Our All of Us or None newspaper is a multi-faceted venture linking those of us who have been locked up, those who are locked up, as well as our families and allies in this struggle. As we envision a monthly paper that speaks to our concerns and hears our cries, we want to ensure that the voices of our people inside are heard and the inside artists are recognized for their contributions to this movement. Your articles and poetry are important to us and your art is a valuable tool as we work together to dismantle the injustices in the Prison Industrial Complex. Please submit any articles, poetry and artwork to the following address: AOUON Editor, 4400 Market St., Oakland, CA 94608

All of Us or None is an organizing movement started by people who have been in prison in order to challenge the pervasive discrimination that formerly incarcerated people, people in prison, and our family members face. Our goal is to strengthen the voices of people most affected by mass incarceration and the growth of the prison industrial complex. Through our grassroots organizing, we are building a powerful political movement to win full restoration of our human and civil rights.
March 2022

All of Us Or None
Self-Determination Pledge

As members of All of Us or None, we pledge:

- To demand the right to speak in our own voices
- To treat each other with respect and not allow differences to divide us
- To accept responsibility for any acts that may have caused harm to our families, our communities or ourselves
- To fight all forms of discrimination
- To help build the economic stability of formerly-incarcerated people
- To claim and take care of our own children and our families
- To support community struggles to stop using prisons as the answer to social problems
- To play an active role in making our communities safe for everyone

Keep Your Cup Empty

By Chi Chi Cannon

Steve Huerta the President of AOUON Texas Chapter has done some exceptional work advocating for those who have been affected by mass incarceration. Huerta has made real change in his county and it’s no surprise he did after learning about his humble yet innovative beginnings.

Huerta grew up in an orphanage in Texas with eight of his siblings after his mother passed away. Half of his siblings were adopted and the rest including Steve stayed at St. Peter-St. Joseph Children’s Home with 500 other kids. His nickname at the orphanage was The Judge, his real change in his county and it’s no surprise that set the stage for their presence and the rest including Steve into homelessness. He made a change. He started reaching out to families, our communities for any acts that may have caused harm to our families, our communities or ourselves.)

When Steve was 12 years old the orphanage was torn down and put up together directly from the community as opposed to police unions and other groups that tend to write these laws. Sometime we have those moments when we ask why do we do what we do.

They were given an opportunity to sit on the US federal state and local criminal justice policy task force where they did surveys with federal probation and state parole. Which allowed them to change internal practices and policies from within those systems. That helped produce recidivism rate because the probation and parole office saw the job differently and were given new ideas to think about.

They are the lead organization in Texas that’s a part of a national cohort that’s rewriting the 1994 crime bill, covering civils and the story of how we can change systems. The chapter gets input from the community so the legislation is drawn up and put up together directly from the community as opposed to police unions and other groups that tend to write these laws. Sometimes we have those moments when we ask why do we do what we do.

Keep Your Cup Empty continued on page 2

Continue on page 3

Movement Maker

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Submit your art and/or news articles for publication.

Nominate a formerly incarcerated person for the Coming Home section or submit your own story about reentry.

Nominations and submissions may be sent to:

AOUON Newspaper Editor
C/o Legal Services for Prisoners with Children
4400 Market Street
Oakland, CA 94608

Cover photograph taken by our own Communications staff person - Mark Pujiswara

AOUON Celebrates Women’s History Month!

Chapter Contacts

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Movement Maker Puzzle

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2-Day Conference For Us By Us

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2021 Legislative Update

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pg. 7
A 2-Day Conference For Us By Us

AOUON is hosting a 2-day conference that will take place in the San Francisco Bay Area on March 4th and 5th. The national office will be flying over 200 formerly incarcerated persons into town to visit the Big Lockup exhibit at Alcatraz, and partake in plenaries, workshops and a charrette to identify problems and map solutions.

The intentions of the convening are to bring Formerly incarcerated persons into the room with their allies and have a legitimate conversation about where we’re going. Conversations that will yield important ongoing work. “We know we can because some of us have.” Says AOUON founder Dorsey Nunn.

The first day of the conference, participants will be bused to the Big Lockup exhibit. They will be invited to the Big Lockup exhibit on Alcatraz that came out of a charrette in 2015 that AOUON founder Dorsey Nunn.

This exhibit is one example of changing the narrative when we are a part of the discussion. From a “behave or else” exhibit to spotlighting a much deeper issue. The charrette in 2015 was a positive and fruitful discussion however Dorsey Nunn wanted more of those who were disenfranchised by mass incarceration to talk about mass incarceration. Rather than hosting plenaries on Alcatraz and waiting for approval, the majority of the conference will be held at an Oakland hotel because, “that changes who’s making decisions.” Dorsey Nunn said.

Once back in Oakland three plenaries will follow. Dorsey and Desmond Meade will be on the first plenary to highlight some victories that have carried us a long way. Desmond will speak to the second bi-annual Formerly Incarcerated, Convicted People and Families Movement (FICPFM) conference in Florida in 2018 that brought 1000 formerly incarcerated people and family members into the state to fight for their right to vote. It was only a margin of 537 votes in Florida that made Bush the president-elect in 2000. However, out of that 2018 conference 1.4 million formerly incarcerated people got the right to vote in Florida. And it was the formerly incarcerated people that took that fight and carried it across the finish lines.

At the plenary and workshops members of AOUON will be sharing the work they are doing in their chapter and helping others implement this in their region and nationally. For instance we’ve adequately fought for the rights of people to vote but are we all adequately getting people out to vote? Dorsey Nunn has invited people like Morris in who has an inside outside strategy and is having unbelievable victories in New Orleans with the newfound constituents. “Maybe we can adopt what he’s doing in all chapters.” Or Steve Huerta, president of the Texas Chapter who has been instrumental in impacting the results of well over 55 district attorney races, law enforcement races and court of appeal races.

There will be workshops on Policy and Advocacy; Housing, School to Prison Pipeline, Finances and Fees; Debt Free Justice; chocking the community outer with fines and fees. Come home you’ve behind on child support.

THE BIG LOCKUP
MASS INCARCERATION IN THE UNITED STATES
ALCATRAZ ISLAND • NATIONAL PARK SERVICE

2021 Legislative Update - Part of 3

April 2022

March 2022

Organizing and Development: Closing jails & prisons in California and across this Country, Media and Communications Strategies, the AOUON Brand + Journalism, How to Develop a Campaign: Case Study - Voting + Universal Suffrage, Community Organizing towards the system: Participatory Defense

Stand Alone Seminars; Family Unity, Invisibility incarcerated: Recognizing the struggle of incarceration from the cultural lenses of API, Indigenous, and Brown people

For two days formerly incarcerated people will be talking about “where we have been and where we want to go.”

Similar to “81 when Dorsey Nunn got his parole date. Many of his friends inside gathered around the lunch table and asked him where he would go and what he was going to do with his new found freedom. There was no wrong answer, I don’t know, he said. It was better knowing that his friends had all had life and had helped him with his release but many of them wouldn’t be home for a long time.

When Dorsey Nunn’s friend came home thirty years later Dorsey Nunn said I can answer that question now, he said what he had decided to do with his privilege of freedom was to fight the rest of his life for them and that’s what he’s been doing. This is a familiar sentiment for many of the attendees that will attend this year’s conference.

Formerly incarcerated people are the heart behind the movement. Like many members of AOUON Dorsey got into the work because “Some of us are still fighting to make sure that the conditions inside are favorable to their survival. And we’re still fighting to make sure that after their release they can have a life.” And this is what many people are looking forward to this March, to discuss, learn, organize, and mobilize for their homes and loved ones.

2021 Legislative Update - Part of 3

Contributor: LSPC Staff Attorney Rita Himes

Key: Bill # (Author) Short title (Code sections affected) Effective date of no U/02
IP = incarcerated person; H&S = Health & Safety Code; WC = Welfare & Institutions Code
All laws are effective January 1, 2022 unless otherwise indicated.

Prison and Jail Conditions

LSPC Policy Platform: Formerly/Currently Incarcerated Civil Rights; Prison Conditions

As of 7/1/22, requires disclosure of CO misconduct in CDCR (Pen. 11105.9, Unemp. Ins. 321.5)

AB 263 (Abalone) Private detention facility health and safety compliance (Gov. 7321) Effective Sept. 24, 2021
Requires private detention facilities to comply with public health/occupational safety orders.

AB 292 (Stark) Rehabilitative programming in CDCR (Pen. 2933.7) CDCR “shall conduct programming in a manner that accomplishes all of the following”:

- Minimize disruption in programming due to transfers
- Prioritize non-adverse transfers for resumption of programming
- Offer programming to the greatest extent possible,
- Ensure alternatives to in-person programming that does not negatively affect the quality of in-person programming
- Minimize waitlist times especially waits over a year
- Minimize conflicts with work schedules
- Make accessible in a timely manner to those who change status, security level or facility

- Offer variety of programming regardless of security level or sentence length

Bill 1 (Braford) Prison/Jail/CO Liability for Civil Rights Violations (Civil 52.1(n)) Under the Tom Bane Civil Rights Act, if a custody officer interferes with someone’s federal or state rights by threat, intimidation or coercion (or attempts to do so), the officer and the employing entity (e.g., CDCR or jail) are no longer immune from damages under state law for:

- Malicious prosecution (initiating or prosecuting a judicial or administrative proceeding maliciously and without probable cause) (Formerly immune per Gov. 821.8.)
- Failing to obtain or furnish medical care. (Formerly, under Gov. 843.6, liable only if an officer knew or had reason to know IP needed immediate care but failed to take reasonable action to summon such care; see 855.8, 855 for immunity for failure to diagnose/notify/release for mental illness, addiction.)
- Causing an injury to a prisoner or by a prisoner. (Prisons/jails newly liable; formerly immune under Gov. 844.6.)

See also: Policing section below (SB 2 strips police, police departments of same immunities.).

Bill 16 ( Skinner) Discretion of CO misconduct (E 614, 714, 724, 835, 836, 837; 12-15)

As of 7/1/22, requires disclosure of misconduct by CDCR COs and certain jail COs (see Pen. 836.1(c), 835.1-5).

o Sustained finding of unreasonable or excessive use of force or failure to intervene to stop another officer’s unreasonable or excessive use of force
- Sustained finding of unlawful arrest or unlawful search
- Sustained finding of conduct involving unlawful arrest or unlawful search
- Sustained finding of conduct involving unlawful arrest or unlawful search
- Investigations where officer resigned before the investigation

Continue on page 6
March 2022

2021 Legislative Update continued from page 2

was complete

- Requires disclosure of records at earliest possible time, but no later than 45 days after request, except for incidents before 1/1/22 which must be disclosed after 1/1/23
- Deletes provision that required courts to exclude records from trial evidence if the misconduct occurred more than five years before subject of the litigation

See also Policing section: those and other requirements apply to peace officers.

SB 334 (Durazo) Private detention facilities standards, insurance (Lex. 679.7, Pen. 9506)

Requires a private detention facility for prisoners or civil detainees to comply with BSCC standards and state/local building, zoning, health, safety, and fire rules and be insured for general, automobile, and umbrella liability and workers’ compensation.

SB 416 (Hueso) Improving college opportunities in CDCR (P. 205)

Co-sponsored by LSPC

- Requires CDCR college programs to be provided by state schools (UC, CSU, community college) or other accredited degree-granting nonprofit colleges/universities.
- Prioritizes programs with face-to-face instruction, transferable credits, free tuition, and student support services.
- Treats enrollment in 12 semester units (or equiv.) as a full-time work/training assignment.

See also Juvenile Justice, SB 92, Commitments of juveniles after DJJ closure.

Release and Resentencing

LSPC Policy Platform: Probation, Parole, Parole!

Formerly: Currently Incarcerated Civil Rights, Criminal Law and Sentencing

AB 128 (Budget Cte) Counsel for IPs seeking parole (no statute; search AB 128 for 5225-013-0001)

Appropriates $8.8 million and requires appointed counsel for IPs seeking parole to provide advice before comprehensive risk assessment (CRA) and before a full BPH hearing. IPs to receive no less than 2 hours consultation within 30 days of counsel’s appointment, including 1 hour on CRA. Funded through 6/30/26.

AB 145 (Budget Cte) County Resentencing Pilot Program (P. 1170.01)

Appropriates money to support and evaluate a pilot program (until 9/1/24) adopting a collaborative approach between DA and Public Defender offices (may also include community-based organizations) on 1170(d) resentencing petitions. Participating DAs would have to adopt written criteria for when to recommend resentencing.

AB 145 (Budget Cte) Board of Parole Hearings (Gov. 12836.4, Pen. 3041.6, 3042, 5075, 5075.6, 5076.1-5076.3)

- Increases BPH to 21 commissioners
- Allows video appearances
- Requires cases to be referred to full board after a tie vote on a panel, with review limited to the record before the panel
- Eliminates requirement of written notice to trial/sentencing judge
- Eliminates authorization for trial/sentencing judge to send unprivileged info to BPH

AB 145 (Budget Cte) Transfers to community correctional reentry facilities (Pen. 6258.1)

Expands eligibility for transfer to community correctional reentry facility to people who are not convicted of registrable sex offenses, have less than 2 years left to serve, and have no escape history in last 10 years.

AB 1228 (Lee) Custody pending revocation hearing (Pens. 12013.2, 1201.25)

When a person is arrested for a violation of probation parole/PCR/RS, the court:
- Must release on OR (own recognizance) unless clear and convincing evidence of escape conditions of release needed to protect the public, ensure appearance.
- Cannot impose cash bail unless conditions of release are inadequate to ensure appearance (must consider ability to pay and make bail affordable).
- Cannot make a person pay costs of conditions of release.
- Cannot deny release for felony conduct unless no reasonable conditions would ensure appearance.

NOTE: Doesn’t restrict custody/bail for new criminal charges.

AB 248 (Bates) Sexually violent predator (SVP) civil commitment (WIC 6601)

If a person serving an indeterminate term in a state hospital as a SVP commits a new offense and is in CDCR custody, requires full evaluation and, if appropriate, filing of a new SVP petition to require the person to continue serving the original SVP term or serve a new SVP term.

AB 483 (Allen) Resentencing to remove enhancements (Pens. 117, 117.1)

- Requires resentencing for IPs serving sentences that include those repealed enhancements:
  - For felons convictions with incorporation term. 1 year enhancement for each prior felony incorporation term (repealed by SB 136 (2019) except for prior convictions for sexually violent offense not followed by a 5-year period without committing an offense that resulted in a felony conviction, being in prison, having a felony jail term imposed, or having any felony sentence not suspended)
  - For certain drug convictions, 3 year enhancement for each prior drug conviction as specified (repealed by SB 140 (2017) except for prior convictions for violating (comparing to violate H&S 11380 — drug offenses involving minors)
  - Requires courts to impose lesser sentences unless it would endanger public safety
  - In all cases, it prohibits courts from imposing longer sentences.
  - Unless the upper term was originally imposed, cannot be imposed unless aggravating facts found true beyond a reasonable doubt at trial or per stipulation.
  - Prohibits prosecution from rescinding plea agreement based on recall of sentence.
  - Provides appointed counsel to incarcerated people eligible for relief.

Deadlines:
- CDCR/jails must identify eligible IPs and inform courts (1) by March 1, 2022 if currently serving the repealed enhancement, or (2) by July 1, 2022 for others.
- Courts must resentence (1) by October 1, 2022 if currently serving the repealed enhancement, or (2) by December 23, 2023 for others.

SB 775 (Becker) Expanding felony murder resentencing relief (P. 1170.95)

Expands resentencing relief to anyone convicted of:
- Murder “under any theory under which malice is imputed to a person based solely on that person’s participation in a crime.”
- Attempted murder under the natural and probable consequences doctrine.
- Manslaughter when the prosecution proceeded on a theory of felony murder or murder under the natural and probable consequences doctrine.

Changes the procedures as follows:
- Requires appointment of counsel on request if petition is “readily ascertainable.”
- Requires hearing on whether petition presents a prima facie case for relief.
- Requires the court to explain the decision not to issue an order to show cause.
- Provides that if there was substantial evidence to support a conviction for murder, attempted murder or manslaughter is insufficient to prove, beyond a reasonable doubt, that the petitioner is ineligible for resentencing.

March 2022

International Women’s Day (March 8) is a global day celebrating the social, economic, cultural, and political achievements of women. AOUON is honored to celebrate the work and sacrifices of all the women in AOUON all over the country! We will win our collective freedom as long as we keep our eyes on the prize!

Photo by Michelle Guimarães
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<td>Do you have children? YES / NO. Do you need support with family issues? YES / NO</td>
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If you would like to send feedback or contribute to the All of Us or None newspaper, please contact the Editor.

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