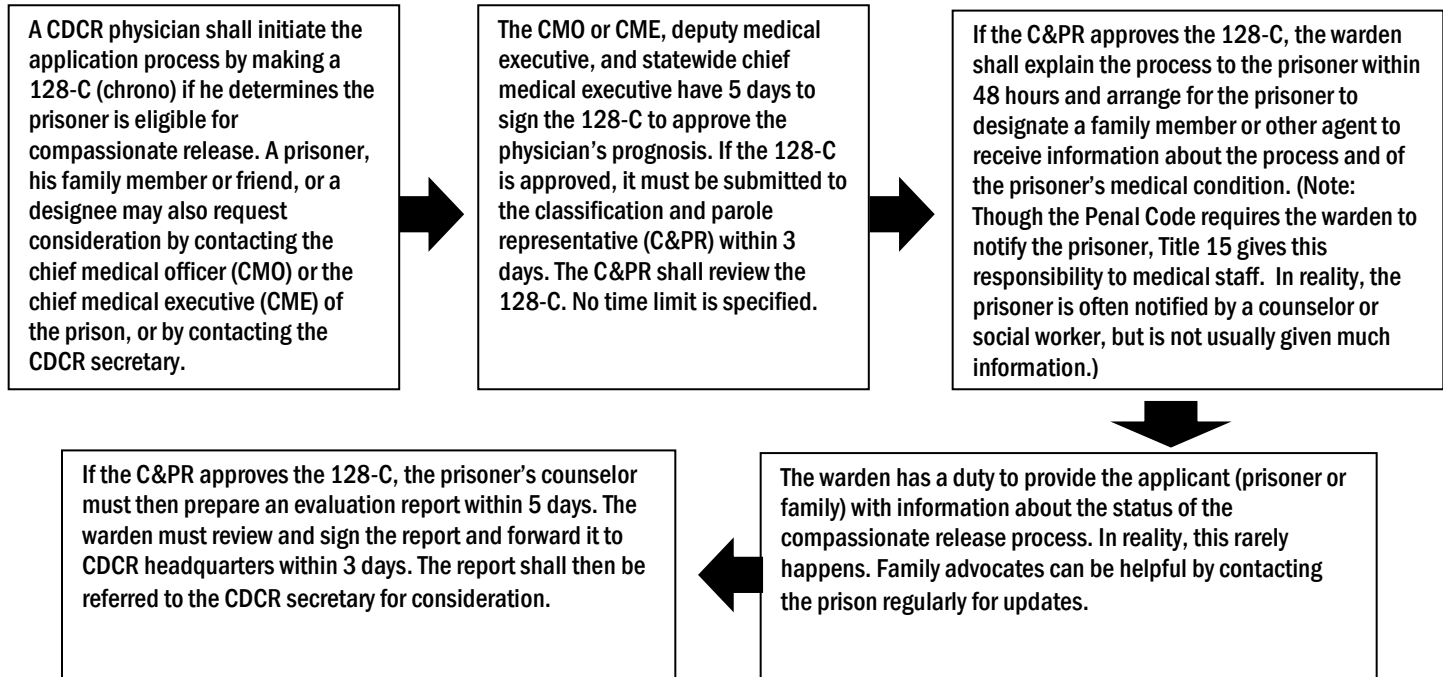
It helps to write letters of support for your loved one. Get letters from as many people in your community as possible talking about how they would benefit from your loved one's release. Also, write a detailed letter describing his post-release plan, including where he will live and who will provide for his medical care. Address them "To Whom it May Concern" and send them to all administrators involved in the application process.

Finally, if your loved one's application reaches the sentencing court stage, he will often be given a public defender to represent him in his resentencing hearing. Get in contact with his attorney and make sure she is informed about compassionate release and your loved one's medical condition. When the day of the hearing comes, pack the courthouse with supportive family and friends.

## **COMPASSIONATE RELEASE FLOWCHART**

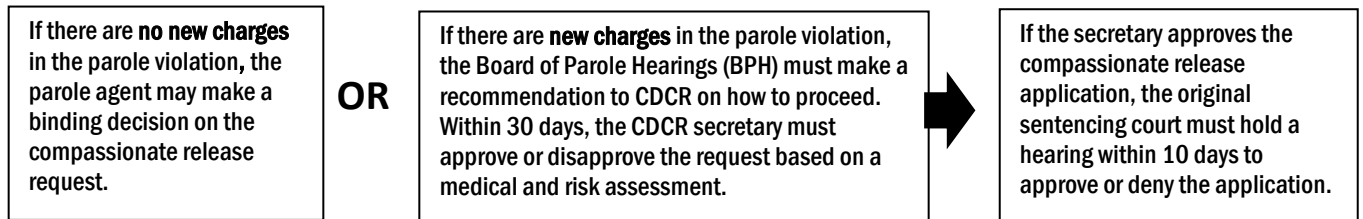
The following flowchart is modified from Justice Now's manual *Compassionate Release for Terminally Ill and Permanently Medically Incapacitated People in California Prisons: The Nuts and Bolts Manual for Winning Compassionate Release*. This manual provides a detailed description of the steps involved in obtaining compassionate release, as well as sample letters and documents to guide you in the process. (See ordering information in Resources section.) Contact Justice Now directly with questions about compassionate release at their collect number: (510) 831-4357.

## 1. INITIATING THE REQUEST

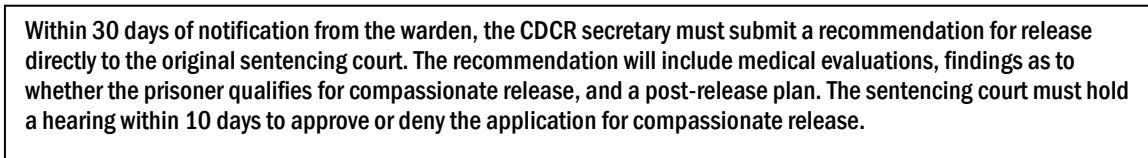


## 2. PROCESSING THE REQUEST IF THE PRISONER IS:

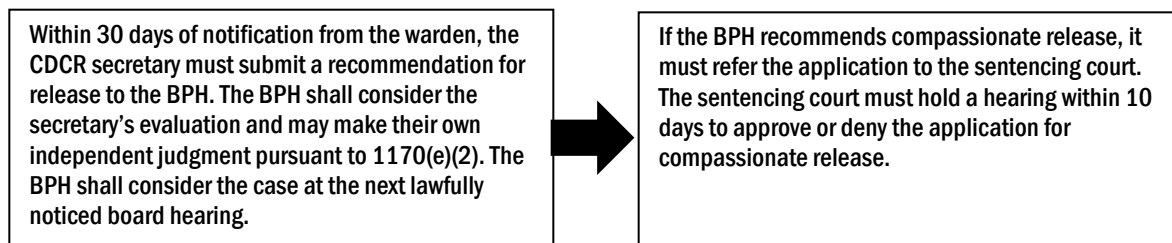
### A. Currently facing a parole violation:



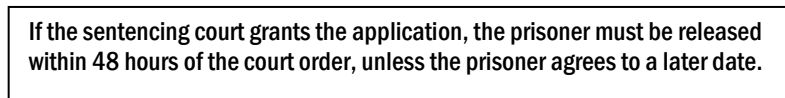
### B. Currently serving an indeterminate sentence:



### C. Currently serving a determinate sentence:



## 3. RELEASE:



## B. Helping Your Loved One Receive Medical Parole



California's existing medical parole law is found in California Penal Code section 3550. General information can be found in Title 15 section 3359.1.

Under current law, medical parole is designed for profoundly disabled people who have been determined by their prison's head physician to require 24-hour care because they are permanently medically incapacitated with a condition that renders them unable to perform activities of basic daily living.

Activities of basic daily living are breathing, eating, bathing, dressing, transferring, elimination, arm use, or walking without assistance.

In June, 2014, the Board of Parole Hearings announced the expansion of medical parole, effective in July. Eligibility now includes prisoners who suffer from significant and permanent conditions, diseases, or syndromes which result in physical or cognitive debilitation or incapacitation. The Board will determine eligibility using the Medicare/Medicaid Resource Utilization Guide IV (RUG IV) Assessment Tool. Prisoners and advocates are advised to monitor changes in Title 15 or state law in this area. Information on expanded medical parole may be found online, such as on the CDCR or Prison Law Office websites.

Medical parole is not available for anyone facing a death sentence or serving life without parole, or anyone who is serving a sentence for which medical parole is prohibited by any initiative statute. Further, medical parole is not available if the physical limitation that is the basis for the request existed at the time the patient was sentenced. A prisoner's primary care doctor can recommend to the head physician at that prison that a patient be recommended for medical parole. His family or attorney may also request consideration of medical parole by contacting the head physician.

In either case, once the chief medical officer or chief medical executive determines the prisoner to be eligible for medical parole, he must be referred to the Board of Parole Hearings within 30 working days. CDCR is required to complete parole plans for these prisoners, which must include post-release plans for housing and medical care.

The Board of Parole Hearings then conducts a medical parole hearing to determine if the prisoner qualifies medically and whether paroling him would threaten public safety.



If a prisoner is granted medical parole, his status may convert to regular parole upon his original first parole eligibility date. Also, if a medical paroled prisoner's condition improves, or he violates the terms of his medical parole, his parole can be revoked, resulting in the return to state prison.

## **WHAT CAN FAMILIES DO TO HELP?**

If your loved one is permanently incapacitated and you feel that he should therefore be released from prison, you may contact the prison physician, CMO or CME to recommend him for medical parole. If his case is referred to the BPH, you can support his application by writing letters of support. Get letters from as many people in your community as possible talking about how they (the community) would benefit from his release. Also, write a detailed letter describing your loved one's post-release plan, including where he will live and who will provide for his medical care.



## **C. Helping Your Loved One Get Released from County Jail**

This manual is primarily intended to provide guidance to family and friends whose loved one is in state prison. The recent shift of California prisoners to county jail through realignment, however, makes it worthwhile to briefly discuss the new compassionate release and medical parole relief process available to county jail prisoners.<sup>5</sup>

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<sup>5</sup> Also note, for people incarcerated in federal prisons, federal "compassionate release/medical parole" law is found at 18 U.S.C. §3582(c)(1)(A) and 18 U.S.C. §4205(g).

Under Government Code section 26605.6, county sheriffs may release a jail prisoner if the sheriff determines, after conferring with a physician, that the prisoner has less than six months to live and does not present a threat to public safety.

Under Government Code section 26605.7, a county sheriff may request that the sentencing judge grant medical probation in place of jail time to a prisoner who is either permanently medically incapacitated and unable to perform the basic activities of daily life (requiring 24-hour care), or who requires long-term inpatient rehabilitation.

Under both laws, the sheriff and/or probation officer must secure a placement for the prisoner in the community and determine his eligibility for medical benefits. Families and friends can promote their loved one's release under either law by contacting the sheriff to recommend their loved one's release and by writing letters of support to the sheriff. *(See "Compassionate Release" and "Medical Parole" sections above.)*

If your loved one is seeking release under section 26605.7, you may also wish to contact the sentencing judge and, if there is a hearing, fill the courthouse to show support.



### III.

## FILING NON-MEDICAL COMPLAINTS

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As discussed in previous sections, problems related to obtaining proper medical care should typically be addressed through a set of procedures specific to health care administration. However, other kinds of complaints – including everything from disputing a rules violation report to food-related grievances to guard abuse – should be dealt with through the administrative appeals processes.

Though institutional problems related to the practices or procedures of a prison can have significant effects on both prisoners and their families, the administrative grievance process available to each often differ. It is important to use the correct complaint procedure to avoid unnecessary delays or denials, so please read the following sections carefully.

### A. 602 Appeals Process for Prisoners

This section provides general guidelines for filing administrative appeals. Please refer to California Code of Regulations, Title 15 sections 3084-3086 for more information. Prisoners may also find the necessary materials for filing 602s in the prison law library.

#### INTRODUCTION

The 602 appeals process was enacted into California state law to give prisoners a chance to have their grievances resolved by the prison directly. This process allows them to file an administrative appeal to complain about an action taken by any employee of CDCR or any CDCR policy, procedure, or condition that affects them. Examples of issues that may be addressed by a 602 appeal are disputes about rules violation reports, miscalculation of good-time credits, restrictive mail policies, or visitor denials.

#### ***Why File a 602 Appeal?***

In reality, the 602 process can be quite frustrating for prisoners. However, there are many reasons to file a 602 appeal when appropriate. First, there is a chance that the prison might solve the problem internally in response to the appeal. Second, a prisoner must exhaust the appeals process in order to sue the prison in state or federal court. This means that she has filed an appeal according to procedure and taken the appeal through the secretary's level in Sacramento (Third Level of Appeal). Exhausting the

appeals process is necessary whether the prisoner is seeking an injunction or money damages. Finally, documentation of these appeals is important to improving prison conditions. This documentation provides evidence that prisoners are not being treated fairly and allows advocates to promote change. Without a “paper trail” of 602s, a prison will often claim that prisoners are not complaining of or suffering any harm.

### ***Kinds of 602 Appeals***

- **Health care:** For appeal issues that are related to physical, dental and mental health, prisoners must use the pink CDCR Form 602-HC. *(See “Health Care Appeals” section on page 19.)*
- **Disabilities:** If the prisoner is filing an appeal under the Americans with Disabilities Act (ADA), she should use the yellow Request for Accommodation or Modification (CDCR Form 1824). *(See the “Disability Accommodation Appeals” section on page 20.)*
- **Other complaints:** The green CDCR Form 602 should be used for all other appeals, including staff misconduct complaints.
- **Emergencies:** There are also unique procedures for emergency appeals. *(See the “Emergency Appeals” section on page 35.)*

Note that prisoners may find it advantageous, or in some cases required, to also file a Request for Interview, Item or Service (CDCR Form 22) along with their 602s. *(See the “Request for Interview, Item or Service” section on page 36.)*

### ***Time Deadlines and Limits on Number of Appeals***

The initial 602 must be filed within 30 calendar days after the problem occurred or 30 calendar days after the prisoner found out about the event or decision being appealed. The deadline for the prisoner’s response to CDCR’s response at every level of the 602 process is 30 days. Time limits are not extended to provide time to collect documents.

If the prisoner is unable to collect all supporting documents within the time limit, she should file the appeal within the time limit and explain why the documents are unavailable. The appeals coordinator may then grant additional time to get the documents.

Also note that prisoners may not file more than one non-emergency appeal within a 14 day calendar period. Appeals submitted as “group appeals” are considered to be filed by each member of the group and therefore count against the allowable number of appeals within 14 days for every prisoner included in the group. *(See “Group Appeals” section on page 34.)*

### ***Keep Copies of the 602 Appeal Form and Related Documents***

A prisoner must be able to show she has done everything possible to follow the appeal process. This may be difficult to prove without copies. If there is no access to a copy machine, she should make a handwritten copy and keep it with the response. At the top of the copy, the prisoner should write, “I do not have access to a copy machine. This is a handwritten copy of my 602 appeal. I attest under penalty of perjury that all statements

made by me on this form are true and an exact duplicate of the statements made by me on the original 602 form.” The statement should be signed and dated.

For more specific guidance on 602 appeals dealing with disciplinary infractions, staff misconduct, release date, parole period computation, transfer, visiting, mail, personal property loss or damage, parole issues, Prison Industries Authority or Joint Venture Program issues, see *How to File an Administrative Appeal* by the Prison Law Office. It’s available free at [www.prisonlaw.org/pdfs/AdminAppealsFull,Jan2013.pdf](http://www.prisonlaw.org/pdfs/AdminAppealsFull,Jan2013.pdf) or by writing them to request a copy (see Resources section).

## **FORM 602: WALKING THROUGH THE INMATE/PAROLEE APPEAL FORM**

### ***Section A: Describe the Problem***

The prisoner should clearly explain the facts regarding what happened and how it affected her. The 602 may cite any CDCR regulation that the complaint relies on. However, citing rules is not required, and the form does not need to present legal theories or elements. The goal in filling out this section is to be plain and thorough in order to provide the prison staff with fair notice of what happened and give them an opportunity to respond. For example: “I was transferred from California Prison #1 to California Prison #2 on [date]. However, my property has not been transferred with me, even though I have asked my counselor about its whereabouts for the last month. I have an upcoming court filing deadline and urgently need my legal materials. I have also been unable to write to my family because I do not have my stationery supplies. Because I am indigent, I cannot purchase more.”

If the prisoner needs more space than is provided on the form, she may attach one CDCR Form 602-A Inmate/Parolee Appeal Form Attachment and fill out Parts A or B as needed on that form. [15 CCR § 3084.2 (a) and (b)].

Only one problem should be identified on each 602. Prisoners should use more than one 602 if there are multiple problems to be addressed. However, they are not allowed to submit more than one non-emergency appeal (including group appeals – see below) within a period of 14 calendar days. The form must include all issues that have arisen out of a single problem or incident. If a new issue arises later in the review process that was not included on the original appeal, it may be found that she has not “exhausted” the appeals process for that issue. Such a finding may prevent her from bringing that issue in court later. It is important to file individual 602 appeals for each issue as it arises. [15 CCR § 3084.1(b)].

For example, in the situation above, the problem or action was the fact that, following a transfer, a prisoner has been without her property for at least a month. The deprivation of necessary legal documents and the inability to write to her family are two impacts that arise from the single problem. All of these facts should be included on the original 602 Appeal Form. However, a different problem, such as improperly being denied access

to a special religious diet, should be filed on a separate 602 form. The second appeal for the denial of the religious diet, however, may not be filed within 14 days of the missing property 602.

The prisoner should attach any documents or reports that may be needed to support the issue being appealed. If no documents or reports are attached, she should check the appropriate box on the form indicating so, then explain that the documents have not been provided to her or that there are no relevant documents.

**Staff Misconduct Complaints**

If a prisoner is complaining of misconduct by a staff member, she should do so through the normal 602 process. However, the prisoner *must* attach and sign a Rights and Responsibilities Statement (found on CDCR Form 1858 and reproduced below) which affirms that she knows that filing a false claim against a peace officer is a misdemeanor.

***Rights and Responsibilities Statement: Penal Code § 148.6; 15 CCR § 3391(d):***

You have the right to make a complaint against a police officer (this includes a departmental peace officer) for any improper police (or peace) officer conduct. California law requires this agency to have a procedure to investigate citizens' (or inmates'/parolees') complaints. You have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen (or inmate/parolee) complaints and any reports or findings relating to complaints must be retained by this agency for at least five years.

It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing it is false, you can be prosecuted on a misdemeanor charge. (An inmate/parolee who makes a complaint against a departmental peace officer, knowing it is false may be issued a serious disciplinary rule violation in addition to being prosecuted on a misdemeanor charge).

I have read and understood the above statement.

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Complainant

**Section B: Action Requested**

This section must state what the prisoner wants to happen. She should not change her request throughout the appeals process. Using the example above, a requested action

could be, “I would like my property transferred to my current location,” or “I would like to be informed of the whereabouts of my property.” The requested action must be related to and resolve the problem complained of in Section A.

Even though money damages are typically not awarded through the administrative appeal process, if a prisoner intends ultimately to sue for damages, she should nonetheless use Section B of the 602 to request the money damages she intends to sue for. Money damages might include, for example, the value of damaged property or compensation for pain and suffering.

### ***Section C: First Level of Formal Review***

A prisoner’s 602 should be submitted to the appeals coordinator for review. The first level may be bypassed if the appeal concerns a serious disciplinary violation, a policy or regulation set by the department or warden, or another issue that must be resolved by a higher level of authority. [15 CCR § 3084.7(a)]. The first level may also be bypassed for appeals related to movie selection, although the second level will be considered the final level of review for this kind of appeal. [15 CCR § 3084.7(b)(2)]. All other appeals may not skip the first level of review. Each level of review must be completed before advancing to the next. Failure to do so will result in a rejection of the appeal.

Prison staff must answer the first level appeal within 30 days. The answer will be entered in Section C on the 602 form or a separate sheet that will be returned to the prisoner. The appeal form will be returned to the prisoner when the response is provided. The staff is permitted to exceed timelines in certain circumstances, such as a complex issue, unavailability of witnesses, or a state of emergency. If the staff must exceed the time lines at the first or second level, they must provide written notice, a reason for the delay and the estimated date of completion. If the staff misses the appeal timelines without providing justification for the delay, the prisoner may appeal this procedural violation in a separate appeal.

On this new 602 form, the prisoner may skip Section C and go to Section D, the Second Level of Review, and write that she is dissatisfied because the staff person refused to accept, destroyed, or didn’t return the 602 and she is appealing to the next level. If a prisoner is able to show a pattern of improperly processed appeals, she may later be able to get a court order to force officials to comply with the timelines.

### ***Sections D and E: Second Level of Formal Review***

If the prisoner finds the first level response unsatisfactory, she may appeal to the second level of review. This appeal must be filed within 30 calendar days after receiving the response. She should fill out Section D of the appeal form and submit it to the appeals coordinator. The second level answer must be completed by a person of a rank no lower than chief deputy warden, deputy regional parole administrator, or equivalent. The response should be completed within 30 working days and provided in Section E of the 602 form or on an attached sheet.

Note that certain appeals cannot be taken past the second level of review. These appeals include informal counseling chronos, administrative level disciplinary violations, and appeals regarding movie selection or exclusion from the civil addict program. [15 CCR § 3084.7(b)(1)].

***Section F: Third and Final Level of Formal Review (Secretary’s Level)***

If the issue is not resolved at the second level of review or there is no response from the prison within 30 working days, a prisoner may appeal to the third level by filling out Section F of the 602 form. The prisoner should mail the form with the supporting documents to the CDCR appeals chief in Sacramento at PO Box 942883, Sacramento, CA 94283. According to Title 15, she should hear from Sacramento within 60 working days of sending her appeal. Sacramento is not required to give notice of any delay. If she has received no response from the secretary after 180 days, she may consider her appeal exhausted.

***Section H: Withdrawal***

Prison staff may ask a prisoner to withdraw an appeal because the requested remedy has been granted or because they have notified her about why the remedy cannot be granted. To withdraw the appeal, a prisoner must fill out and sign Section H of the 602 form. Withdrawing is not required. It is generally better to refuse to withdraw and have prison staff formally grant or deny the request. Withdrawal may forfeit one’s right to file a lawsuit for relief. If the withdrawal is conditioned on a promise for relief by the prison staff, this should be stated in Section H. If there is an agreed upon relief, but it is not provided when and as promised, the prisoner may appeal using a new 602 form within 30 days of the failure to provide this relief.

**MODIFICATION ORDERS**

The warden, regional parole administrator, or appeals chief may order a prior appeal decision to be modified. Pursuant to section 3084.7(i) of Title 15, modification orders should be completed within 60 calendar days of the appeal decision that determined the need for a modification order. If it is not possible to complete the modification within 60 days, the staff member responsible for doing so must advise the appeals coordinator or chief every 30 days of the reason for the delay. The appeals coordinator or chief must also provide an expected date of completion. If the modification order is not complete after 120 calendar days, the prisoner may appeal to the next level within the next 30 calendar days.

**GROUP APPEALS**

Group appeals may be filed when a decision, action or policy will affect all members of a group. One person should fill out, sign and submit the 602 form. One appeal form should be used with the name and CDCR number of the person who prepared the appeal. A CDCR Form 602-G Inmate/Parolee Group Appeal containing the names, CDCR numbers, housing location and signatures of all prisoners involved in the group appeal



should be attached. The response will be provided only to the prisoner who prepared and submitted the appeal. The person who submitted the appeal is responsible for notifying the group of the department's response. If that person is transferred or released, the response is then directed to the next person on the list.

## **EMERGENCY APPEALS**

If the normal 602 time frame may result in a threat to the prisoner's safety or cause other serious and irreparable harm, she might be able to file an emergency appeal. To do so, she should write "Emergency Appeal" at the top of the 602 form and submit it to the appeals coordinator, including a reason why the prison should do an emergency processing of her appeal. The prisoner will be notified if emergency processing is refused. If the appeals coordinator decides that the appeal is not an emergency, she will be notified and the appeal will be processed as a regular appeal. If emergency processing is granted, the first level is waived and the second level review should be completed within 5 working days. If that response is unsatisfactory, the prisoner may send the appeal back to the appeals coordinator, who will electronically submit it to the CDCR chief of inmate appeals. The chief then has five working days to complete the third level of review.

## **APPEAL REJECTION**

Appeals may be rejected by the appeals coordinator. An appeal may be rejected if a prisoner files more than the allowable number of appeals (one every 14 days), fills out the form improperly, fails to attach the necessary documents, includes unrelated issues, or submits an excessively lengthy or vague appeal. If an appeal is rejected, the prison should provide notice indicating the reason for the rejection and what can be done to correct the problem and continue the appeals process. If the appeal is rejected for failure to attach supporting documents, or another problem that is correctable, the prisoner should correct the problem and resubmit the appeal within 30 calendar days of the rejection.

If the problem is not correctable or the rejection is incorrect, she can send the appeal back to the appeals coordinator stating why the appeal should be accepted. Prisoners must follow up on improperly rejected appeals through the highest (third) level to preserve their right to file legal action in court. Rejected appeals do not meet the requirement that prisoners exhaust administrative remedies before pursuing a lawsuit, unless they are appealed to the third level.

## **CANCELLATION OF APPEAL**

An appeal may be cancelled by the appeals coordinator. It may be cancelled if the appeal fails to be submitted within the specified time limits, if the issue is not within CDCR's jurisdiction, if it is duplicative, if the appeal is re-submitted without correction or explanation for the lack of correction, or for refusal to cooperate with the reviewer.

If an appeal is cancelled, the prisoner should receive a notice indicating the reason for the cancellation. If she thinks the appeal should not have been cancelled, she should send the appeal back to the appeals coordinator. If the cancellation was at the third level of review, she should send it back to the CDCR appeals chief and include a written request asking the coordinator to exercise the discretion to process the appeal. A prisoner may also file a new appeal that challenges the application of the cancellation rules. Again, if the appeal was cancelled at the third level, she should appeal directly to the appeals chief.

Improperly cancelled appeals must be followed up on through the highest level to preserve the right to file legal action in court. A cancellation does not satisfy the lawsuit requirement that prisoners exhaust administrative remedies.

## **FORM 22: REQUEST FOR INTERVIEW, ITEM OR SERVICE**

If a prisoner prefers to resolve an issue by having an informal interview with staff or would like to request items or services regarding her 602 appeal, she may file a CDCR Form 22 Inmate/Parolee Request for Interview, Item or Service. At times, prisoners may do this instead of filing a 602 to try to get what they need without filing a formal appeal.

While it is never officially required that a prisoner file a 22 before she may file a 602, it is also important to note that the appeals coordinator *may* reject a 602 if the prisoner does not first use a Form 22. [15 CCR § 3086(e)(2)]. The appeals coordinator has discretion to decide whether, on an individual basis, it would be more expedient to resolve the problem through the use of a Form 22. If the 602 is rejected with instructions to first file a 22, the time limits regarding the 602 procedure will be stayed while the 22 is under consideration.

Prisoners should use the official CDCR triplicate form and retain the yellow copy for their own records. Staff has three working days to respond to the request, and superiors must review the request within seven calendar days. It is important to note that filing a Form 22 request does not stop or reset the timeline for 602 administrative appeals, except in the situation described above. Nor does it satisfy the requirement to exhaust administrative remedies.

## **OTHER TIPS FOR PRISONERS IN FILING APPEALS**

- **Decision to file:** Only the prisoner can decide whether she should file a 602. Though establishing a proper record of the grievance through the 602 process can be important, she must decide what is best for her in a given situation.
- **Retaliation:** There is no way for the prisoner to protect herself entirely from retaliation. However, if she fears retaliation but wishes to proceed with the 602 process, she may want to contact family or other advocates to write letters and call the institution on her behalf.

- **Letters to CDCR officials:** If the prisoner feels she cannot use the 602 process, previous cases suggests that she can write a letter to the prison and CDCR officials asking for help and exhaust her remedies in that manner. We advise using this method only in extreme cases since the law is not clear on this point. It may also be a good idea for her to write these letters even if she does file a 602. Whichever approach the prisoner takes, she should make and keep copies of every letter she sends, form she submits, and response she receives.
- **Record obstructions:** If it becomes impossible to use the 602 process because CDCR does not cooperate, the prisoner may consider keeping a log/diary of the ways the department obstructed the process. For example: “On 12/12/09, MTA Jones refused my request for medical records to document this 602.” This log/diary may be considered evidence of exhaustion. Additionally, these notes are useful to advocates in helping to create change.
- **Copy other agencies:** It is also a good idea for the prisoner to send copies of her 602 to the following agencies so that others know of her efforts to resolve the situation:

***California Department Of Corrections and Rehabilitation:***

**Office of the Ombudsman**  
1515 S St., Room 311 South  
Sacramento, CA 95811  
(916) 445-1773

**Office of the Inspector General**  
10111 Old Placerville Rd., Suite 110  
Sacramento, CA 95827  
(800) 700-5952

**Office of Internal Affairs**  
PO Box 3009  
Sacramento, CA 95812  
(916) 323-5769

**CDCR Secretary**  
1515 S St., Suite 502  
Sacramento, CA 94283

## **B. Administrative Complaints for Friends and Family**

Family members and friends of the prisoner can also appeal department actions which affect them. This section provides information on the appeals process for non-prisoners.

### **APPEALING THE SUSPENSION OF MAIL OR VISITING PRIVILEGES**

Family members, friends, and advocates may not use the 602 appeals process, but may file similar appeals directly with the institution for issues regarding visiting or mail.<sup>6</sup> California Code of Regulations Title 15 section 3137 (Appeals Related to Mail) and

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<sup>6</sup> Note that prisoners may also appeal these issues, but should use the regular 602 process.

section 3178 (Appeals Relating to Visiting) cover appeals by persons other than prisoners. There is no standard form for appeals brought by friends and family.

Instead, friends and family members appealing restrictions or denials of visiting or correspondence should send a letter (1) to the warden if the problem relates to institution-specific practices or (2) to the CDCR secretary if the problem relates to system-wide policies. Similar to a 602, the letter should explain the problem and ask for a specific remedy. If submitted to the warden, the warden has 15 working days to respond to the appeal. If you are dissatisfied with the decision, you may appeal to the secretary. The secretary must respond within 20 working days.

It is unclear whether family members have a formal right to “file an appeal” about policies or procedures not related to mail or visiting. However, even if you do not, you always have the right to advocate for your loved one inside by calling and writing the warden, the chief medical officer/health care manager, the regional parole administrator, and the secretary. Please see below for a sample family advocacy letter appealing the denial of visiting and correspondence privileges.

### **SAMPLE FAMILY ADVOCACY LETTER: SUSPENSION OF MAIL AND/OR VISITING PRIVILEGES**

February 10, 2012

George Smith, Warden (A)  
Pelican Bay State Prison  
5905 Lake Earl Dr.  
PO Box 7000  
Crescent City, CA 95532

Re: Suspension of Correspondence/Visiting Privileges

Dear Warden Smith:

I am in receipt of your January 25, 2012, letter advising me that I am not permitted to correspond or visit with any inmate at Pelican Bay State Prison, effective immediately, and continuing for at least one year. Please consider this letter my appeal of your decision to suspend my correspondence and visiting privileges.

Pursuant to the fourth paragraph of your letter, I hereby request a meeting with you as soon as possible. Any time during the week of February 27 would be preferable.

In addition, I request that I be provided as soon as possible with a statement of the specific facts underlying your decision. Your letter states that I have participated in

facilitating gang communications. Please provide me with (1) the specific information that you believe I provided to and/or received from Mr. Thomas, CDCR# 12345; (2) the person or persons that you believe I received or gave this information to; (3) the dates that you believe I received or delivered this information; (4) the places that you believe I received or delivered this information; (5) the means by which you believe I received or delivered this information (i.e. prison visit, letter, phone call, email, personal contact, etc.).

According to Title 15, Section 3176.1, a visitor may have her visiting privileges suspended for up to one year only if she “is involved in criminal activity on institution/facility property which constitutes a misdemeanor.” Please provide me with information about the misdemeanor that you believe I committed: the statute violated and the facts underlying the violation.

You have also denied me correspondence privileges with any prisoner at Pelican Bay State Prison. To my knowledge, none of my mail to Mr. Thomas has ever been disapproved. Nor has any of his mail to me been disapproved. I request the specific reasons (acts you believe that Mr. Thomas or I have done) warranting the suspension of correspondence privileges. Also, I request that you provide me with the regulation that authorizes the suspension of my mail privileges.

Please provide this information in writing, with any and all supporting documentation, to my address above. Also, please deliver a copy of this letter to Mr. Thomas, so that he knows of the suspension and my response to it. I would appreciate a prompt response to these requests.

Sincerely,  
John Doe

## C. Staff Misconduct Complaints for Friends and Families

Friends, family members and other non-prisoners may use a Citizen’s Complaint to appeal misconduct by a departmental peace officer or other CDCR staff member.<sup>7</sup> [15 CCR § 3391] Examples of staff misconduct include, but are not limited to, calling a prisoner derogatory names, using indecent abusive or profane language while on duty, irresponsible or unethical conduct while on or off duty, or other discourteous or unprofessional conduct.

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<sup>7</sup> Note that prisoners and parolees, however, must submit the complaint on CDCR Form 602. (See “602 Appeals Process for Prisoners” section on page 31.)

A Citizen's Complaint should be filed as soon as possible after the event in which the misconduct occurred. The Complaint may be completed on a CDC Form 2142 (Citizen's Complaint Against Employee of the California Department of Corrections), which can be found on the following page, or it may be lodged simply by writing a letter.

According to the CDCR, "the complainant may... choose to mail or deliver his/her complaint directly to the Hiring Authority or any Department Head. Whenever possible, the complainant shall be requested to personally meet with or talk to the Hiring Authority or designee at the time of the original complaint." In most cases, the "Hiring Authority" will mean the prison warden.

If you feel it would be futile or dangerous to report the misconduct to the warden, you may submit your Citizen's Complaint directly to the office of the Ombudsman. (See address on page 39.)

Also note that any person, whether a prisoner or a member of the public, who files a complaint alleging misconduct of a departmental peace officer is required to read and sign the Rights and Responsibilities Statement found in Title 15 section 3391(d) as well as on the Form 2142. If you are not using the Form 2142, a typed or handwritten Rights and Responsibilities Statement should be submitted at the same time as a Citizen's Complaint letter or prisoner 602 regarding staff abuse. (See "Rights and Responsibilities Statement" on page 32.)

It is important that members of the public use Citizen's Complaints to speak out against CDCR staff abuse and support institutional change.



**CITIZEN'S COMPLAINT AGAINST EMPLOYEE OF THE  
CALIFORNIA DEPARTMENT OF CORRECTIONS**

I wish to register a complaint against the following named employee(s) of the California Department of Corrections:

Employee(s) Name	Description (Job title, ID number, vehicle and license number, home address, etc.)	Employee's Work Location (if known)

\_\_\_\_\_

Date(s) of Incident                      Time of Incident                      Location of Incident

**Details of Complaint** (Include nature of complaint, names and addresses of witnesses and other involved parties, names of any law enforcement or social services agencies, doctors or attorneys contacted, a chronology of the events, etc. It is important to include as many factual details as possible so that your complaint may be thoroughly investigated. Attach additional sheets if necessary.)

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In order that the Department may contact you relative to your complaint, please provide the following:

Name: (please print) \_\_\_\_\_ Home Phone: (    ) \_\_\_\_\_

Address: \_\_\_\_\_ Work Phone: (    ) \_\_\_\_\_

If your complaint is against a Department peace officer, you must read and sign the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A PEACE OFFICER FOR ANY IMPROPER PEACE OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT, EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZENS' COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST A DEPARTMENTAL PEACE OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understand the above statement: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Your complaint may be submitted to any supervisor or manager of the Department, or may be addressed to the Department's Office of Internal Affairs at any of the Regional Offices indicated on the reverse of this form. Intentional filing of a false complaint against any departmental employee may result in adverse action against the complainant and/or prosecution under California law. *For Departmental Use Only:*

\_\_\_\_\_

Official Receiving Complaint                      Office/Institution                      Date Received

**CALIFORNIA DEPARTMENT OF CORRECTIONS  
Procedure for Processing Citizen's Complaints**

*The Department of Corrections is committed to ensuring all departmental employees are courteous, ethical and professional in carrying out the Department's mission. The Department shall investigate citizens' complaints against employees to preserve the integrity and morale of the Department, foster public trust and confidence, and ensure accountability to the public. The investigations shall be thorough and impartial, with the intent of correcting or disciplining employees who engage in misconduct, identifying inadequate policies and training, and protecting employees who perform their duties properly from unwarranted criticism. The following outlines the process used by the Department for investigating complaints by citizens and departmental employees.*

1. Section 3391 (b) of Title 15 of the California Code of Regulations specifies that an allegation by a non-inmate of misconduct by a departmental peace officer is a citizen's complaint pursuant to Penal Code Section 832.5. A citizen's complaint against any departmental employee may be initiated by completing and submitting this form to: (a) Any departmental hiring authority, including warden/administrator of a correctional institution, parole office or other departmental office; (b) any departmental supervisor or manager; or, (c) any Regional Office or Headquarters Office of the Department's Office of Internal Affairs. If your complaint regards sexual harassment or discrimination based on race, gender, national origin, religion, sexual orientation, or disability, it may be referred to the Department's Equal Employment Opportunity Office for investigation and appropriate disposition.
2. Provide as much detail as possible on this form to ensure a thorough and timely investigation. Attach additional sheets if necessary to describe your complaint. In addition, attach any documentation you believe supports your complaint. The date, time and location of the incident, where the subject employee(s) works, and names, addresses and telephone numbers of other involved parties and witnesses are critical to a thorough investigation of your complaint.
3. Your complaint will be investigated by a departmental hiring authority or the Office of Internal Affairs depending on the nature and seriousness of the allegation(s).
4. As the complainant, you will be contacted during the investigation regarding the information provided on this form and supporting documents, as well as any other knowledge you may have relative to the allegation(s). You may be interviewed regarding your complaint and, if criminal conduct is alleged, you may also be contacted by other federal, state, and/or local law enforcement agencies.
5. The investigator will verify the information you provide by collecting evidence and interviewing witnesses, other involved parties and the subject employee. A final investigative report will be prepared at the conclusion of the investigation and you will be notified of the results of the investigation.
6. The departmental hiring authority will be provided with the investigative report. If any allegations of misconduct are sustained, a determination will be made regarding appropriate corrective and/or disciplinary action against the employee. The Director of Corrections has final authority on disciplinary matters.
7. In some cases, the results of the investigation may warrant changes to a departmental policy/procedure to alleviate any future concerns.
8. If formal adverse action is taken against the employee, the employee has a right to appeal this action to the State Personnel Board. The Board may uphold the Department's action, or overturn the action based on its own independent evaluation of the allegation(s) and finding(s).
9. Complaints and investigative reports will be retained by the Department for a period of five years.
10. It is against the law to make a complaint that you know to be false. If you make a complaint against a departmental peace officer knowing that it is false, you can be prosecuted on a misdemeanor charge in a criminal court.

**NOTE:** A complaint by an inmate or parolee under the Department's jurisdiction shall be made on the Inmate/Parolee Appeal Form (CDC Form 602) under the appeal process outlined in the California Code of Regulations, Title 15, Sections 3084 through 3084.7.

Office of Internal Affairs:

Northern Region  
P.O. Box 3009  
Sacramento, CA 95812  
(916) 445-5323

Central Region  
5016 California Avenue  
Suite 210  
Folsom, CA 95630  
(916) 355-7337

Southern Region  
9035 Haven Avenue  
Suite 105  
Rancho Cucamonga, CA 91730  
(909) 483-1594



## D. Filing Complaints with the Office of the Inspector General: For Prisoners and/or Family Members



Complaints about CDCR policies or practices may also be filed with the Office of the Inspector General (OIG), which is responsible for the independent oversight of CDCR. The OIG has oversight regarding issues including, but not limited to, internal affairs, medical care, sexual abuse complaints, use of force, retaliation, and warden selection.

Unfortunately, Penal Code section 6126 was revised in 2011 to substantially limit the mandate of the OIG. The OIG now has no obligation to initiate investigations of any claims. Instead, the OIG's intake unit reviews incoming claims and determines whether the claims have sufficient merit and seriousness to be forwarded to the inspector general for review.

In general, only claims involving serious staff misconduct, inadequate living conditions, interference with the appeals process, or other severe problems will receive review by the inspector general. If a claim is determined by the inspector general to be meritorious, it is then referred to a regional Discipline Monitoring Unit (DMU) for corrective action and monitoring.

Both prisoners and their family and friends may file complaints with the OIG. All information reported to the OIG is confidential, except where information is released in confidence to the governor, the secretary of CDCR, the chief deputy secretary or

chairperson of the correctional entity being investigated, or to law enforcement authorities for appropriate action. Names and other information may also be released in those cases where the inspector general determines it is necessary in the interests of justice or in response to a court order or if the case is referred to another agency for an internal affairs investigation.

The OIG strongly recommends that all complaints be submitted in writing. The OIG is also unlikely in most cases to investigate a complaint unless the prisoner or family advocate has exhausted all other administrative appeal or grievance procedures. In submitting your complaint, be sure to send only copies of supporting documents, as originals will not be returned.

To submit a complaint to the OIG, send a letter with a specific description of the problem and all previous attempts to resolve it to:

**Office of the Inspector General  
10111 Old Placerville Rd., Suite 110  
Sacramento, CA 95827  
(800) 700-5952**



## IV.

# ADVOCATING FOR TRANSFERS AND PAROLE

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Prisoners can influence their experience while incarcerated or on parole by making requests regarding the location of their custody. This chapter provides information about making institutional requests such as prison transfers, alternative custody, parole and parole transfers and temporary leave.

### A. Helping a Prisoner Apply for a Prison Transfer

Although it is difficult for a prisoner to get transferred to another institution, section 3379 of Title 15 provides some guidelines for requesting a transfer. In general, transfer requests must be approved by a Classification Staff Representative (CSR). Note that those who are within 90 days of their release date may not apply for a transfer.

#### TYPES OF TRANSFER REQUESTS

There is no absolute right to be transferred, but a prisoner can apply for these reasons:

A **family hardship transfer** is based on the need to be placed closer to immediate family. In general, classification staff is supposed to place an individual in the California prison at the appropriate security level closest to his family or community. However, CDCR has broad discretion in applying this rule. A prisoner can request a transfer to be closer to his family and can support that request with documentation.

For example, a letter from a psychologist or psychiatrist which explains the importance of frequent visits for a child's well-being could be used as support. A letter from a church or community leader can outline the ways a transfer would help the family. Establishing a history of strong family ties is important in this process. "Immediate family" is defined as spouse, mother, father, sister, brother, children, grandchildren, including stepfamilies, foster and guardianship relatives. Family members can be very helpful in the transfer process by showing the hardships caused by distance from their loved one. *See also Pen. Code § 5068 and 15 CCR § 3375.2(b)(10).*

A **medical hardship transfer** is a particular kind of transfer request based on a *family member's medical problem or physical disability* which prevents that family member from traveling long distances to the prison. A letter from a doctor who treats elderly, ill, or disabled family members can document the reasons a particular family member is unable to travel to visit her loved one. For example, the fact that someone cannot travel

for more than an hour in a car is very compelling information. A sample family support letter for hardship transfer is at the end of this section. *See also 15 CCR § 3375.2(b)(10).*

A **medical transfer** is based on a *prisoner's having medical needs* that the current institution cannot provide, but which could be met by transferring the prisoner to another prison. They are not guaranteed a transfer if their current prison does not have specialists or special programs pertaining to their medical needs, but they can request one. Some types of medical conditions may require a transfer, such as pregnancy, HIV status, or susceptibility to "valley fever."

He may appeal the denial of a medical transfer by filing a medical 602. (*See the "Health Care Appeals" section on page 19.*) CDCR doctors, outside doctors, and other medical professionals may also write letters to the classification committee in support of a transfer based on a prisoner's specific medical condition and explain why the current location is not appropriate. *See also 15 CCR § 3375.2(b)(15).*

A **transfer based on educational or vocational training** can be requested, but it is very difficult to win a transfer based on this alone. Unfortunately, prisoners do not have an absolute right to vocational or rehabilitative programs. *See also 15 CCR § 3375.2(b)(21).*

A **transfer based on being in the same prison with a known enemy** can be granted if the prisoner can show that his current placement puts him in physical danger. *See also 15 CCR § 3378 and 15 CCR § 3375.2(b)(8).*

## HOW A PRISONER REQUESTS A TRANSFER

**Prisoners must request a transfer in writing.** A "transfer packet" should include the following:

- An initial request letter to the counselor stating where the prisoner wants to be transferred.
- The reasons for the transfer, including the legal citations from Title 15 (medical transfer, family hardship or medical hardship transfer, etc.).
- Supporting documentation.

The transfer packet can be addressed either to the correctional counselor (before an annual review or at the initial classification hearing) or submitted to the classification committee directly at a classification committee hearing. A copy of the packet should also be sent to the warden. The prisoner should keep a copy of everything in the transfer packet. If the request for transfer is denied, he can file a 602 and appeal it to each level if necessary. Supporting documentation should be included in the 602. (*See the 602 Appeals Process section on page 31.*)

For more information on the classification of prisoners and the transfer process, please refer to Title 15 sections 3375 through 3378. If, after a denial by the classification committee, all administrative remedies (Form 602s) have been exhausted, prisoners

(or in some cases family members) may file a Petition for a Writ of Habeas Corpus challenging the denial. For more information on the State Habeas Corpus process, please see the Prison Law Office's manual entitled "State Habeas Corpus Procedure." It's available for free download at [www.prisonlaw.com/pdfs/STATEHABEAS2008.pdf](http://www.prisonlaw.com/pdfs/STATEHABEAS2008.pdf).

## **HOW A FAMILY MEMBER CAN SUPPORT A HARDSHIP TRANSFER REQUEST**

Though it is the prisoner's responsibility to request a transfer, friends and family members can support their loved one's family or medical hardship transfer request by providing documentation. For example, you may request a letter from a psychologist, psychiatrist, or social worker explaining that the prisoner's child needs frequent visits with his parent in order to form healthy and supportive family ties.

You may also submit a letter from a community leader or long-time family friend explaining the close bond between your loved ones and his family. Family members can be especially helpful in assisting with medical hardship transfer requests by obtaining a doctor's letter explaining why a family member on the outside is unable to travel to visit her loved one in prison. An example of such a doctor's letter is in the next section.

## **SAMPLE HARDSHIP TRANSFER SUPPORT LETTERS**

### ***From Family Member***

June 2, 2013

Counselor Anderson  
California State Prison #1  
PO Box 9999  
Centerville, CA 99551

RE: Robert Jones, CDCR #00001

Dear Counselor Anderson:

I am writing to advise you that it is necessary for my son, Robert Jones, to be transferred to California State Prison #2. I understand that according to California state law, Penal Code section 5068, prisoners should be placed in the closest appropriate facility to their home so they can maintain their relationships with family and friends.

I am unable to visit regularly with Robert because of a medical condition I have, in which my doctor recommends against me sitting in a car for longer than an hour (please see attached letter from Dr. Bennett). The facility Robert is currently in is over three hours away from me.

I feel it is necessary to be available to regularly visit Robert. Family and friends provide support to prisoners while they are in prison and it is very important that I am available to continue my relationship with Robert. I am not asking for special treatment. I am asking that, in accordance with CDCR policy, Robert be transferred closer to home. I look forward to hearing from you in the near future that the arrangements are being made to transfer Robert Jones to California State Prison #2.

I am sending a copy of this letter to Robert so he will know that I have contacted you and asked for your assistance. Thank you in advance for your kind and personal attention to this matter.

Sincerely,  
Jane Smith

Encl: Letter from Dr. Bennett

Cc: Robert Jones  
CSP Warden

### ***From Doctor***

June 1, 2013

California State Prison  
PO Box 9999  
Centerville, CA 99551

RE: Robert Jones, CDCR #00001

To Whom It May Concern:

I am writing in support of Jane Smith's letter requesting the transfer of her son, Robert Jones, to a prison closer to Ms. Smith's home. Ms. Smith has chronic severe arthritis and a recently herniated disc in her lower back. Both of these conditions are extremely painful and are exacerbated when Ms. Smith is sitting for a long period of time.

Because of these medical conditions, I have informed Ms. Smith that she should not ride in a car for longer than one hour. Therefore, driving more than three hours to visit her son at California State Prison #1 is medically impossible for Ms. Smith.

Sincerely,  
Chris Bennett, M.D.



## **REQUESTING ALTERNATIVE CUSTODY**

### ***Alternative Custody Program***

Women, pregnant women, and prisoners who were the primary caregiver of their minor child may be eligible to serve their remaining sentence in the community (in their own home or a residential facility) through the Alternative Custody Program. There are many eligibility exclusions based on conviction history, prison behavior and classifications, and other factors. Family members can encourage their loved ones to apply for this program and support them by assisting them with finding appropriate housing.

### ***Community Prisoner Mother Program (CPMP)***

Pregnant prisoners or mothers with children under age 6 may be eligible to serve their remaining sentence in the CPMP. As of this writing, there is only one such facility, located in Pomona. Family members can encourage their loved ones to apply for this program and assist the prisoner to reunite with her child. For more information about this program, please see LSPC's manual, *What to Plan for When You are Pregnant at the California Institute for Women*, and LSPC's report, *California's Mother-Infant Prison Programs: An Investigation*.

## **B. Helping a Prisoner Secure Parole and PRCS Rights**

Upon release, most California prisoners are subject to a period of limited and conditional freedom known as either parole or Post Release Community Supervision

(PRCS). Parole can be a complicated transitional period for both prisoners and their loved ones. This section is meant to assist family and friends in supporting the rights of their loved one upon release from prison.

## **PAROLE AND POST-RELEASE COMMUNITY SUPERVISION BASICS**

As of October 2011, a California prisoner must serve a parole term if he is currently incarcerated for a “serious or violent felony,” was sentenced as a three-striker, is classified as a High Risk Sex Offender, or is found to be a Mentally Disordered Offender. Those released from state prison who do not fall into one of the above categories are placed on Post-Release Community Supervision (PRCS), which means that they will be supervised by a county agency rather than by CDCR. Those sentenced to county jail terms for felonies do not have to serve any period of parole or PRCS, though the court could impose a “split-sentence” where part of the term is served in jail and part is served on county-supervised probation.

In most cases, the parole term is set for a period of three years, but for those convicted of “violent felonies,” the parole term can be up to five years. In addition, for those receiving a life sentence, the initial five-year parole term can be extended for another two years if the CDCR requests an extension. The request for an extension of parole must be made no later than 180 days before the end of the initial five-year period of parole. The Board of Prison Terms (BPH) must hold a hearing on the extension.

Even though the length of a person’s parole may have been set, there are also provisions in the law that allow for early discharge from parole. For example, a person with a three-year parole term who has been on parole continuously for one year is supposed to be discharged from parole within 30 days unless the CDCR makes a recommendation to the BPH to retain the person on parole. The BPH must find “good cause” in order to retain him on parole.

An individual given a five-year parole term can be discharged from parole after being on parole continuously for three years. Again, if CDCR recommends that he be retained on parole, the BPH must find good cause to retain that person. The BPH must make a written record of how it reached its decision and CDCR must give a copy of that decision to the parolee. For a more in-depth look at parole, including rights while on parole, parole revocation, and PRCS, see Prison Law Office’s manual, *The Parolee Rights Handbook*. Download it free at [www.prisonlaw.org/pdfs/ParoleeManual,Aug2013.pdf](http://www.prisonlaw.org/pdfs/ParoleeManual,Aug2013.pdf).

## **SUPPORTING A LIFER AT A PAROLE BOARD HEARING**

Life prisoners may only be released on parole once they are “eligible” (meaning they have served their required minimum) and have been determined “suitable” by the Board of Parole Hearings (meaning they can safely be returned to society). Family members can play an important role in assisting an incarcerated loved one who is serving a life term and trying to obtain parole. Specifically, family members, friends and other community members can write letters emphasizing the following points:



- **Strength of family ties:** How often have you visited, spoken on the phone, written to each other? Give any examples of your support for your loved one.
- **Your family's stability:** Where do you work? How long have you worked there? How long have you lived at your current address? How long have you been married?
- **Your family's community involvement:** Do you volunteer at your children's schools? Are you active in a community group/organization? Do you participate in any religious community?
- **Rehabilitation:** How have you seen your loved one change and grow during his incarceration? What classes did he take in prison? What skills were learned? Why do you think your loved one can live successfully in the community?
- **Release plans:** Will your loved one have immediate housing upon release? With whom? Does he have a job offer or access to other community services? Has he been accepted to college or vocational school?

Letters and other documentation of post-release rehabilitations plans, such as job offers, must be sent to the prisoner, his attorney handling the parole hearing, or the Board of Parole Hearings (BPH) representative at the prison. All letters must be submitted at least 10 days before the scheduled hearing. See sample parole support letter below

## **SAMPLE LETTER IN SUPPORT OF PAROLE**

September 16, 2013

Re: Parole of James Taylor, #12345

Parole Agent Smith  
Board of Parole Hearings  
PO Box 750  
Susanville, CA 96127

Dear Parole Agent Smith and Members of the Parole Board:

My name is Susan Taylor. I am 34 years old and have been a Librarian for the Little City Library for 15 years. I am the sister of James Taylor, #12345, coming up for parole before the Board October 20, 2013.

Since being incarcerated, John has completed his G.E.D. and gone on to start college courses in Information Technology. He has graduated with honors from Behavioral Health courses. He always has a positive attitude when we visit or talk on the phone. He takes full responsibility for the actions that led to his incarceration, and shows considerable remorse. We strongly believe that James is committed to turning his life around and becoming a responsible and law abiding member of the community.

My husband and I are more than willing to provide James with every aspect of support, guidance, accountability and love. James will be living in the guestroom of our home while he looks for an apartment. My husband can offer James direct employment at the carrot canning factory he owns upon James being granted parole. We have an extra car he can use until he can purchase his own vehicle.

I believe beyond a doubt that given the opportunity of parole, James will come home and make us all proud. Thank you for your time and attention.

Sincerely,  
Susan Taylor

## **SUPPORTING A PRISONER AT A JUVENILE OFFENDER HEARING**

In 2013, a new law was enacted (SB 260) which created a new category of parole hearing for those who received life sentences for crimes committed when they were under age 18. The law went into effect on January 1, 2014. As we write this, little is known about how the law will be implemented. We can only provide a brief summary here.

This law may advance a “youth offender’s” eligibility date for parole consideration, as follows. In general, the Parole Board will look at the prisoner’s sentence to determine his “controlling” offense – the longest term for either an offense or an enhancement. If the sentence for that “controlling offense” is 25 to life, he will be eligible to be considered for parole at the 25th year of incarceration; if his “controlling offense” is less than 25 years to life, he will be considered eligible in his 20th year of incarceration.

If the prisoner’s sentence was a determinate or “fixed” sentence, he will be eligible for parole during his 15th year of incarceration. If other parole provisions provide for an earlier eligibility date, the earlier date will be used. The law provides for an 18-month implementation period. During this time, the Board of Parole Hearings will identify those prisoners whose hearing should be advanced due to the new law.

The Board will also begin holding “consultation hearings” in the sixth year before a person’s eligibility. The Board will provide them with written recommendations at that time. Like regular parole hearings, they must still be found “suitable” for parole, and the procedures will probably be very similar. However, the new law directs that the Board give “great weight” to the “hallmarks” of youth, such as lack of maturity, flawed reasoning skills, and susceptibility to manipulation.

New psychological evaluations will be given to those covered by the new law, again with “great weight” given to these characteristics of youth when making psychological assessments. In the case of a parole denial, the Board will use the same time periods specified in Marsy’s Law (3, 5, 7, 10 or 15 year denial), but must use the mitigating “hallmarks of youth” factors when determining the length.

A “youth offender” who has recently received a parole denial under the old system can file a Petition to Advance (CDCR form 1045A) to receive consideration sooner under the new guidelines. As a family member, you can support your loved one at a youthful offender hearing in much the same way as you would for a lifer at a standard parole board hearing. Specifically, family members, friends and other community members can write letters emphasizing the strength of family ties and the stability of the family, examples of your loved one’s rehabilitation, and detailed post-release plans.

Letters in support of a youthful offender’s hearing may also address the “hallmarks of youth” factors listed above. For more information, see the Prison Law Office’s manual *Youthful Offender Parole Hearings (SB 260)*, available for free download at [www.prisonlaw.org/pdfs/SB260,May2014.pdf](http://www.prisonlaw.org/pdfs/SB260,May2014.pdf).

## **SUPPORTING A PRISONER AT AN ELDERLY PAROLE HEARING**

In June, 2014, CDCR announced a new elderly parole program, to take effect on October 1, 2014. It is similar to the expanded parole opportunities now provided for certain “juvenile offenders.” Prisoners and advocates are advised to monitor changes in Title 15 or state law which may be created after the publication of this manual. Information on elderly parole may be found online, such as on the CDCR or Prison Law Office websites.

Under the new program, prisoners who are (1) 60 years or older *and* who have (2) been incarcerated for 25 years or more are eligible to be *considered for release* on parole. The program will apply to prisoners serving indeterminate sentences (“life with parole”) and to those serving determinate, or “fixed,” sentences. Elderly prisoners who are newly eligible for parole under this program will be scheduled for suitability hearings sometime after October 1, 2014.

In addition to providing earlier parole hearings for some prisoners, the program also creates special considerations for determining the parole suitability of all eligible prisoners. These prisoners will be given new or revised risk assessments, often known as “psych evals,” which will address how the prisoner’s advanced age, long-term confinement, and diminished physical condition, if any, may impact the prisoner’s future risk for violence.

As a family member, you can support your loved one at an elderly parole hearing in much the same way as you would for a lifer at a traditional parole board hearing. Specifically, family members, friends and other community members can write letters emphasizing the strength of family ties, family stability, examples of your loved one’s rehabilitation, and detailed post-release plans. Letters in support of an elder prisoner’s hearing may also address how aging, length of confinement, and possible physical limitations have reduced the prisoner’s likelihood of risk to public safety.

## WHAT HAPPENS BEFORE RELEASE ON PAROLE?

CDCR is supposed to meet with each prisoner at least 30 days before the prisoner's release date to provide the prisoner with the conditions and length of his parole. The person then has the right to request a reconsideration of both the length and conditions of parole by the BPH.

The California parole system is also supposed to provide specific levels of service to the parolee based on the parolee's individual needs. Though supervision and support for all parolees is initially quite intensive, as the parolee demonstrates the ability to successfully reintegrate into the community, supervision and support levels may be reduced. Immediately prior to release on parole, a parolee will be assessed and assigned to one of the following levels of support and supervision:

- **Intensive re-entry supervision and related services:** Designed to provide enhanced supervision and support services during the critical transition period from institution to community living.
- **Regular re-entry supervision and related services:** Designed for those parolees who require enhanced services for a shorter period of time.
- **Specialized caseloads:** To provide concentrated, intensive services to parolees with special needs, e.g., severe substance abuse, sex offenders, those with mental health problems, those requiring specialized placement and/or parolees heavily involved in gang activity.
- **Case management supervision:** Parolees are transitioned to this level when they have demonstrated the ability to function in the community with reduced supervision and services.
- **Electronically enhanced supervision:** At any time a parolee may be required to wear a 24-hour electronic monitoring device.
- **Subsistence and personal care services:** Services include, but are not limited to, out-of-home placement, cash, clothing and transportation assistance, counseling, parenting education and other essential support services.
- **Volunteers in parole (VIP):** The Parole Services and Community Corrections Branch contracts with the California State Bar Association to connect parolees with volunteer attorneys who have offered to serve as mentors.
- **Non-revocable parole:** Non-revocable parole is a non-supervised version of parole that does not require reporting to a parole officer. Only certain people qualify. For more information, see the "Frequently Asked Questions" fact sheet with information about non-revocable parole on CDCR's website.

Depending on a parolee's classification and needs, he may be entitled upon release to "gate money" (\$200 at release), disability benefits, social security benefits, family benefits, Medicare or Medi-Cal, food stamps and General Assistance, job training, housing assistance and more. For details on benefits and assistance available to parolees, see Prison Law Office's manual *Benefits Available to Paroling and Discharging Inmates*, available free at [www.prisonlaw.org/pdfs/BenefitsLetter,Aug2011.pdf](http://www.prisonlaw.org/pdfs/BenefitsLetter,Aug2011.pdf).

## **REQUESTING A PAROLE TRANSFER**

When prisoners are released from prison, they are generally returned to the county of their last legal residence. However, in some instances, CDCR may send the parolee to a different county. CDCR is required to declare in writing its reasons for doing so. The BPH considers several factors in determining where to place a paroling prisoner. These factors are outlined in Penal Code section 3003 and include:

- The need to protect the life or safety of a victim, the parolee, a witness, or any other person;
- Public concern that would reduce the chance that the prisoner's parole would be successfully completed;
- The verified existence of a work offer, or an educational/vocational program;
- The verified existence of family in another county with whom the prisoner has maintained strong ties and whose support would increase the chance that the parole will be successfully completed; and,
- The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Penal Code section 2960 (parolees who receive treatment for mental illnesses that were connected to their underlying offenses).

CDCR and the BPH state that they will always give priority to the safety of the community, witnesses, and victims in determining whether a prisoner should be granted parole to a county that is not the county of a person's last legal residence.

A prisoner may request a transfer of parole to a certain county. The request should stress the existence, for instance, of strong family ties and support, offers of employment, more opportunities for education or vocational programs, and/or the availability of drug treatment programs. It may be important to point out that a transfer of parole to a certain county will help ensure a successful parole because the parolee will be away from whatever influences lead to his imprisonment in the first place.

## **HOW TO SUPPORT A PRISONER'S PETITION FOR A PAROLE TRANSFER**

Letters requesting or supporting a parole transfer should be addressed to the parole agent assigned to the prisoner/parolee. The letters do not have to be long but they should address the factors listed above and include supporting documentation. You do not have to wait until the person is actually released on parole to request a transfer. In fact, in many cases it is good to begin the process before the person is released. If a prisoner's request for a parole transfer is denied, he can then file a 602 appeal.

If your loved one is released before the parole transfer is granted, it is important he report to the assigned parole officer on time, in the county he is assigned to. Parolees can request a "travel pass" from the parole agent so they can travel to the county where their family lives or where employment is waiting for them. Travel passes are good for

30 days. A person can be issued up to three 30 day passes, but must return within each 30-day period to report to the parole office. Copies of the passes and a good report from the agent in charge can be used as documentation to support a parole transfer request.

Of course, maintaining a good relationship with the parole office makes the parole transfer request process less stressful and more likely to succeed. It is perfectly all right for a family member to go with the parolee when the person must report. If the agent can see that the family supports the parolee and is taking the necessary steps to insure the successful completion of the parole term, then that agent may be more willing to help the parolee. Please find a sample parole transfer request support letter below.

## **SAMPLE PAROLE TRANSFER SUPPORT LETTER**

July 17, 2013

Parole Headquarters, Region 4  
Mr. John Doe, Regional Administrator  
21015 Pathfinder Rd., Suite 200  
Diamond Bar, CA 91765

Re: Parole transfer request for Robert Smith CDC #00001

Dear Mr. Doe:

I am writing on behalf of Mr. Robert Smith, who is presently on parole under the supervision of the Chula Vista #4 Unit in San Diego County.

Mr. Smith filed a request for a transfer to the parole unit in Needles, California, immediately following his release from prison. That request was denied and Mr. Smith filed a 602 grievance on May 22, 2012. The 602 was denied on June 9, 2012, with a notation that "San Bernardino [where Needles is located] remains closed to most transfers." However, also noted under the "Reviewer's Action" section of the 602 is information that the parole unit in Victorville [also in San Bernardino] is about two hours from Needles, which leads Mr. Smith to believe that the Victorville unit may be accepting transfers. (See copy of 602 attached).

It is imperative that Mr. Smith be transferred to either the Needles or Victorville parole unit. Mr. Smith's wife, Cheryl Smith, lives in Needles where she is a Resident Manager of the Orange Apartments. Because her employer recently transferred her to Needles, it is not possible for her to move to Chula Vista where her husband is currently living. In addition, Mr. Smith has been offered a position at the Orange Apartments as a gardener/porter and will be gainfully employed.

According to Penal Code section 3003, a person may be considered for parole to a county other than his county of residence provided he can show it would be in the best

interests of the public and if he can show family ties and employment opportunities in that county. In this case, all of Mr. Smith's past criminal activity took place in San Diego County and he has no history of criminal activity in either Needles or Victorville.

If Mr. Smith is required to remain under the supervision of the Chula Vista Unit, it will be extremely difficult for him to successfully complete his parole and become a productive member of the community. He must now live in his father's home where there is barely enough room for him because of the number of other family members living there. In addition, he has no job opportunities there. More importantly, if he and his wife are forced to live apart, the stability that she brings to the marriage will be missing. She needs his support as much as he needs her, as she is experiencing some health problems that do not allow her to travel extensively.

Mr. Smith has already proven that he intends to make his parole a successful one. He obtained travel passes in April, May, and June so that he could visit his wife. He returned within the allotted time, has not posed any problems and his adjustment is noted as "Good." (See copies of Visitation Permits attached). Additionally, while confined in Avenal State Prison, he was disciplinary free and had no gang affiliations or enemies. (See CDCR form attached.)

I urge you to seriously consider allowing Mr. Smith to transfer his parole to either Needles or Victorville so that he and his wife can be together and where it will be more likely that he will successfully complete his parole plan. Thank you for your time and consideration. Should you wish to discuss this matter, I can be reached at the above number.

Sincerely,  
Maria Hernandez  
Attorney for Mr. Smith

cc: Robert Smith  
Chula Vista Parole Office

## C. Requesting Temporary Leave and Furlough

Prisoners in California have the right to request a temporary leave to attend services for a deceased member of their immediate family or to visit a critically ill member of their immediate family. "Immediate family member" is defined by the CDCR as the prisoner's legal spouse, registered domestic partner, parents (including adoptive parents if the adoption occurred and a family relationship existed prior to the prisoner's incarceration), stepparents/foster parents, grandparents, natural/step/foster brothers or sisters, the prisoner's natural/adopted children and grandchildren, and legal stepchildren. [15 CCR § 3000] CDCR does not consider aunts, uncles, or cousins as immediate family members unless there is a verified foster relationship.

Additionally, under Title 15 section 3083, prisoners will be released to the custody of the sheriff for appearance in court actions concerning termination of parental rights of a prisoner or other parental or marital rights. Penal Code section 2690 allows prisoners to be temporarily released in order to attend college classes; however, Penal Code section 2691 prevents this release for prisoners who have been imprisoned for a felony listed in section 667.6 of the Penal Code. A temporary leave may also be granted for pre-release planning to attend job interviews, to make residential plans, or for other reasons that are closely connected to release programs. Pre-release leaves will not normally be granted earlier than 63 days before the prisoner has an established or anticipated release date.



Leaves or furloughs are usually for a very short period of time not more than three days and the prisoner must meet certain eligibility requirements. The CDCR secretary may require the person removed from the prison facility to remain under custody during the leave.

In addition, the prisoner may be required to reimburse the state for any expenses that the state incurs as a result of the temporary leave, including the hourly wages of correctional officers who serve as custodial escorts. Those who are transported from the prison for medical care and treatment are not limited to a three-day leave, nor are they required to reimburse the state for costs that arise from their removal from the prison.

A prisoner may begin the temporary release request process by asking his counselor to make a request to the warden. The written request should include the purpose of the release, the destination and travel arrangements, proposed duration of the release, an estimated budget of the trip, etc. Requests for temporary release to attend college classes should include an educational objective and proposed attendance plan.

Friends and family of prisoners can help their loved one by providing supporting documentation, such as an announcement of a funeral, a doctor's letter for a terminally ill family member, or evidence of a prisoner's ability to reimburse the state for the expense of the release.





## V.

# SUING FOR MONEY DAMAGES

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When a prisoner is physically or financially harmed by CDCR policies or employees, the law provides specific remedies. In many such cases, it is advisable that the prisoner file a 602 appeal. Not only is it possible that the issue will be resolved through the 602 procedure, but filing such an administrative appeal can also be an important first step to pursuing other remedies.

For more information on filing a 602, see the “602 Appeal Process for Prisoners” section on page 26. In addition to filing a 602, a prisoner may also sue for money damages. This section provides information on filing a claim with the Government Claims Board, under state personal injury law, and under federal civil rights law.

## A. Filing with the Government Claims Board

If a prisoner feels that she has been financially damaged or physically injured by the action or inaction of an agency or employee of the state government, that person can file a claim for money or damages with the California Victims Compensation and Government Claims Board (Board). Claims may be filed for the death or injury of a person or for loss of or damage to personal property. These claims are filed pursuant to Government Code section 910 and must be made before the injured person can file a state tort (personal injury) lawsuit.

### DEADLINES AND LATE CLAIMS

Claims for death or injury of a person or damage to property must be filed within six months of the date of injury. All other claims must be filed within one year of the incident. However, the Board may allow the filing of a late claim for any of the following reasons:

- The failure to present the claim was a result of mistake, inadvertence, surprise or excusable neglect where the public entity was not prejudiced by the failure to file within the deadline;
- The claimant was a minor during the time between the incident and the filing deadline;
- The claimant was physically or mentally incapacitated during all of the time allotted and for that reason failed to file in time; or
- The injured person died before the expiration of the time allotted for filing the claim (and the claim is now being brought by a family member or similar party on the injured person’s behalf).

To file a late claim, the prisoner should write a letter requesting permission to file her claim, then attach it to a claim form and mail the form and letter together to the Board. If the Board does not take action within 45 days, the claim is considered rejected and she can then file a lawsuit.

## **SUBMITTING THE CLAIM FORM**

The first step in filing a claim is to fill out a claim form.<sup>8</sup> It is important for a prisoner to name each individual person who is the subject of her claim (for example, the CMO, nurse, doctor, correctional officer, warden, outside hospital, etc.). If the prisoner filing the form doesn't know the name of the person, she can say "DOES 1 through X" so that they can be named later. If a particular section does not have enough room for all the information, she may attach additional pages.

It is important to remember that if the claim is for damage or loss of personal property valued at more than \$100, the damage or loss occurred while the prisoner was incarcerated, and the prisoner is still in prison when she files the claim with the Board, she must also file a 602 appeal within the 30 calendar day time limit for 602 appeals.

Note, however, the Board does not require the prisoner to exhaust her administrative remedies before filing a claim with the Board. A copy of the 602 may be attached to the claim as proof she has begun the 602 process, but it is not required.

After completing all applicable sections of the claim form, she should make three or four copies of everything. The prisoner should send the original and two copies to the address on the form and keep an extra copy for her records. If she wishes to have an "endorsed" copy (one that is stamped as received) returned to her, a written request for an endorsed copy and a self-addressed stamped envelope must also be enclosed, along with the extra copy of the claim (so a total of three copies are sent along with the original).

The Government Claims Board also requires a filing fee of \$25.00 unless the claimant is eligible for a fee waiver. If the prisoner is currently incarcerated when filing her claim and cannot pay the filing fee, she should fill out the waiver and send it with her claim form to the Board. She must include a certified copy of her "Inmate Trust Account" with the fee waiver request.

## **BOARD REVIEW**

The Board's Government Claims (GC) Program will review the claim to make sure that it is complete and meets certain legal requirements. If everything is in order, the GC Program will ask the agency affected by the claim to review it and submit its written

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<sup>8</sup> Available from [www.governmentclaims.ca.gov](http://www.governmentclaims.ca.gov), by calling (800) 955-0045, or writing the CA Victims Compensation & Government Claims Board; PO Box 3055; Sacramento, CA 95812.

recommendation to the Board. The GC Program then prepares its own recommendation and presents it to the Board, where the matter is discussed during a public meeting. The Board may decide to accept the claim and order the affected agency to pay the claim, or it may reject the claim without discussion.

If the Board rejects the claim, the prisoner who filed it will receive a notice, usually within two weeks of the Board's meeting. After receiving a notice, the person may then file a lawsuit against the agency or employee that caused the injury or damages.

The lawsuit must be filed within six months from the time the prisoner received the Board's notice. If the prisoner does not receive a notice from the Board, she has two years from the date of the incident in which to file a lawsuit.

## **SUPPORTING A CLAIM WITH DECLARATIONS**

If your loved one is filing a claim with the Government Claims Board, you may wish to support the claim with a declaration. A declaration is a formal, written statement made under penalty of perjury and which can serve as a form of evidence.

In a declaration, you only write (declare) facts that you know to be true, for example, your name, your relationship to the prisoner, the names and dates of phone calls you made on behalf of your loved one, what was said in those phone calls, events you witnessed, etc.

Be careful about including information that someone else told you. For example, it is fine to explain that the warden told you a certain action was being taken, but do not repeat rumors as if you know them to be true. Do not put anything in a declaration that you would not be willing to testify to in court.

The declaration should be typed and double-spaced, but if you have no access to a typewriter or computer, you may print the declaration by hand. Print clearly and use blue or black ink (do not use pencil). Each statement in the declaration should be numbered.

The declaration should include a statement at the end that it was made under penalty of perjury, the date, your printed or typed name, and your signature as the declarant. It does not need to be notarized. See a sample declaration on the following page.

## SAMPLE DECLARATION

### DECLARATION OF *[your name]*

I, *[your name]*, declare:

1. I am the *[father, mother, sibling, friend]* of *[name of prisoner]* who is currently incarcerated at *[name of prison]*, in *[name of city]*.
2. I visited with *[name of prisoner]* on *[date]*; during the visit, I noticed that she had trouble *[walking, sitting, breathing, etc.]* and she appeared to be in a lot of pain.
3. I called *[name of warden, chief medical officer, prison counselor]* on *[date]* to ask about my *[child, sibling, parent, friend]* and to say how concerned I was.
4. The *[warden, chief medical officer, prisoner counselor]* was not available to speak with me and I left a message with *[name of person & title]*.
5. I documented my telephone call by sending a letter dated *[date]* to *[name of warden, etc.]*. (See copy attached).
6. To my knowledge, as of *[date]*, *[name of prisoner]* had still not received any medical attention for *[problem above]*.
7. I am submitting this declaration in support of *[name of prisoner]'s* Government Claims Board claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was signed on \_\_\_\_\_ (date), at \_\_\_\_\_, California.

\_\_\_\_\_  
TYPE OR PRINT NAME

\_\_\_\_\_  
SIGNATURE OF DECLARANT

## B. Filing a State Tort Lawsuit

If a prisoner has completed the Government Claims Board process and her claim has been rejected by the Board, she may then file a suit for money damages in California state court. Such lawsuits are personal injury (or "tort") actions and might include claims such as assault and battery or negligence. In a state tort case, a claim will be based in California state civil law.

Note that there are strict time limits for these lawsuits. A prisoner might only have as little as six months from the date of her rejected claim to file a lawsuit in state court. The lawsuit should be filed in the superior court in the county where the injury occurred.

For more information on filing a state tort action, see *The California State Prisoners Handbook*, available in most prison law libraries, or see LSPC's manual *Suing a Local Public Entity*, available for free download at [www.prisonerswithchildren.org/wp-content/uploads/2013/01/Suing-a-Local-Public-Entity-2008.pdf](http://www.prisonerswithchildren.org/wp-content/uploads/2013/01/Suing-a-Local-Public-Entity-2008.pdf) or by contacting LSPC.



## C. Filing a Federal Civil Rights Lawsuit

It is also possible to bring a lawsuit in federal court rather than state court. However, an injured prisoner may only sue in federal court if a prison official violated a federal law or the U.S. Constitution. Also, in federal court a prisoner may not name the State of California or CDCR as defendants because they are not “persons” under the Civil Rights Act (also known as section 1983).

Instead, she must sue the individuals involved, such as the officer who injured her or the officer who ordered the action against her. If the prisoner can show a failure to properly supervise or a failure to train the officers who caused the injury or harm, she could also sue the person who is supposed to supervise the officers' actions.

A federal civil rights case must be brought within four years of the injury. Again, it must be stressed that a prisoner is required to exhaust administrative remedies before bringing a lawsuit in federal court. In general, this means she must pursue a 602 appeal to the final level of review. (See "602 Appeals Process" section on page 29.)

If the person cannot show the court that administrative remedies have been exhausted, the court will dismiss the lawsuit for "failure to exhaust administrative remedies" and she will be required to re-file the lawsuit at a later time.

For more information on filing a federal civil rights suit or a state tort suit, see the Prison Law Office's manual *Lawsuits for Money Damages Against Prison Officials*, available free at [www.prisonlaw.com/pdfs/PersonalInjuryfull,July2012.pdf](http://www.prisonlaw.com/pdfs/PersonalInjuryfull,July2012.pdf).



## VI.

# GETTING PUBLIC RECORDS

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If you are advocating for your loved one, helping him advocate for himself, or just trying to obtain more information, you may need to access documents that are controlled by government agencies. In general, members of the public have a broad right to access information held by government agencies, subject to certain exceptions.

Note that how you go about requesting documents will depend on whether they are controlled by the state or federal government and whether they relate to the government itself or to your loved one individually.

This section explains how to access documents using the California Public Records Act, the California Information Practices Act, the Federal Freedom of Information Act (FOIA), and the Federal Privacy Act.

## A. Requesting California State Records

### **CALIFORNIA PUBLIC RECORDS ACT:**

#### **California Government Code sections 6250-6276.48**

If you are interested in obtaining information about the activities or policies of California state or local agencies, you can file a request under the California Public Records Act (CPRA). The CPRA gives the public access to records in the possession of public agencies.

The CPRA covers all state and local agencies, as well as any board, advisory board, commission or any agency created by the state or local agency including any officer, bureau, or department. Local agencies include cities, counties, school districts and municipal corporations. Many state and regional agencies are required to have written public record policies.

The following agencies are not covered by the California Public Records Act:

- Courts (except itemized statements of total expenditures and disbursements);
- The legislature (but see the Legislative Open Records Act, Gov. Code §§ 9070-9080);
- Private non-profit corporations and entities; and
- Federal agencies (but see section on FOIA below).

Under the CPRA, the term “records” refers to:

- All communications related to public business including pictures, letters, words, sounds, symbols, or any combinations of those, regardless of how it is stored.
- Writings include anything handwritten, typed, printed, photocopied, e-mailed, or faxed.

Public records are open to inspection at all times during the agency’s office hours. Agencies may not adopt rules limiting the hours that records are available for viewing and inspection. When copies of records are requested, the agency has 10 days to determine whether the requested records can be disclosed and must notify the requester about its decision and the reason for its decision.

It is important to note that there are numerous exceptions to the CPRA. Records that are exempt from disclosure include the following:

- **Attorney-client discussions:** If the agency is the client, the agency (not the lawyer) may waive confidentiality and disclose the communication if it chooses;
- **Memoranda:** Preliminary drafts, notes, or interagency or intra-agency memoranda that are not kept by the public agency in the normal course of its business, if the public interest in withholding the records outweighs the public interest in disclosure;
- **Files:** Personnel, medical, or similar files, if disclosure would be an invasion of personal privacy;
- **Home addresses** held by the Department of Motor Vehicles, voter registration files, public housing, local utility and public employee records, and the addresses of certain crime victims;
- **Police information:** incident reports, rap sheets and arrest records. However, information from the “police blotter” (time and circumstances of calls to police, name and details of arrests, warrants, charges, hearing dates, etc.) must be disclosed unless the disclosure would endanger an ongoing investigation or the life of an investigator. Investigative files can be withheld even after the investigation is over. Evidence Code section 1043 provides special procedures for obtaining misconduct complaints and identifying data in police personnel records;
- **Financial data** submitted for licenses, certificates, or permits, or given in confidence to agencies that oversee insurance, securities, or banking firms; and
- **Records:** Tax records, welfare records, and family/birth/adoption records.

Please note that this is only a partial list of records which are exempt from disclosure. For a complete list, see sections 6254(a)-(z) and sections 6275-6276.48 of the Government Code. There are never any fees for inspecting/viewing records. A fee may be charged, however, to cover copy costs. Copy costs are limited to the “statutory fees” set by the legislature or the “direct cost of duplication.” Copies are usually ten to twenty-five cents per page. Fees may not be charged for searches, reviews, or deletions.



If your request is denied, you may:

- Ask the agency if it will waive the exemption and release the records.
- Insist that the agency explain in writing why the exemption applies to the records you've requested.
- Request the release of any non-exempt portions of the record.
- State your rights and ask to speak with a higher agency official.
- Write a letter to the editor about the denial.
- Consult a lawyer about filing a lawsuit to enforce your rights. If the suit is successful, the agency will be required to pay your costs and legal fees.

## **CALIFORNIA INFORMATION PRACTICES ACT: California Civil Code section 1798**

If your loved one is interested in obtaining *personal records* from a California state or local agency, he should file a request under the Information Practices Act of 1977 (IPA). The IPA covers any publically held information that identifies or describes a private person, including, for instance, a person's name, address, phone number, Social Security number, medical records, employment and educational history, and arrest record.



In order to protect the privacy of Californians, the IPA allows agencies to collect only information that is relevant to the agency's purpose and requires the original source of collected information to be recorded.

The IPA allows an individual to examine nearly all records about him or herself that are maintained by a state or local agency. This can be done either by visiting the agency during business hours or by mailing a written request. An individual may also request

that the agency correct or remove information from his record that he believes is incorrect or irrelevant. Within 30 days, the agency must either make the correction or provide a reason for refusal to do so.

Note that, in general, an agency may not disclose personal records to someone other than the person whom the records are about. This means that if you are a friend or family member who is trying to get records about your incarcerated loved one, he will have to send written permission to the agency before it will be disclosed to you. Your loved one may simply send a signed and dated letter to the agency stating your name and that you have permission to request, access, copy, and retain any personal information about him that is held by that agency.

Also note that you are not entitled to all information maintained about you by California agencies. The IPA does not apply to records kept by the California legislature or some judicial agencies. Disclosure of your personal records may be denied if the documents relate to an ongoing criminal investigation, are protected by attorney-client privilege, expose confidential sources, or would expose information harmful to another.

## **B. Requesting Federal Records**

### **FREEDOM OF INFORMATION ACT: 5 U.S. Code 552**

The Freedom of Information Act (FOIA) provides that any person has the right to request access to federal agency records (for example, the Department of State, the Federal Bureau of Investigation (FBI) and the Department of Justice), except those records that are protected from disclosure.

To make a FOIA request, write a letter to the appropriate federal agency with as many details as possible about the records you are seeking. Don't forget to include your name, address, and phone number or e-mail address so the agency can contact you if needed.

Requests may be made by mail, fax, or electronically. Record request letters can be sent to any federal agency. The request letter should describe the records in detail and, if possible, should also contain identifying information like the name of the document.

Once the agency receives your request, it has 20 working days to respond with its decision of whether to grant the request. If the request or any part of it is denied, the agency must give reasons for the denial by the 20-day deadline. If the request is granted, the records do not have to be delivered within the deadline, but must be delivered promptly.

Fees are determined in the following manner:

- If the records are for commercial use, reasonable fees are assessed for document search, duplication, and review;

- If the records are not for commercial use and are requested by an educational or scientific institution or a member of the media, fees are limited to reasonable standard charges for document duplication. However, there is no charge for the first 100 pages;
- For all other requests, fees are limited to reasonable standard charges for document search and duplication. However, there is no charge for the first 100 pages of reproduction or for the first two hours of search time.

Fees are not collected until after the request has been processed unless charges will be more than \$250, in which case an advance payment may be required. By making a FOIA request, the person requesting the records agrees to pay all applicable fees up to \$25.00.

If the agency estimates that the search costs will exceed \$25.00, it will notify the requester and offer an opportunity to change the request to meet the requester's needs at a lower cost. The request will not be processed until the requester agrees to pay the estimated cost.



Photo by Devin Berry

## PRIVACY ACT: 5 U.S. Code 552(a)

If you are trying to access *personal* records from a federal agency, you will have to make a request under the Privacy Act (PA). The Privacy Act provides safeguards against the

invasion of personal privacy through the misuse of records by federal agencies. Under the PA you have the following rights:

1. To see records about yourself, subject to a PA exemption;
2. To request the amendment of records that are not accurate, relevant, timely or complete;
3. To be protected against the unwarranted invasion of your privacy resulting from the collection, maintenance, use, and disclosure of personal information.

The procedures for making a request under the Privacy Act are the same as for filing a FOIA request, with the following additional requirements:

1. You must be a U.S. citizen or an immigrant who is a lawful permanent resident of the U.S. to request PA records;
2. Requests must be made in writing and sent by mail;
3. The request must have the person's original (not copied) signature that has been either notarized *or* submitted under penalty of perjury by adding the following statement: "I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct." (Though no specific form is required to be submitted for a PA request, it may be helpful to include a PA Certification of Identity, which can be found on the following page.)
4. Requests should include the following: the individual's full name, present mailing address and zip code, date and place of birth, offices originating or receiving the records, particular event or circumstance that led to the creation of the records, any information that might help in identifying the record, and an original signature.



**Privacy Act Statement.** In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester <sup>1</sup> \_\_\_\_\_

Citizenship Status <sup>2</sup> \_\_\_\_\_ Social Security Number <sup>3</sup> \_\_\_\_\_

Current Address \_\_\_\_\_

Date of Birth \_\_\_\_\_ Place of Birth \_\_\_\_\_

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature <sup>4</sup> \_\_\_\_\_ Date \_\_\_\_\_

### OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

### Print or Type Name

<sup>1</sup> Name of individual who is the subject of the record(s) sought.

<sup>2</sup> Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

<sup>3</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>4</sup> Signature of individual who is the subject of the record sought.



## C. Tips for State or Federal Public Record Requests

No matter what kind of public record you are requesting, here are some helpful tips to keep in mind. Please also find a sample public record request letter below.

- **Do your planning:** Plan your request and know what exemptions might apply.
- **Put requests in writing:** A written request is not required (except for Privacy Act requests), but may be helpful if your request is complex or if you anticipate trouble. A written request will also provide you with a “paper trail” of your efforts.
- **Give detailed description:** There are no forms to fill out; just provide a letter with a detailed description of the records you are looking for.
- **Indicate date ranges:** Put specific date ranges on any search so you don’t end up with information you don’t need. For example, you may submit a request for any documentation regarding a particular matter between January 1, 2012 and December 31, 2012.
- **Cite legal provisions:** In your letter, cite the legal provisions under which you are making your request and specify the number of days the agency has to respond.
- **Go during office hours:** If you want to view the original records, go to the agency during the agency’s office hours and ask to inspect the records. The agency must provide assistance by helping you to identify records and information relevant to your request.
- **Don’t ask for new documents:** Don’t ask the agency to create a new record or list for you; the agency is only obligated to provide you with the records it has, not to create new documents or to organize information for you.
- **Inspect before copying:** If possible, ask to inspect the records before you ask for copies; this will give you the opportunity to view the information and may reduce your copying costs.
- **Don’t pay unnecessary fees:** Other than with FOIA searches, only pay for copying costs.
- **Offer search clues as needed:** If the agency tells you that the records don’t exist, ask what files were searched and offer any search clues you may have.
- **Keep a log of denied requests:** If your request is denied, keep a log of who told you and the stated reason for the denial.

## D. Sample Public Records Request Letter

[Date]

[Name of custodian of records]

[Title]

[Name of government agency]

[Street address]

[City, State, ZIP Code]

Dear [custodian of records]:

Under the [list name and citation of the law you are requesting under; i.e., *Freedom of Information Act, 5 U.S.C. 552*], I am requesting an opportunity to inspect or obtain copies of public records that [describe the records or information sought with enough detail for the public agency to respond; be as specific as your knowledge of the available records will allow].

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$[maximum you are willing to pay]. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of [if you are connected to a media or political campaign, explain how this information would benefit the public through that campaign]. This information is not being sought for commercial purposes.

The [law you are requesting under] requires a response within [number of days]. If access to the records I am requesting will take longer than this, please contact me with information about when I might expect copies or how I can inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

[Your signature]

[Your name]

Encl.: [Any additional documents you may need such as certification of identity or your loved one's permission to access their records]





# VII.

## ADVOCATING FOR YOUR LOVED ONE

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### A. Communicating with Elected Officials

Elected officials serve the people who elect them. You have the right to make your concerns known. Use this right by voicing your concerns to your elected representative.

You can reach out to your representative in multiple ways: by requesting face-to-face meetings with your legislator or her staff, writing letters, calling your legislator's office, or testifying about pending legislation in committee hearings. You can contact your legislators in Sacramento to voice your opinions on statewide legislative efforts and in their district offices to get help with your loved one's individual concerns. Note that much of this section will apply to both kinds of advocacy.

- **Locate your legislators** (assemblymembers and senator) at: [findyourrep.legislature.ca.gov/](http://findyourrep.legislature.ca.gov/)
- **Follow the progress of bills** at: [leginfo.legislature.ca.gov/faces/billSearchClient.xhtml](http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml).

### SEEKING ASSISTANCE WITH INDIVIDUAL PROBLEMS

Though the primary job of California assemblymembers and senators is to make state law, legislators are ultimately intended to be the interface between the people and their government. To this end, legislators spend much of their time at their district offices, where they work directly with voters and engage with community organizations.

If your efforts to advocate for your loved one within the CDCR system have been unsuccessful, consider reaching out to your legislators at their local office. Ask the representative or her staffer to make an inquiry to the prison on your loved one's behalf and follow up with the legislator's office about that inquiry. This can be a very powerful tool in pushing prison officials to take action. Getting a call or letter from a state assemblymember or senator can go a long way to spurring prison officials to act.

### LEGISLATIVE ADVOCACY FOR POLICY CHANGE

In addition to contacting your legislators about your loved one's individual problems, you can also help create change for incarcerated people in California by supporting or

opposing specific pieces of legislation. Issues affecting the prison system are often taken up in two legislative committees – the California Senate Public Safety Committee and the California Assembly Public Safety Committee.

Go to [spsf.senate.ca.gov](http://spsf.senate.ca.gov) and [apsf.assembly.ca.gov](http://apsf.assembly.ca.gov) to find out who sits on those committees, so your advocacy efforts will be focused on the legislators who make the relevant policies.

## FACE-TO-FACE MEETINGS WITH ELECTED OFFICIALS OR STAFF

Face-to-face meetings with members can be useful in certain circumstances. Generally, these meetings are useful when you have a specific policy-related topic you would like to discuss. For example, you may want to talk to a member in person to express your support or opposition to a specific bill about prisons if it is coming up for a vote in committee or on the Senate or Assembly floor.

It is common to meet with a legislator's staff member instead of the legislator herself. Don't feel slighted. This is often as effective, or even more effective, than meeting with the elected official directly. Let the aide know what you want to discuss, and tell her if you are representing a group.

Here are some general tips on meeting with your legislator's office:

- **Make an appointment beforehand.** If you have not made an appointment and neither your representative nor one of her aides is available at that time, ask the scheduler when they will be available and attempt to see them later that day.
- **Be clear about your focus.** Go with a specific purpose in mind and focus on one or two topics.
- **Prepare before you go.** Select a main spokesperson and bring information such as fact sheets or articles from the press. Statistics can be especially helpful for you to make your case. Anticipate questions and prepare to answer them.
- **Outline the problem clearly** in your conversation, and say how you'd like to see it be resolved.
- **Follow up later with answers.** If there is a question that you cannot answer, say to them, "I'm not sure of the answer to your question, but I can find out and let you know."
- **Find out if they support or oppose.** If you came to evaluate the member's position on a certain idea or piece of legislation, ask at the end of your meeting, "So is this a bill/issue that your member is likely to support/oppose?"
- **Get contact information.** Ask the staff person for her card so you can follow up with a letter, email, or a phone call. It is best to follow-up with the person whom you met with in person.
- **Report back** to other people in your network, and congratulate yourself for making your voice heard!

## WRITING TO YOUR POLICYMAKERS

Letters can be effective forms of communication with your elected representatives. Legislators generally prefer that written communication be sent by fax or email. Because all physical mail to legislators must go through a security screening, using this form of communication will cause delays. To make your letter most effective, call the office before sending it, ask who in the office “staffs” prison issues and address your letter to that person. The heading of your letter and the envelope should read:

Office of Senator/ Assemblymember (Name)  
Attention: (Staffer’s name)

Here are some general tips on writing to your legislator’s office:

- **Personalize!** Tailor your message; try to avoid form letters.
- **Brevity:** Keep your letter short, one page at most.
- **Focus:** Concentrate on only one issue in your letter.
- **Copies:** Keep a copy of every letter you write.
- **Fax or email:** Type your letter and fax or email it if at all possible.
- **Organization:** Identify your organization, if you’re part of one.
- **Identify your district:** If you live in the legislator’s district, say you’re a constituent from her district.
- **Lead with your main purpose:** State your purpose at the beginning. If it’s about a bill, state the bill number.
- **Give reasons:** If you’re writing about a bill, remember to clearly state your reasons for supporting or opposing it.
- **Thank you’s:** If the legislator is supporting your position, thank her in writing.
- **Enclosures:** Enclose any supporting materials, such as news articles.
- **Multiply your letter-writing efforts:** Ask your friends to write letters too. This can be an effective way to get attention.

## CALLING THE OFFICES OF YOUR ELECTED REPRESENTATIVES

Phoning your legislator is another useful tool to make your voice heard. Phone calls for or against a specific bill are tracked by each legislator’s office. Usually a staff person will note your opinion and tell her boss.

- **Keep the call simple.** Cover only one subject in a phone call.
- **Introduce yourself as a constituent** (someone who lives in the legislator’s district), and give your name and address.
- **Be clear** about what you are asking the legislator to do.
- **Get a response** by asking, “Does my representative support this legislation?” Keep in mind that sometimes staff members do not have answers to this question because they have not spoken to their boss about the issue, or the member has not yet decided.

## TESTIFYING BEFORE LEGISLATIVE COMMITTEES

One of the most important ways family members can make their voices heard is by testifying before committees in the state legislature, during informational hearings or when bills are being heard. Testimony can come in the form of substantive testimony or a “me too.” A “me too” is a brief statement in which you come forward, give your name and state whether you support or oppose a bill.

Your opportunity to give more substantive testimony depends on whether the committee chair allows a lengthier discussion from support/opposition. If you support legislation, you may contact the author or sponsor of the legislation and tell her you would like to testify on the bill.

Here are some tips for substantive testimony, followed by sample testimony:

- Keep your testimony focused on one or two specific issues.
- Try not to “read” your statement. Take your time and speak from your heart.
- Have a signed copy of your letter or statement with you when you testify, so that you can submit it to the committee if necessary.



## SAMPLE TESTIMONY ON SOLITARY CONFINEMENT

Statement at Joint Legislative Hearing on Solitary Confinement in California  
October 9, 2013  
By Dolores Canales, mother

My name is Dolores Canales and I am a family member of a current Pelican Bay SHU prisoner. At the August 23, 2011 legislative hearing on solitary confinement, Charles Carbone said in his opening statement, “Here we are again, 10 years later.” That

statement has always stayed with me and I fear that we'll be here yet again, 20 years from now, still searching for data, still doing research. I often think, "Here we are year after year, decade after decade, as our loved ones sit in solitary confinement, as we're still trying to figure out if this is detrimental to their physical and mental well-being." We've seen the studies, the research, and the suicides.

I've been to Sacramento on numerous occasions and even to Washington, D.C. in hopes of creating change and in hopes that my son and thousands of others will one day be exposed to natural sunlight, in hopes that my son will not be one of the many who have succumbed to suicide or insanity, and in hopes that someone will listen and demand changes in conditions of confinement for human beings.

My son once wrote me, "I have no doubt that this place was designed with the sole intention of driving men mad or to suicide. I know because I'm living it." As a mother, it's a daily struggle to hold on to hope when you know CDCR has defended their policies for decades and now has even made a little book describing how pretty the cells are.

During the recent hunger strike, a CDCR representative said that she did not like to refer to the SHU as solitary confinement because the prisoners can talk to one another and they have a TV. In reality, the prisoners are subject to disciplinary documentation for the simple act of acknowledging another human being's existence. I have here a 115 – a rules violation report – that my son received for simply saying "all right, now" to another prisoner.

As for the TV, imagine a television being one of your sole companions for 10 to 30 years. Then consider that, according to a new study, watching too much television might take years off your life. And prisoners are not even afforded the companion of a TV unless their family can purchase one for them.

Since the 2011 hunger strike, I've done extensive research on how one ends up in solitary. Prisoners are being written up and put in long-term SHU confinement for the "promotion of gang activity" with no other evidence to corroborate the statements of other prisoners who are, themselves, trying to get out of SHU. What is troubling is that CDCR claims these prisoners are housed in SHU because they are the worst of the worst. But why is it that the minute a prisoner begins making statements against another prisoner, now they are credible and to be believed?

I read a letter by a young man in SHU saying, "The worst part of solitary confinement is the absolute state of nothingness, and without a vision, the people perish." Sometimes I feel that same despair. Sometimes that same hopelessness and that same state of nothingness sets in because nothing really changes. The use of confidential information to gang-validate prisoners still continues, and the use of indefinite solitary confinement still exists.

Thank you very much.

## SAMPLE LETTER ON COMPASSIONATE RELEASE

Date: April 7, 2000  
To: California State Legislature  
From: Deborah Teczon  
Re: Compassionate Release

Hello, I'm writing on behalf of California State Prisoners and their families. My sister was incarcerated at California Correctional Women's Facility in Chowchilla, California. My sister died February 10, 1999 from breast cancer and medical neglect while incarcerated. Tina was not a violent offender; my sister was a very good person with a very bad habit, which caused her to do some bad things in her lifetime. Due to her drug addiction, she caused herself more harm than I believe she caused anyone else.

I stood by my sister even though I didn't agree with the way she chose to live her life. I know that when my sister became ill, the prison waited so long to act on her behalf that it was their NEGLIGENCE that ultimately caused her DEATH. I feel that the CDC could have been more compassionate to my sister and our family since she was so close to death. Dealing with the whole situation was one of the hardest battles I've had to take on in my lifetime.

When we first found out my sister was so ill, we didn't know where to go or whom to turn to. It was very frustrating. When someone you love is dying and incarcerated, there's no one to turn to, and no one who cares or wants to give any information. Once we knew about compassionate release, we started to research what needed to be done in order to obtain one for my sister, so we could be with her as a family when she was dying. It was so unthinkable that she was dying and that we would have no control over what was going to happen to her.

We talked before she died and she asked me to do whatever it would take to get her out so she could die with her family by her side and with dignity. I didn't think that request would be so difficult to fulfill. After many hours on the phone and spending countless hours pleading with the CDC and the courts, a judge finally granted the compassionate release. But even to the bitter end, the lawyer for the State of California stood up in court and tried to have the case continued. We were so scared she would die before we could say goodbye. That would have devastated the family even more than what we were already going through. Just to get the information to the courts and be a part of the proceedings was a battle.

Finally she was granted the release and she died one week later. My sister got her last wish. She died with her family and with her dignity. For some reason, the Lord showed favor on her and on us as a family. I think compassionate release shows more compassion for the family than the prisoners. I encourage lawmakers to take on the battle for compassionate release. It is a very good program and was the only thing to look forward to when my sister's life was coming to an end.

I am proud of the LOVE I have for my sister, and must take a stand on behalf of other California state prisoners who are dying in prison every day. God rest your soul, Tina.

Sincerely,  
Deborah D. Teczon

## **SAMPLE LETTER ON VISITING RIGHTS LEGISLATION**

Dear Senator \_\_\_\_\_,

My name is \_\_\_\_\_ and I am the family member of a prisoner. I know personally the importance of visiting for both a prisoner and for his or her family.

AB 2133, authored by Assemblywoman Jackie Goldberg, would require that, before changing existing visiting regulations, the California Department of Corrections and Rehabilitation weighs the proposed changes against the significant benefits that prisoner visiting has for prison staff, visitors and prisoners themselves. 50 years of expert research unequivocally demonstrates that visiting significantly improves prisoner behavior and dramatically increases success upon parole. Many states have long recognized the value of visiting as an effective tool for accomplishing both.

As a legislator you will accomplish several very important goals by voting in favor of AB 2133. First, you will improve safety and security within the state's prisons by giving prisoners a good reason to remain disciplinary-free, thereby decreasing prison violence and subsequently increasing on-the-job safety for prison guards. Second, you will reduce crime, fear, and tension within the communities you represent because fewer of the roughly 100,000 individuals on parole each year, would re-offend once released back into the towns and cities where your constituents reside.

Third, you can save your constituents and other taxpayers in the state of California millions of dollars each year by supporting this bill. Visiting allows prisoners to maintain crucial ties to the very individuals who will assist them upon parole, making it much easier for a prisoner to successfully transition from incarceration to release. The greater the success rate upon post-conviction release, the fewer people we send back to prison.

And with the cost of incarceration ranging from \$25,000 to \$65,000 per year per prisoner, this is a significant cost-savings, one which would help alleviate the state's current \$17 billion budget deficit. Additionally, your district can take the money normally required to prosecute and return an individual to the corrections system and allocate those funds for greater municipal needs.

Last, your district has thousands of constituents who are parents, grandparents, children, siblings, and spouses of prisoners. As law-abiding taxpayers of this state, we deserve your support and representation as well. Your support of this bill will encourage

loved ones of prisoners to continue to act as positive influences in the lives of prisoners during and following incarceration.

In conclusion, passage of AB 2133 is a positive step toward ensuring that visiting will continue to improve safety and security within the prisons, increase the likelihood of success upon parole, and save the state's taxpayers millions of dollars by maintaining the crucial ties between prisoners and their loved ones. As a constituent of your district, I strongly urge you to support this bill.

Sincerely,  
(name here)

## B. Communicating with the Media

### WRITING A LETTER TO THE EDITOR

The editorial page is one of the most widely read parts of any newspaper. The goal of the Letters to the Editor page is to present thought-provoking letters, often with contrasting views, that give a sense of how the public is feeling about important issues. It's a place where readers often comment on articles that recently appeared in the paper. A well-written letter to the editor can change the way people view an issue. Responding to articles that discuss the issues you're concerned about is a good way to add your input to the debate.

Here are some tips for getting your letter into the paper:

- **Brevity:** Try to keep your letter somewhat brief; less than 300 words is an ideal length. Concise letters have a better chance of being published.
- **The "hook:"** Look for a "hook." Editors are more likely to be interested in your letter if you refer to a recent article or news story.
- **Tone:** Avoid a tone that's too personal, and avoid name-calling or swearing.
- **Contact information:** Always include your contact information: name, address, email, and phone numbers.
- **Personal contacts:** Make personal contact with the person who reviews letters to the editor. You can call the paper and ask to speak to that person after you send in your letter to see if she will print it.
- **Don't give up:** Your letter may not get in the first time submitted. Editors could be looking for something specific in letters to publish, depending on what other letters they receive that day. They may consider your article for a later edition.

### CALLING A RADIO SHOW TO EXPRESS YOUR OPINION

It's important that talk show hosts hear from a variety of people. Don't be afraid to pick up the phone and jump into the debate, even if your ideas may not be popular.



- Make a few notes about the point you want to make before you call.
- Be brief and to the point.
- Assert your opinion, but also be polite. Your message will be better received by listeners if you deliver it politely.

## APPROACHING A JOURNALIST WITH YOUR STORY

If you have a story to tell, consider sharing it with a journalist. Remember that your story is important, and you want to tell it in the best way possible. Consider yourself an “expert” on prisons if you have a loved one serving time in one. Study your local paper to see which reporters write about issues relevant to you and your loved one.

Here are some tips to consider about contacting a journalist:

- **Prepare:** Think about what you want to say before you contact a reporter. Make some notes of the main points you want to cover and try to confine your first conversation to those topics; try not to overwhelm with too much information.
- **Decide how to handle stereotypes:** Remember we have a lot of stereotypes to overcome when talking about prisons and prisoners. Anticipate facing these issues before you place your call and be prepared to address the matter. For example, a reporter might want to know why your loved one is in prison. Be prepared to give a truthful answer, or else politely say that the matter is private.
- **Be strategic about contact:** Call early in the day; reporters tend to get busy in the afternoon with deadlines. First ask if they have time to talk. If they ask you to call back later, be sure to call within the time frame they have offered. Alternatively, get the email address of the reporter and write an email.
- **Maintain credibility:** Be very careful to be accurate with the reporter. She will check the facts before publishing, and you will lose credibility with her if your information is not accurate. Don’t exaggerate.
- **Provide a human face to the issue.** Remember, you are probably trying to interest the reporter in a “human interest story.” People remember stories about people, more than statistics and general ideas. Speak from your heart and your experience.
- **Speak to “shared values”** such as fairness and a sense of justice that you may have with your audience. (For example, “Prisoners aren’t sentenced to die from lack of medical care.”)
- **Know when to be silent:** You do not have to answer every question a reporter poses. It’s okay to say you would rather not answer or to re-direct the discussion to what is important to you. However, try not to “dodge” questions, as it may affect your credibility with the reporter.
- **Offer a solution:** If there is a solution to the problem you are highlighting, speak to possible solutions as well as the problem. If readers find the story compelling, they will want to know how to make a difference.
- **Maintain a file:** Always keep a copy of articles that speak to the issue you feel strongly about or any article you are quoted in. You may want to include copies of these if you write letters to your legislators.





## VIII.

# CREATING CHANGE BY VOTING

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In addition to lodging complaints, filing lawsuits, and advocating on behalf of your loved one in the media or to your elected officials, there is another important way you can help create change in the California correctional system: by voting and helping your loved one to vote, if he is eligible. There is a lot of confusion in California about whether and when incarcerated or formerly incarcerated people have the right to vote. This section will help clarify when your loved one may vote and how to help him do so.

### VOTING BY FRIENDS AND FAMILY MEMBERS

#### ***General eligibility requirements:***

There are certain basic requirements a person in California must meet in order to vote in most elections. Specifically, you can register to vote in California if you are:

- A U.S. citizen
- A resident of California
- At least 18 years old on or before Election Day
- Not found mentally incompetent by a court
- Registered to vote before a specified deadline

#### ***Register to vote:***

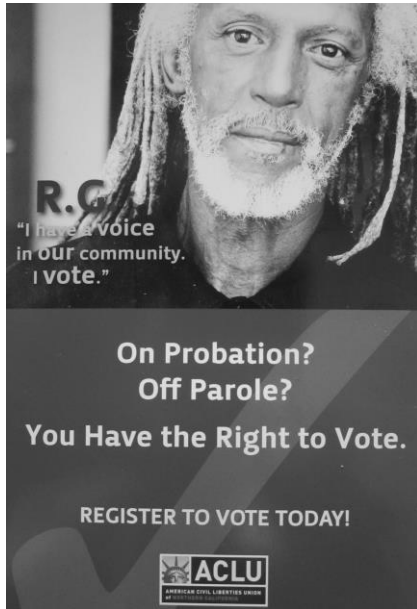
The first step to exercising the right to vote is registering, which can be done online by visiting [RegisterToVote.ca.gov](http://RegisterToVote.ca.gov) or by filling out a paper registration form and mailing or turning it in. You can request a voter registration form from the elections office of the county in which the voter's home address is located. You can also pick up a registration form from your local library, DMV, or post office. The voter should register using his home address and should reregister every time he moves. Note that registration must be completed at least 15 days before Election Day.

#### ***Vote:***

There are then two ways a person can cast his vote: in person or by mail. You can find the address of your polling place on the back of the sample ballot booklet you should receive in the mail after registering. You can also find the location of your polling place by contacting your county elections office. In California, you may choose to vote on Election Day or you may vote early at select locations. Visit [www.CAvotes.org/vote/in-person#early](http://www.CAvotes.org/vote/in-person#early) to find out how to vote early.

If you prefer to vote by mail, you must submit an application for a mail-in ballot. You can do this when registering to vote by submitting the form included with your sample

ballot booklet or by writing to your county elections office to request one. Vote-by-mail applications must be received by the elections office at least seven days before Election Day and you must submit a new vote-by-mail application *each year*. Mail-in ballots must be received by the county elections office by no later than Election Day.



## VOTING BY INCARCERATED AND FORMERLY INCARCERATED PEOPLE

### *Eligibility requirements for people with criminal convictions:*

Your incarcerated or formerly incarcerated loved one may be eligible to vote. There are only a few ways a person loses the right to vote in California due to criminal conduct. If your loved one wishes to vote, he must meet all of the basic eligibility requirements listed in the previous section and not be excluded as follows:

A person is *not eligible* to vote in California *only* if he has been convicted of a felony *and*:

- Is currently in state prison (or awaiting transfer to state prison);
- Is currently in county jail serving a felony sentence (not as a condition of probation);
- Is currently in county jail for a felony parole violation; or
- Is currently on parole for a felony conviction.

By contrast, a person *is eligible* to vote in California if he:

- Has been convicted of a misdemeanor, even if he is currently serving a misdemeanor sentence in county jail. A misdemeanor conviction *never* affects the right to vote;
- Is currently in county jail awaiting trial for either a felony or a misdemeanor;
- Is currently on probation, even if currently in county jail as a condition of probation or because of a felony probation violation; or
- Has completed felony probation, parole, mandatory supervision, or post-release community supervision.<sup>9</sup> Note that a person does not need to do anything to restore his right to vote after completing one of the above, but he should reregister before election time.

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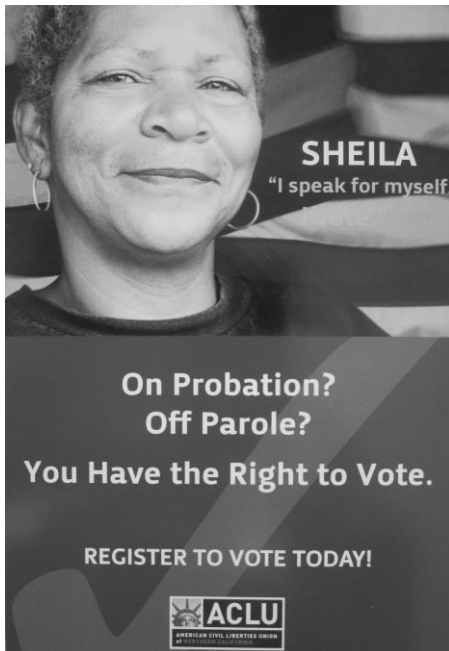
<sup>9</sup> The voting rights of people on mandatory supervision (by the county) or post-release community supervision are in active litigation at the time this manual is being updated. You can check the LSPC website for current information.

**Register to vote:**

If a person is eligible to vote according to the requirements above, he may still vote in elections while he is incarcerated. As described above, an incarcerated person can register to vote by visiting [RegisterToVote.ca.gov](http://RegisterToVote.ca.gov) or by requesting a voter registration form from the elections office of the county in which his *home address* is located. You can also help your loved one to vote by mailing him a blank voter registration form. For more information on registration, see above.

**Vote by mail:**

If your loved one is still incarcerated on Election Day, he should request and submit a vote-by-mail ballot application. Because it can often take some time to process jail mail, this should be done as far in advance of Election Day as possible. He may also submit a voter registration form at the same time he submits a vote-by-mail application. However, if your loved one is incarcerated for multiple election cycles, he should remember to resubmit a new vote-by-mail application *each year*. Mail-in ballots must be received by the county elections office by no later than Election Day.





## CONCLUSION

Navigating the California prison system and standing up for the rights of our incarcerated loved ones can be a challenging and, often, frustrating experience. We face policies that seem unfair, practices that are humiliating or abusive, and administrators who are reluctant to hear our struggle. But if we join forces with our loved ones and with other family advocates, we can achieve change.

Friends and family members can play a crucial role in making sure our loved ones are safe from abuse, get proper medical care, and are treated with the dignity and respect they deserve. CDCR needs to know that its actions affect not only those who are incarcerated, but also an entire community of people who love them. This is why it is so essential that every person going into a California prison has at least one advocate on the outside. This is why we must educate and organize together on both sides of bars.

This manual has given you some tools to help you fight for the rights of your loved one. It has explained some of your loved one's rights to medical care, to early and temporary release, and to vote. It has outlined some of the ways you and your loved one can make your voices heard, from lodging administrative complaints, to filing a lawsuit, to contacting your legislators and the media. Your voice matters. Get connected and get active.

# GLOSSARY

The following is a list of commonly used terms, both prison slang and jargon:

**A-days:** A term used in reference to flat time or day-for-day credit, meaning that no additional time is added to the sentence and none taken away. It is often heard in the context of a prisoner being punished for not working, which means that her good time credits for that day are taken away. For example, “My work supervisor did not believe that I was really sick and when I didn’t show up for work, she gave me an A-day.”

**Books:** Prisoner trust fund account from which money is withdrawn for canteen purchases, copies and postage. For many prisoners, money going onto their books is subject to an up to 55% restitution reduction – to pay for restitution fines and fees.

**Canteen:** The commissary at the prison where prisoners can buy food, writing supplies, hygiene products, etc.

**CC-1:** A staff counselor.

**CCCMS or Triple CMS:** Correctional Clinical Case Management Services. The term is usually heard in the context of a mental health designation.

**CCPOA:** California Correctional Peace Officers Association, the prison guards’ union in California.

**CPHCS:** California Prison Health Care Services. The receivership established by a federal judge in 2005 to oversee prison medical care.

**CDCR:** California Department of Corrections and Rehabilitation.

**C-file:** Central file. An institutional file in which all information about a prisoner is kept.

**Chrono:** A permission slip granting a special privilege or right to a prisoner. Often given for things like a lower bunk, access to ice, special diet, no heavy lifting. It is usually written by a doctor.

**Class action lawsuit:** A lawsuit brought on behalf of an entire group of prisoners. Such a suit may seek systemic change and/or money damages.

**Clerk:** A job assignment for incarcerated people, similar to a legal assistant or secretary.

**CMO:** Chief medical officer. The head doctor of a prison.

**CO:** Correctional officer, also known as a cop or guard. The hierarchy of COs is militarized, using titles such as Sergeant, Lieutenant, Captain, etc.

**Co-pay:** A \$5.00 fee charged to each prisoner for each medical visit, unless classified as indigent. One may be classified as indigent for reasons such as having no money on his or her books for at least 30 days.

**Division of Correctional Health Care Services Division:** A branch of the California Department of Corrections and Rehabilitation responsible for overseeing the provision of medical care to all state prisoners.

**DOM:** Director's Operating Manual for CDCR. An institutionally-created rulebook, available at [cdcr.ca.gov/cdcr.ca.gov/regulations/Adult\\_Operations/docs/DOM/DOM\\_2012/2012\\_DOM-Combined.pdf](http://cdcr.ca.gov/cdcr.ca.gov/regulations/Adult_Operations/docs/DOM/DOM_2012/2012_DOM-Combined.pdf)

**Ducat:** A permission slip which allows a prisoner to move around the prison.

**ERD:** Estimated Release Date.

**Free world:** Often used in reference to non-prisoners and outside agencies.

**Free staff or people from the outside:** Contract staff members who work in the prison but are not guards or prison administrators. This includes people who run the educational, drug rehab, and religious programs inside, construction workers, etc.

**Good time or good time credits:** Time off of sentence in exchange for working or programming.

**Going over the wall:** refers to the time when a prisoner is moved from the A yard Reception and Receiving area of the prison to the main yard.

**GP:** General population. Where a prisoner is typically placed if not placed in isolation or a medical facility.

**Head count:** Daily accounting of prisoners, done several times a day. No movement occurs within the prison during the count.

**Hot meds:** Controlled medication, including psychotropic medications, anti-depressants, HIV meds, and some high blood pressure meds. Each dosage is dispensed at the infirmary and requires prisoners to stand outside, often in very long lines.

**ICC:** Institutional Classification Committee. The administrative committee within the prison which decides how each prisoner will be classified. It also determines housing, privileges, and job eligibility.

**In the mix:** In the thick of things in the general population. Someone who hangs out in the yard during the day and participates in the prisoner community.

**ISO, ISU:** Investigative services officer, Investigative Services Unit. The internal investigation officer and office at each prison.

**Jailhouse lawyer:** A prisoner who assists others in filing legal actions.

**Lockdown:** Being confined to cell; this can be a disciplinary or safety measure. Sometimes an entire prison can be on lockdown.

**MAR or MARB:** Medical Authorization Review Board. The committee in charge of deciding if a prisoner will receive a particular surgery and when. The board is comprised of medical staff and prison administrators at each prison.



**Meds:** Medications.

**Medically disabled:** A doctor approved status. The prisoner is excused from working and still gets good time credits. It is usually given to those with a long-term or permanent illness or a disability that prohibits him or her from working.

**Medically unassigned:** A doctor approved status. The prisoner is excused from work but gets A days. This is usually given to those who are temporarily unable to work for medical reasons.

**MIC (or CPMP):** Mother-Infant Care program (or Community Prisoner Mother Program.) MIC places mothers and their young children in half-way houses in community-based settings.

**MVA:** Motor Vehicle Assistant. A prisoner who drives vehicles in medical emergencies.

**Porter:** A job assignment for prisoners that is roughly equivalent to a janitor.

**Program/Programming:** Refers to a prisoner's job assignment or participation in educational programs. It is a means to receive good time credits for working as a clerk, porter or going to classes.

**R&R:** Receiving and Reception or A Yard. That area of the prison where prisoners are first processed and classified.

**SHU:** Security Housing Unit or Ad-Seg (administration segregation); also known as lockdown or the hole. These are solitary confinement cells ostensibly used for prisoners who allegedly present discipline problems and cannot remain in general population, or who are in danger of harm from other prisoners. SHU sentences can be "indeterminate," which means the person does not leave the SHU until she paroled, snitches (called "debriefing") or dies. Prisoners are often given indeterminate sentences for alleged gang affiliation. Regulations, legislation and lawsuits may result in some changes to the SHU in coming months and years.

**SNF:** Skilled Nursing Facility at Central California Women's Facility, also known as 805 or the Treatment Center. A medical facility within the prison grounds.

**Title 15:** Section 15 of California Administrative Code, which governs prisons in California.

**115:** A serious write-up by a guard for a violation of an institutional rule. This goes into the C-file. Prisoners have a right to appeal a 115.

**128:** A less serious write-up by a guard for a violation of an institutional rule. It is also appealable.

**602:** Inmate grievance procedure. It is a write-up performed and filed by a prisoner to challenge an action or omission by a staff member.

**1824:** A grievance form filed for violation of the American with Disabilities Act (ADA), similarly to a 602.

**7385:** An Authorization for Release of Information. A form that must be completed and filed for CDCR to release any C-file or health-related information to a prisoner's friends or family.

If you know any of this information to have changed or be untrue, please contact LSPC.

# RESOURCES

## A. Publications

### LEGAL SERVICES FOR PRISONERS WITH CHILDREN

LSPC publishes manuals and reports relevant to prisoners and their family advocates. All are available free online at [www.prisonerswithchildren.org](http://www.prisonerswithchildren.org) and free to prisoners by writing:

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

Manuals available include:

- *Child Custody and Visitation Rights Manual for Incarcerated Parents (2013)*
- *Child Custody and Visitation Rights Manual for Recently Released Parents (2013)*
- *Federal Petition for Writ of Habeas Corpus Materials*
- *Incarcerated Parents Manual (2010) (also in Spanish, 2004)*
- *Manual for Grandparent-Relative Caregivers (2002) (also in Spanish, 2004)*
- *Manual on Divorce Issues for People in California Prisons and Jails (2008)*
- *Parole and Prop 9 Materials (2010)*
- *Pregnant Women in California Prisons and Jails: A Guide for Prisoners and Legal Advocates (2008)*
- *SSI/SSDI for Prisoners and Their Advocates (2004)*
- *Suing a Local Public Entity (2008)*
- *Transportation to Court (2013)*

Reports available include:

- *A Cage Within A Cage: A Report on Indeterminate Security Housing Unit (SHU) Confinement and Conditions (2012)*
- *California's Mother-Infant Prison Programs: An Investigation (2010)*
- *What to Plan for When You Are Pregnant at California Institution for Women (2013)*

### PRISON LAW OFFICE

#### ***The California State Prisoners Handbook: A Comprehensive Practice Guide to Prison & Parole Law (Fourth Edition, 2008) and 2014 Supplement***

Covering a wide range of subjects, this guide provides a summary of the law pertaining to prisoners and parolees. Includes sample pleadings and forms.

Cost: Prisoners and parolees for Handbook and Supplement- \$40, Supplement only- \$15; Non prisoners or parolees for Handbook and Supplement- \$182.00, Supplement only- \$50; All costs include California tax and shipping. *The California State Prisoner's Handbook* is available from:

Reach360 Fulfillment  
440 Tesconi Circle  
Santa Rosa, CA 95401

Other Prison Law Office manuals Include:

- ***How to File an Administrative Appeal*** (English and Spanish)
- ***Requesting Investigations of Staff Misconduct and Conditions of Confinement Problems*** (English and Spanish)
- ***Rights Regarding Prison Disciplinary Proceedings*** (English and Spanish)
- ***Rights of Prisoners in Administrative Segregation*** (English and Spanish)
- ***Information on New Classification Regulations***
- ***Information Re: Improper or Unlawful Use of Force by CDCR Staff*** (English and Spanish)
- ***Security Threat Group (Gang) Validation, Placement and Debriefing*** (English and Spanish)
- ***The HIV and AIDS in Prison Handbook***
- ***Valley Fever Information for Prisoners***
- ***State Habeas Corpus Manual*** (English and Spanish)
- ***Lawsuits for Money Damages Against Prison Officials Manual*** (English and Spanish)
- ***Parolee Rights Manual*** (English and Spanish)
- ***Youthful Offender Parole Hearings***
- ***Benefits to Paroling and Discharging Inmates Information Re: California's Three Strikes Law*** (English and Spanish)

The above manuals are available free, online at [www.prisonlaw.org](http://www.prisonlaw.org) or by writing:

Prison Law Office  
General Delivery  
San Quentin, CA 94964

## OTHER PUBLISHERS

### ***Compassionate Release for Terminally Ill and Permanently Medically Incapacitated People in California Prisons: The Nuts and Bolts Manual for Winning Compassionate Release***

Available by writing:

Justice Now  
1322 Webster St., Suite 210  
Oakland CA 94612  
[www.jnow.org](http://www.jnow.org)

### ***The Jailhouse Lawyer's Handbook: How to Bring a Federal Lawsuit to Challenge Violations of Your Rights in Prison, Fifth Edition, 2010***

Published by the Center for Constitutional Rights and the National Lawyers Guild

Available free online at [www.jailhouselaw.org](http://www.jailhouselaw.org) or by writing:

National Lawyers Guild, National Office  
132 Nassau St., Room 922  
New York, NY 10038

### ***A Jailhouse Lawyer's Manual, Ninth Edition, 2011***

Published by *Columbia Human Rights Law Review*, which also publishes a supplement to this manual called the "Immigration & Consular Access Supplement"

Cost: Prisoners: Manual-\$30.00, Supplement- \$5; Non-prisoners or institutions: Manual- \$100, Supplement- \$20

Order forms are available at [www3.law.columbia.edu/hrlr/jlm/order/](http://www3.law.columbia.edu/hrlr/jlm/order/) or by writing:

Columbia Human Rights Law Review  
435 West 116th St.  
New York, NY 10027

Also available for free online at [www3.law.columbia.edu/hrlr/jlm/toc/](http://www3.law.columbia.edu/hrlr/jlm/toc/)

***Outsiders Looking In: How to Keep From Going Crazy When Someone You Love Goes to Jail***

By Toni Weymouth and Maria Telesco

OLINC Publishing

ISBN-10: 1891261401

ISBN-13: 978-1891261404

***PARC Prisoner Support Directory***

Available free at [www.prisonactivist.org/sites/default/files/2013-parc-directory.pdf](http://www.prisonactivist.org/sites/default/files/2013-parc-directory.pdf) or from:

Prison Activist Resource Center

PO Box 70447

Oakland, CA 94612

***Prison Legal News***

[www.prisonlegalnews.org](http://www.prisonlegalnews.org)

Subscriptions available by visiting website or writing:

PO Box 1151

Lake Worth, FL 33460

***Prisoner Diabetes Handbook***

Available free online at [www.splcenter.org](http://www.splcenter.org) or free to prisoners by writing:

Southern Poverty Law Center

400 Washington Ave.

Montgomery, AL 36104

***The Prisoners' Assistance Directory, 18<sup>th</sup> Edition, 2012***

Published by the National Prison Project of the ACLU

Available free online at

[www.aclu.org/files/assets/2012\\_prisoners\\_assistance\\_directory.pdf](http://www.aclu.org/files/assets/2012_prisoners_assistance_directory.pdf) or by writing:

National Prison Project

733 15th St., N.W., Suite 620

Washington, D.C. 20005

***Prisoners' Self-Help Litigation Manual, Fourth Edition, 2010***

By John Boston and Daniel Manville

Oxford University Press

ISBN-10: 0195374401

ISBN-13: 978-0195374407

***Protecting Your Health and Safety: Prisoner's Rights***

Published by the Southern Poverty Law Center

Available by mailing a \$16 check or money order payable to "Prison Legal News" to:

Prison Legal News

PO Box 2420

West Brattleboro, VT 05303

***Resource Guide for Teens with a Parent in Prison or Jail***

Published by Project WHAT!

Cost: Free for youth; \$5 for all other individuals or groups

Available online at [www.communityworkswest.org/images/stories/projectwhat2008.pdf](http://www.communityworkswest.org/images/stories/projectwhat2008.pdf) or at:

Community Works West

4681 Telegraph Ave.

Oakland, CA 94609

***San Francisco Bay View National Black Newspaper***

www.sfbayview.com

Subscriptions available by visiting website or by writing:

4917 Third St.

San Francisco, CA 94124

***A Young Mother's Guide to Surviving the System***

Available free online at [www.cywd.org/Brochure/MyLifeChoseMe.pdf](http://www.cywd.org/Brochure/MyLifeChoseMe.pdf) or by writing:

Center for Young Women's Development

1550 Bryant St., #700

San Francisco, CA 94103

## **B. Advocacy and Support Organizations**

**A Time for Change**

Since 2002 the Time for Change Foundation has operated a homeless shelter for women recovering from the effects of mental and physical abuse, substance abuse and incarceration.

They provide housing, food, clothing and supportive services to women in need.

PO Box 25040

San Bernardino, CA 92406

Ph: (909) 886-2994

[www.timeforchangefoundation.org](http://www.timeforchangefoundation.org)

**Action Committee for Women in Prison**

The mission of ACWP is to advocate for the humane and compassionate treatment of all incarcerated women everywhere. They work for the release of all women who are unjustly imprisoned, and strive to reduce the over-reliance on incarceration.

769 Northwestern Dr.

Claremont, CA 91711

Ph: (626) 710-7543

[www.acwip.net](http://www.acwip.net)

**All Of Us Or None**

All of Us Or None (AOUON) is a national organizing initiative of incarcerated, formerly incarcerated and convicted people fighting the discrimination they face as the result of felony convictions through community outreach initiatives and campaigns for human and civil rights.

1540 Market St. Ste. 490

San Francisco, CA 94102

Ph: (415) 255-7036 x 337

[www.allofusornone.org](http://www.allofusornone.org)

**Barrios Unidos**

The mission of Barrios Unidos is to prevent and curtail violence among youth within Santa Cruz County by providing them with life-enhancing alternatives. Over the past 25 years Barrios Unidos has developed a model that seeks to reclaim and restore the lives of struggling youth while promoting unity amongst families and neighbors through community building efforts.

1817 Soquel Ave.

Santa Cruz, CA 95062

Ph: (831) 457-8208

[www.barriosunidos.net](http://www.barriosunidos.net)

**Books Not Bars**

Books Not Bars, a project of the Ella Baker Center in Oakland, is a statewide campaign aiming to shut down California's abusive and costly youth prisons and replace them with alternatives that work, like regional rehabilitation centers and community-based programs.

1970 Broadway, Suite 450  
Oakland, CA 94612  
Ph: (510) 428-3939  
contact@ellabakercenter.org  
www.ellabakercenter.org

**California Coalition for Women Prisoners**

CCWP is a grassroots racial justice organization that challenges the institutional violence imposed on women and communities of color by prisons and the criminal justice system. It is building a movement with women prisoners, family members of prisoners, and the larger communities through organizing, leadership development, and political education.

1540 Market St., Suite 490  
San Francisco, CA 94102  
Ph: (415) 255-7036 x 4  
info@womenprisoners.org  
www.womenprisoners.org

**California Families to Abolish Solitary Confinement**

California Families to Abolish Solitary Confinement (CFASC) is dedicated to stopping the inhumane treatment of prisoners within the California Penal System, especially those held in solitary confinement. Their ultimate goal is to end the use of solitary confinement; their short-term goals are to reduce its use and to insist on due process and fairness.

c/o FACTS Education Fund  
1137 E. Redondo Blvd.  
Inglewood, CA 90302  
Ph: Geri (424) 744-1156 or Dolores (714) 290-9077  
www.abolishsolitary.com

**California Prison Focus**

California Prison Focus is an organization working to stop human rights violations, improve medical care and end long-term isolation in California prisons.

1904 Franklin St., Suite 507  
Oakland, CA 94612  
Ph: (510) 836-7222  
contact@prisons.org  
www.prisons.org

**California Prison Moratorium Project**

CPMP seeks to stop all public and private prison construction in California. Throughout all their campaigns and chapters, CPMP provides research, writing and information on the myths of prison development and the forces driving prison expansion as well as organizes grassroots resistance and advocacy support.

1055 N. Van Ness Ave., Suite C  
Fresno, CA 93728  
Ph: (559) 266-5901  
pmpvalle@yahoo.com  
www.calipmp.org

**Center on Juvenile and Criminal Justice**

CJCJ provides direct service, technical assistance and policy research in the field of juvenile and criminal justice. They have a number of different diversion and independent living programs and publications available.

40 Boardman Place  
San Francisco, CA 94103  
Ph: (415) 621-5661  
info@cjcc.org  
www.cjcc.org

**Centerforce**

The Centerforce mission is to support, educate, and advocate for individuals, families and communities impacted by incarceration. Centerforce provides services for prisoners, former prisoners, and family members of prisoners through direct services, its annual conference, and through consultation and training for government agencies, community-based organizations, and correctional facilities across the country and internationally.

PO Box 415  
San Quentin, CA 94964  
Ph: (415) 456-9980  
www.centerforce.org

**Critical Resistance**

Critical Resistance is a national prison abolition organization that seeks to build an international movement to end the Prison Industrial Complex by challenging the belief that caging and controlling people makes us safe. Instead, they work to build safe and healthy communities, where the basics are provided, such as food, shelter, and self-determination. They also work to create and promote alternatives to the current system.

1904 Franklin St., Suite 504  
Oakland, CA 94612  
Ph: (510) 444-0484  
www.crnational@criticalresistance.org  
www.criticalresistance.org

**Families with a Future**

FWAF is a network of everyday people interested in minimizing the damaging effects when a parent goes to prison. They recognize the tremendous pain children suffer when they lose a parent to prison, and their mission is to render support to families and their children, specifically with transportation for children to visit their incarcerated parents.

1540 Market St., Suite 490  
San Francisco, CA 94103  
Ph: (415) 999-8084

**Friends Outside**

Friends Outside is a volunteer-run organization that assists prisoners and their families by acting as an intermediary between the family, the prisoner, and the criminal justice system. They help prisoners and their families locate community resources, and provide regular support groups for formerly incarcerated people. They staff hospitality trailers at every California prison. Friends Outside case managers inside the prisons work directly with prisoners.

PO Box 4085  
Stockton, CA 95204  
Ph: (209) 955-0701  
www.friendsoutside.org

**Inmate Family Council**

Each prison has an Inmate Family Council, composed of family members of prisoners at that prison, who meet regularly to discuss issues that pertain to family members and visitors. The names of IFC members and an IFC suggestion box can be found in visiting areas. A statewide Family Council consists of 10 members who meet quarterly at CDCR head-quarters in Sacramento to discuss issues of concern.

**Just Detention International**

Just Detention International is a health and human rights organization that seeks to end sexual abuse inside all detention facilities.

3325 Wilshire Blvd., Suite 340

Los Angeles, CA 90010

Ph: (213) 384-1400

info@justdetention.org

www.justdetention.org

**Justice Now**

Justice Now is a prison abolition organization that provides legal services and support to women prisoners and works with prisoners and their families on political education and health campaigns with the goal of building a world without prisons.

1322 Webster St., Suite 210

Oakland, CA 94612

Ph: (510) 839-7654

www.jnow.org

**Legal Services for Prisoners with Children**

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.

1540 Market St., Suite 490

San Francisco, CA 94102

Ph: (415) 255-7036

www.prisonerswithchildren.org

**Life Support Alliance**

LSA is an advocacy organization based in the Sacramento area that works to change the parole system that denies parole to prisoners serving life sentences. Its newsletter and website provide valuable information for families of lifers.

P.O. Box 277

Rancho Cordova, CA 95741

Ph: (916) 402-3750 or (916) 743-1654

lifesupportalliance@gmail.com

www.lifesupportalliance.org

**A New Way of Life**

A New Way of Life Reentry Project is a non-profit organization that provides housing and reentry support to formerly incarcerated women and their children. A New Way of Life operates four sober living homes serving 40-50 women and children per year, and offers a wide range of support services to help facilitate a successful transition back to community life.



PO Box 875288  
Los Angeles, CA 90087  
Ph: (323) 563-3575  
[www.anewwayoflife.org](http://www.anewwayoflife.org)

**Prison Activist Resource Center**

PARC provides progressive and radical news and other information about prisons and the prison prosecution system.  
PO Box 70447  
Oakland, CA 94612  
Ph: (510) 893-4648  
[www.prisonactivist.org](http://www.prisonactivist.org)

**Prison Law Office**

The Prison Law Office is a public interest law firm protecting the constitutional rights of prisoners. With a small staff of attorneys and support personnel, the Prison Law Office represents individual prisoners, engages in class action and other impact-litigation, educates the public about prison conditions, and provides technical assistance to attorneys throughout the US.  
1917 5th Street  
Berkeley, CA 94710  
Ph: (510) 280-2621  
[www.prisonlaw.org](http://www.prisonlaw.org)

**Prisoner Hunger Strike Solidarity Coalition**

PHSS is a statewide coalition of grassroots organizations and community members based in the Bay Area. It is committed to amplifying the voices of and supporting the prisoners at Pelican Bay & other CA prisons who have gone on hunger strikes to protest long-term solitary confinement.  
[prisonerhungerstrikesolidarity@gmail.com](mailto:prisonerhungerstrikesolidarity@gmail.com)  
For media inquiries call: (510) 444-0484  
[www.prisonerhungerstrikesolidarity.wordpress.com](http://www.prisonerhungerstrikesolidarity.wordpress.com)

**Prisoner's Literature Project**

Prisoner's Literature Project is an all-volunteer project that sends free books to prisoners all over the United States.  
c/o Bound Together Books  
1369 Haight St.  
San Francisco, CA 94117  
Ph: (510) 893-4648  
[www.prisonactivist.org/plp/](http://www.prisonactivist.org/plp/)

**Project WHAT!**

Project WHAT! raises awareness about the impacts of parental incarceration on children, with the long-term goal of improving services and policies that affect these children.  
4681 Telegraph Ave.  
Oakland, CA 94609  
Ph: (510) 486-2340  
f: (510) 649-8239  
[mwang@communityworkswest.org](mailto:mwang@communityworkswest.org)  
[www.communityworkswest.org/index.php/project-what](http://www.communityworkswest.org/index.php/project-what)

**San Francisco Children of Incarcerated Parents Partnership**

SFCIPP is a coalition of social service providers, representatives of government bodies, advocates and others who work with or are concerned about children of incarcerated parents and their families. They have created a “Bill of Rights for Children of Incarcerated Parents.”

PO Box 293  
1563 Solano Ave. #293  
Berkeley, CA 94707  
Ph: (415) 819-0337  
nellbernstein@att.net  
www.sfcipp.org

**Solitary Watch**

Solitary Watch is a web-based project aimed at providing the public with the first centralized source of unfolding news, original reporting, firsthand accounts, and background research on solitary confinement in the United States.

www.solitarywatch.com/

**Three Strikes Justice Center**

Three Strikes Justice Center is a small team of attorneys specializing in representing prisoners who may be eligible for resentencing under California’s Prop 36, which revises some aspects of the “Three Strikes” law.

1540 Market St., Suite 490  
San Francisco, CA 94102  
Ph: (415) 625-7045  
www.threestrikesjusticecenter.com

**Transgender, Gender Variant and Intersex Justice Project**

TGIJP’s mission is to challenge and end the human rights abuses committed against transgender, gender variant/gender queer and intersex (TGI) people in California prisons. TGIJP has alternative sentencing and advocacy projects as well as organizing and leadership development programs for incarcerated and formerly incarcerated transgender/intersex people and their allies.

342 9th St., Suite 202B  
San Francisco, CA 94103  
Ph: (415) 252-1444  
www.tgijp.org

## C. Medical Resources

**GENERAL RESOURCES**

**Centers for Disease Control and Prevention**

1600 Clifton Rd.  
Atlanta, GA 30333  
Ph: (404) 639-3534  
Toll free: (800) 232-4636  
www.cdc.gov

**Mayo Clinic**

200 First St. SW  
Rochester, MN 55905  
Toll free: (800) 660-4582  
www.mayoclinic.org

**National Institutes of Health**

31 Center Dr. # 2A03  
Bethesda, MD 20892  
Ph: (301) 496-4000  
www.nih.gov

## **SPECIFIC CONDITIONS**

This is a partial list of organizations that address specific medical issues. See your phone book's yellow pages, do a web search or visit your local public library for more information on other medical issues.

### **ARTHRITIS & FIBROMYALGIA**

#### **Arthritis Foundation, Northern California**

657 Mission St., Suite 603  
San Francisco, CA 94105-4120  
Toll free: (800) 464-6240  
f: (415) 356-1240  
[www.arthritis.org/northern-california](http://www.arthritis.org/northern-california)

#### **Arthritis Foundation, Southern California**

800 West 6th St., Suite 1250  
Los Angeles, CA 90017  
Toll free: (800) 954-2873  
f: (323) 954-5790  
[www.arthritis.org/california](http://www.arthritis.org/california)

### **ASTHMA AND CHRONIC LUNG DISEASE**

#### **American Lung Association of California**

424 Pendleton Way  
Oakland, CA 94621  
Ph: (510) 638-LUNG  
[www.californialung.org](http://www.californialung.org)

### **CANCER**

#### **American Cancer Society**

National: Toll free: (800) 227-2345  
[www.cancer.org](http://www.cancer.org)

#### **American Cancer Society, Oakland**

East Bay Metro Unit  
1700 Webster St.  
Oakland, CA 94612  
Ph: (510) 832-7012

#### **American Cancer Society, Los Angeles**

Los Angeles Coastal Cities Unit  
5731 W. Slauson Ave., Suite 200  
Culver City, CA 90230  
Ph: (310) 348-0356

## **DIABETES**

#### **American Diabetes Association**

ATTN: National Call Center  
1701 North Beauregard St.  
Alexandria, VA 22311  
Toll free: (800) 342-2383  
[www.diabetes.org](http://www.diabetes.org)

### **EPILEPSY (SEIZURE DISORDER)**

#### **Epilepsy Foundation of Northern California**

155 Montgomery St., Suite 309  
San Francisco, CA 94104  
Toll Free: 800-632-3532  
[www.epilepsynorcal.org](http://www.epilepsynorcal.org)

#### **Epilepsy Foundation of Southern California**

5777 W. Century Blvd., Suite 820  
Los Angeles, CA 90045  
Toll Free: (800) 564-0445  
f: (310)670-6124  
[www.epilepsy-socalif.org](http://www.epilepsy-socalif.org)

### **HEPATITIS & HIV**

#### **American Liver Foundation, Northern CA**

870 Market St., Suite 1048  
San Francisco, CA 94102  
Ph: (415) 248-1060  
Toll Free: (800) 465-4837  
f: (415) 24c8-1066  
[www.liverfoundation.org](http://www.liverfoundation.org)

#### **Greater Los Angeles Chapter of the American Liver Foundation**

5777 West Century Blvd. Suite 865  
Los Angeles, CA 90045  
Ph: (310) 670-4624  
f: (310) 670-4672  
[www.liverfoundation.org](http://www.liverfoundation.org)

#### **Project Inform**

273 Ninth St.  
San Francisco, CA 94103  
Ph: (415) 558-8669  
HIV Health InfoLine: (800) 822-7422  
Hepatitis C Helpline: (877) 435-7443  
[www.projectinform.org](http://www.projectinform.org)

This fourth edition of *Fighting for Our Rights: A Toolbox for Family Advocates of California Prisoners* provides information to help family and friends better support loved ones incarcerated in California prisons. Much of the information will also be helpful to prisoners themselves. It addresses how to get medical, mental health and dental care in prison, secure compassionate release or medical parole, file administrative complaints, apply for prison transfers or parole, and engage in legislative and media advocacy for loved ones on the inside. In addition, this updated version provides information on how to sue for money damages, get public records, and determine voting eligibility. Also included are resources for other helpful publications as well as health, advocacy and support organizations.

California family members with incarcerated loved ones share thoughts about their struggle and about *Fighting for Our Rights: A Toolbox for Family Advocates of California Prisoners*:

“Being the mother of a daughter in prison is hard and very lonely. You feel different; it’s difficult to speak about your loved one. Sometimes people don’t understand; sometimes they’re afraid to hurt your feelings, so they don’t mention her.”

“I found out I am not alone, and there are ways to cope.”

“We have all been exposed to the injustice of the prison system in one way or another. We have to be able to talk, listen, cry and support each other...and we have to go on with our support against this heartless system.”

“I used to feel that no one had the pain I had, or the sadness. Now I feel I can help other families of prisoners.”

“We are not the only family going through this tragedy, there are many people suffering the same situation, and we need to get in touch with and support each other.”

This manual also available at [www.prisonerswithchildren.org](http://www.prisonerswithchildren.org)

