



# ALL OF US OR NONE

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.



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 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



## Inside This Issue



"Easy Come, Easy Go" 2021, Acrylic, by Henry Frank

It was featured in the SF Opera, during the showing of Fidelio, along with other pieces from incarcerated and formerly incarcerated artists. For more on the work of Henry Frank go to: [www.redtailart.com](http://www.redtailart.com)

AOUON 2021 Legislative Update - Part 3 Pg.2

Movement Maker Puzzle Pg.3

Spotlight Pg.4

Mailbag pg.6

Chapter Contacts pg.8

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

## 2021 Legislative Update - Part 3

Key: Bill # (Author) Short title (Code sections affected) Effective date if not 1/1/22

IP = incarcerated person; H&S = Health & Safety Code; WIC = Welfare & Institutions Code

All laws are effective January 1, 2022 unless otherwise indicated.

### Policing LSPC Policy Platform: Policing Equity

- AB 26 (Holden) **Excessive force policies for law enforcement.** (Gov. 7286)
- Requires officers to immediately report excessive force
  - Prohibits retaliation against officers that report violations by other officers.
  - Requires similar discipline for officers who use excessive force and officers who fail to intercede to stop the use of excessive force

AB 48 (Lorena Gonzalez) **Limiting use of rubber bullets and tear gas against protesters.** (Pen. 13652 and 13652.1)

- Prohibits law enforcement from using kinetic energy projectiles and chemical agents to disperse any gathering solely due to violation of a curfew, a verbal threat, or noncompliance of a law enforcement directive. May be used only by trained officers and according to specific protocols to defend against threat to life or serious bodily injury, or control an objectively dangerous and unlawful situation. This law does not apply to jails or prisons.
- Requires public reporting on any incident where tear gas or rubber bullets were used for crowd control.

AB 57 (Gabriel) **Training police on hate crimes** (Pen. 422.87, 13519.6)

- Requires the Commission on Peace Officer Standards and Training (POST) to develop a course on hate crimes that among other things will explain that discriminatory selection of victims is a form of bias motivation and targeting religious symbols is evidence of religious discrimination.
- Requires police to take course within a year after its development and every six years thereafter.

AB 89 (Jones-Sawyer) **PEACE (Peace Officers Education and Age Conditions for Employment) Act** (Gov. 1031.4, Pen. 13511.1)

- Raises minimum age for police officers from 18 to 21 (for officers hired or enrolled in police academy on or after January 1, 2022, not including correctional officers in CDCR and most counties' jails)
- Requires Community College system to recommend a modern policing degree program, with financial assistance for underrepresented groups, by June 1, 2023 and implement the program within two years

AB 118 (Kamlager) **CRISES [Community Response Initiative to Strengthen Emergency Services] Grant Pilot Program** (Welf & Inst. 18999.90 et seq.) Authorizes funding of pilot programs across state to strengthen community-based alternatives to law enforcement as first responders to crisis situations not related to fires or emergency medical needs. Funding to be distributed by January 1, 2023.

AB 127 (Kamlager) **Allow DA to provide affidavit for arrest warrants for police** (Pen. 817) Allows the district attorney's office, rather than the police department, to provide a probable cause affidavit (evidentiary showing) to obtain a warrant to arrest a police officer.

## Movement Maker

N	J	M	E	U	E	L	O	E	P	O	O	L	E
O	U	R	T	E	N	S	R	T	E	C	L	E	L
I	N	O	O	E	L	N	R	S	N	C	S	T	E
S	E	F	G	P	E	O	P	L	E	O	E	R	G
S	T	N	M	R	A	Q	V	A	N	F	E	P	A
A	E	I	P	R	E	S	S	E	O	M	L	N	R
P	E	E	E	U	T	O	G	E	T	H	E	R	U
M	N	E	T	A	R	T	S	N	O	M	E	D	O
O	T	C	S	E	E	Z	I	L	I	B	O	M	C
C	H	O	S	E	D	U	C	A	T	E	E	O	L
Y	T	I	N	U	M	E	E	E	F	E	I	M	E
A	R	T	L	B	T	E	T	A	R	E	B	I	L
A	T	L	U	F	R	E	W	O	P	M	U	O	N
S	E	C	N	E	U	Q	E	S	N	O	C	T	S

Answer key on page 6

- EDUCATE
- COURAGE
- TOGETHER
- JUNETEENTH
- CONSEQUENCES
- INFORM
- MOBILIZE
- LOVE
- LIBERATE
- COMPASSION
- DEMONSTRATE
- POWERFUL
- UNITY
- PEOPLE

### 2021 Legislative Update - Part 3 continued from page 2

AB 229 (Holden) **Private security guards, alarm companies** (Bus. & Prof. 7542, 7574.18, 7583.2-7583.10, 7585, 7585.6, 7587.1-7587.9, 7596, 7596.3, 7598.1-7598.3, 7599.37-7599.38)

Prohibits private security guards from carrying guns or batons unless employed by government or a private patrol operator. Requires reports of any use of physical force or violence (previously, only discharge of firearm). Requires training designed in consultation with CPOST within 6 months of employment, including appropriate use of force. Allows denial, suspension or revocation of license or firearm/baton permit for use of force in violation of regulations. Requires alarm company employees to complete training in arrest and use of force.

AB 481 (Chiu) **Military equipment use.** (Gov. 7070 et seq.)

- Requires police, sheriffs, DAs, and probation departments to get approval from an elected governing body to use military equipment and to adopt a military use policy.
- The governing body may approve military equipment use only if (1) necessary with there is no reasonable alternative; (2) will safeguard the public welfare, safety, civil rights and civil liberties; (3) reasonably cost effective; (4) the agency complied with prior military equipment use policies or corrective action was taken.
- Requires state agencies to publish military equipment use policy before use.

AB 490 (Gipson) **Positional asphyxia** (Gov. 7286.5) Prohibits law enforcement agency from authorizing techniques that involve a substantial risk of positional asphyxia (situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing).

AB 750 (Jones-Sawyer) **Expands police liability for perjury** (Pen. 118.1) Expands the crime of perjury to include not only false

statements in a police report but also

1. False statements to a fellow officer that are added to a police report; and
2. Including a third party's statement in a police report as if true, knowing it was false.

AB 958 (Gipson) **Law Enforcement Gangs** (Pen. 13670)

- Requires law enforcement agencies to:
1. Prohibit law enforcement gangs (defined as a group of officers in an agency "who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing")
  2. Make participation in such a gang grounds for termination
  3. Disclose such a termination to any agency that is considering hiring an officer

AB 1455 (Wicks) **Deadline to sue for sexual assault by law enforcement officer** (Gov. 945.9)

If assault against an adult occurs while officer is employed by a law enforcement agency, a government claim may be filed within the later of: (1) 10 years after criminal judgment against the officer, or (2) 10 years after the officer is no longer employed. Such a claim may be revived if it (a) has not been litigated to finality or settled by written agreement, (b) would otherwise be barred by time limits, and (c) is revived either (i) within 10 years from last act/attempt of sexual assault or assault with intent to commit sexual assault, or (ii) within 3 years of discovery that an injury or illness resulted from such an act/attempt.

AB 1475 (Low) **Limits posting of booking photos on social media** (Pen. 13665)

- Prohibits police or sheriff's department from sharing on social media (and requires removal on request) booking photos of an individual arrested for a nonviolent crime unless arrestee is fugitive or imminent threat, court orders release for legitimate law enforcement reason, other exigent circumstance in furtherance of urgent and legitimate law enforcement reason.

SB 2, SB 586 (Bradford) **Kenneth Ross Jr. Police Decertification Act** (Civ. 52.1, Gov. 1029, Pen. 832.7, 13503-13510.9)

- Requires peace officers in California to be certified by a statewide commission in order to be employed by any law enforcement agency.
- Disqualifies officers: (1) who have committed falsification of records, perjury, bribery, and other offenses against public justice; (2) whose certification has been surrendered, denied, or revoked; (3) who is listed in a national decertification index; and (4) who has committed serious misconduct anywhere that would have resulted in revocation of certification in California.
- Requires suspension or revocation of certification for "serious misconduct," which includes false reporting, tampering with evidence, intimidating witnesses, knowingly obtaining a false confession, knowing false arrest, excessive force, sexual assault, racial or other bias, law enforcement gang participation (including incidents before 1/1/22 involving false reporting, tampering with evidence, sexual assault, or a use of deadly force that resulted in death or serious bodily injury, or where an agency concludes its investigation after 1/1/22).
- Requires agencies to report complaints, investigations, charges, and reasons for separation to the state commission.
- Authorizes the commission to investigate incidents in addition to the local agency, and makes those records public.
- Strips police of immunity for civil rights violations that involve instituting or prosecuting a judicial proceeding, injury to an incarcerated person, or failure to obtain medical care for

Continue on page 3



# Spotlight



“Caution! This seemingly “helpful” premise runs counter to our core philosophy: the presumption of rehabilitation upon completion of the sentence.”

-Dorsey Nunn

We know the policy process can be incremental. Sometimes we need to have patience with taking small steps to chip away at an unjust system. But even through compromise, what LSPC and our All of Us or None grassroots organizing and advocacy adds is the expertise that comes from lived experience with the criminal legal and punishment system, and our commitment to the full restoration of our civil and human rights. At no point do we advocate for policies that can take away rights, or subvert our goal for formerly incarcerated people to have equal access to opportunity in employment, housing, education, and all aspects of society.

For example, this month there is a bill, SB 1262 (Bradford) which purports to help formerly incarcerated and convicted people by making access to background checks easier. It’s presented as contributing to “fair chance,” under the assertion that “If employers can get conviction histories faster, they can hire those people faster.”

Caution! This seemingly “helpful” premise runs counter to our core philosophy: the presumption of rehabilitation upon completion of the sentence. When your sentence is complete, your record should be sealed, and no employer, landlord, licensing committee, educational institution, or “concerned citizen” should have access. This practice has worked well in many other countries for decades.

Background checks currently constitute the continuation of a punishment well beyond the courtroom and institution of incarceration.

Last year All of Us or None Riverside filed a lawsuit to restrict background checks to a higher standard of access. This year, background check companies co-sponsored SB 1262 (Bradford), in an attempt to subvert the court ruling and to open access to conviction



histories. We oppose SB 1262, even though we’ve successfully worked with Senator Bradford on many pieces of legislation—including our Ban the Box bills—and we look forward to working with the Senator in the future.

We continue to advocate for legislation based on our core beliefs and guided by our experience as experts on the justice legal system.

We don’t need to be given a chance—we’re creating opportunity.

Prop 17 in 2020, restoring voting rights to Californians with felony convictions out of prisons, and so Program Manager Errol Veron was able to facilitate some of the instruction. All of Us or None Organizers and LSPC Policy staff members trained to be ready to effectively campaign at a state and national level, with our Abolish Bondage Collectively campaign possibly succeeding in getting ACA 3 on the California ballot this November.

In addition to learning valuable advocacy and technology skills, LSPC / All of Us or None staff were able to meet and network with formerly incarcerated organizers from across the country. “Hearing about others’ struggles and campaigns in other states really opened my eyes,” said 2022 Policy Fellow Marvin Galdamez, “Both to how much work we have to do, but also to how many amazing people are in the Movement and are working together. We

## Voter Outreach Tech Training with FICPFM National Network

In mid-April, several LSPC staff and AOUON organizers traveled to New Orleans to participate in voter outreach technology training provided by the Formerly Incarcerated, Convicted Peoples & Families Movement (FICPFM) and hosted by Voice of the Experienced (VOTE NOLA).

Participants, representing many “Quest for Democracy” organizations funded and supported by FICPFM, spent the three days learning to use voter outreach databases and platforms such as VAN and PDI. LSPC effectively used PDI in our campaign to pass





# Mailbag

## We Need More Prisoner Reform For Those Serving Life Sentences

By Angel M. Garza

We ask those of you in the community and organizations to help change laws and to promote efforts that would help incarcerated men and women serving life sentences go home to their families sooner. We need to take away unjust "life sentences" and remove the many unnecessary barriers and obstacles incarcerated men and women must go through to be paroled?

The Board of Parole Hearings often uses their power to deny Lifer's parole at their first hearing automatically. This usually crushes the hopes of men and women serving life sentences that just want to go home after decades of being locked up. They (the board) keep telling them to come back in three, five, or seven years. It's just not right! There is a scheme that they continue to use when a person goes to board. A person can have years of rehabilitation certificates, insight gained from participation in numerous groups, and show rehabilitation through their in-house conduct, but they will continue to keep the person incarcerated because they feel he is not ready.

This systematic practice of denying parole to men and women based on feelings is used to continue to profit off incarcerated people and to keep their prisons full and running. We question whether CDCR actually cares. Do they think about the families of men and women who have children, grandchildren, spouses, and friends who support them and want them home with what little life they may have left to live to spend.

Human lives should matter regardless of what crimes they may have committed. All incarcerated people should have an honorable equal opportunity to go home without unnecessary hindrances, obstacles to restorative programs, or unwarranted denials of freedom. There needs to be a change. Human beings should not have to suffer the consequences of dying in prison, let alone dying in prison from covid, delta, omicron, or flurona.

Most men serving life sentences that I have talked to and heard their stories have a 100% chance of successful reintegration when given a chance to parole at their first parole board hearing. They will make it out in society

and never return back to prison or commit any crimes, period! It does not need to take a prisoner 20, 30, 40, 50, 60+ plus years in order for CDCR to say, "We believe he is now suitable for parole." Now that he is old and deteriorating.

Most of these men serving life sentences are the ones doing all and everything the state is requiring them to do and beyond. They even go a second mile in their rehabilitation with "relationship skills" with other prisoners and correctional officers by maintaining non-violent behavior even in prisons where "short term" prisoners who don't care for rehabilitation are quick to act out violently.

There are many men serving life sentences who just pray and hope that the prison reform can make changes in the laws for them to be given "equal opportunity" as other short term non-violent prisoners to go home and live a free life without relapse.

Everything in prison reform is more focused on the juveniles and non-violent prisoners first. This leaves men and women serving life sentences on the "back burner" waiting for some kind of reform so they can be released and go home. It's like the laws are helping out people who are considered nonviolent offenders, short termers, and juveniles, but leaving the people serving life sentences in prison continue to run and secure jobs for the correctional officers.

Once again, it does not take 20, 30, 40, 50, 60+ years to fully rehabilitate. Let's tell the truth, it's about economics. Jobs are being secured by keeping men and women serving life sentences in prison until they die. But we need hope and a chance for freedom. We need a second chance in life to live and die with dignity with our families, friends, and loved ones in society instead of dying in this modern prison slave complex.

Most people serving life have proven they have been rehabilitated within the first ten years of their incarceration, but the CDCR does not care if this truth gets out. But this is the truth that none of these prisons want to tell the public. That's why it takes prisoners like myself to tell the truth of what's going on inside these walls. I

write to the public, our community, and prison reform organizations to help us tell the truth and not let fabricated lies continue to deceive the public.

It's time to fully reform some laws so that men and women serving life sentences can go home. It's time to put a stop to all the unnecessary and substantial obstacles men and women go through while incarcerated just to be denied parole over and over again when they have shown true rehabilitation and change. It's time to initiate true justice for men and women serving life sentences in prison and send them all home. It's time to send those men and women home who, by their CDCR files and conduct while in custody, have proven that they will not commit crimes upon their release, and will not return to prison.

The data is clear. As of 2020, the data says that in California 46% of people released are reconvicted within three years while people who served life sentences have a less than 2% return rate.

Let there be no confusion between the recidivism rate of incarcerated people called "Lifers" serving indeterminate terms and the recidivism rate of those serving determinant terms with fixed release dates. When people serving determinant terms are released and recidivate the media spins the story making those of us serving indeterminate terms look like we're going to get out and commit another crime. The truth is that those of us serving indeterminate life sentences just want our chance to go home and be with our families.



### 2021 Legislative Update - Part 3 continued from page 2

- someone in custody.
- Disqualifies anyone convicted of a felony, even if expunged, unless a court makes a finding of factual innocence.

SB 2 (Bradford) **Agency/Officer Liability for Civil Rights Violations** (Civil 52.1(n)) Under the Tom Bane Civil Rights Act, if a peace officer interferes with someone's federal or state rights by threat, intimidation or coercion (or attempts to do so), the officer and the employing agency are no longer immune from monetary liability under state law for:

- Malicious prosecution (instituting or prosecuting a judicial or administrative proceeding maliciously and without probable cause). [This change also potentially increases officers' liability for false arrest and false imprisonment under *Asgari v. City of LA* (1997) 15 Cal.4th 744, 753.]
- Failing to obtain or furnish medical care (Formerly, under Gov. 845.6, liability was limited to cases where the officer knew or had reason to know an incarcerated person was in need of immediate care but failed to take reasonable action to summon such care; see 855.8, 855 for immunity for failure to diagnose/treat/confine/release for mental illness, addiction)
- Causing an injury to a prisoner or an injury by a prisoner (Law enforcement agencies newly liable; formerly immune under Gov. 844.6)

See also *Prison and Jail Conditions (SB2 strips CDCR/jails/COs of some immunities.)*

SB 16 (Skinner) **Disclosure of officer misconduct** (Evid. 1045, Pen. 832.5, 832.7, 832.12-13)

- As of 7/1/22, requires disclosure of the following records of peace officer misconduct:
  - Sustained finding of unreasonable or excessive use of force or failure to intervene to stop another officers' unreasonable or excessive use of force
  - Sustained finding of unlawful arrest or unlawful search
  - Sustained finding of conduct involving prejudice or discrimination
  - Investigations where officer resigned before the investigation was complete
- Requires disclosure at earliest possible time but no later than 45 days after request, except for incidents that occurred before 1/1/22 which must be disclosed after 1/1/23
- Deletes provision that required courts to exclude records from evidence if the misconduct occurred more than five years before the subject of the litigation
- Requires law enforcement agencies to review records of misconduct investigations before hiring officers
- Requires officers to immediately report all uses of force to the officer's agency

See also *Prison and Jail Conditions: some provisions apply to custodial officers.*

SB 715 (Portantino) **Authorizes AG Investigation of Peace Officer Killing of Possibly Unarmed Civilian** (Gov. 12525.3)

Authorizes Attorney General to investigate a police killing of a civilian if the civilian was unarmed or there is a reasonable dispute about whether the civilian was armed.

See also *Criminal Law*

**Criminal Law**  
*LSPC Policy Platform: Pretrial Release; Criminal Law and Sentencing*

AB 124 (Kamlager) **Defenses/sentences for victims of human trafficking, intimate partner violence, or sexual violence, trauma, and youth offenders** (Pen. 236.15, 236.23, 236.24, 1016.7, 1170)

- Creates an affirmative legal defense to crimes other than violent felonies if a person was coerced to commit the offense as a result of being a victim of human trafficking, intimate partner violence, or sexual violence. (Expands pre-existing defense for trafficking victims.)
- Requires prosecutor during plea negotiations to consider defendant's experiences of trauma, victimization as described above, and/or youth (up to age 26).
- Requires the court to impose a mitigated term if a defendant's experience of trauma, victimization as described above, and/or youth (up to age 26) was a contributing factor in commission of the offense, unless the aggravating circumstances outweigh the mitigating circumstances.

See also *Release, Resentencing, and Record Clearing section above.*

AB 331 (Jones-Sawyer) **Organized theft** (Pen. 490.4, 13899 et seq.)

Extends organized retail theft law to January 1, 2026, which makes it a crime to:

- act in concert with another person(s) to steal merchandise (from physical premises or online) with intent to sell or return for value;
- act in concert with 2+ people to knowingly receive stolen property;
- act as agent for another to steal merchandise as part of organized plan;
- recruit, coordinate, organize, supervise, direct, manage or finance others to commit theft.

Also reenacts regional property crimes task force convened by DOJ and CHP.

AB 333 (Kamlager) **Gang crimes and enhancements** (Pen. 186.22, 1109)

Redefines "pattern of criminal gang activity" for purposes of establishing the crime of active participation in a criminal street gang and imposing a gang sentencing enhancement.

- Requires crimes to commonly benefit the gang in a way that is more than reputational.
- Excludes crimes of looting, felony vandalism and certain personal identity fraud offenses.
- Excludes currently charged crime.
- Excludes crimes committed more than 3 years before currently charged crime.

Requires separate (bifurcated) trials upon request of defense as follows:

- Trial for underlying offense; if found guilty, later trial for gang enhancement allegation
- Trial for non-gang offense separate from trial on a charge of gang participation.

Revises definition of "criminal street gang" from "any ongoing organization, association or group . . . whose members individually or collectively engage in, or have engaged in, a pattern of criminal gang activity" (among other criteria) to "an ongoing, organized association or group . . . whose members collectively engage in, or have engaged in, a pattern of criminal gang activity."

AB 518 (Wicks) **Eliminates requirement to impose most severe punishment** (Pen. 654)

When an act can be punished in multiple ways under the law, removes the requirement that the most severe punishment be imposed.

AB 625 (Arambula) **Study of public defender workloads** (Gov. 15403)

Authorizes study of appropriate public defender workloads with report to Legislature by 1/1/24.

AB 700 (Cunningham) **Allows trial/hearing when defendant in custody refuses to appear** (Pen. 977, 1043, 1043.5)

Allows felony and misdemeanor proceedings to proceed in absence of defendant in custody who refuses to appear where court makes certain findings by clear and convincing evidence.

AB 1347 (Jones-Sawyer) **Prohibits bail renewal fees/multiple premiums** (Pen. 1276.1)

Prohibits bail agents from charging extra premium or a renewal fee while a case is pending.

Allows \$3,000 in statutory damages for violations.

AB 1452 (Ting) **Pilot program to pay low-income jurors in SF** (Civ. Proc. 240)

Authorizes a pilot program in SF to pay low-income jurors \$100 per day through 2023. Requires analysis to determine whether resulting juries better reflect economic/racial demographics of SF.

SB 71 (McGuire) **Education as community service for infraction** (Pen. 1209.5)

Allows court to give community service credit for education programs in lieu of fines for infractions where paying the fine would be a hardship

SB 73 (Wiener) **Allow probation and suspended sentence for certain drug crimes** (H&S 11370, Pen. 1203.07, 1203.073, 29820)

Allows courts to grant probation or suspend sentencing for numerous drug offenses, including possession of opiates, cannabis, cultivating peyote, and forging or altering prescriptions.

SB 81 (Skinner) **Dismissal of enhancements** (Pen. 1385)

- Requires (rather than allows) a court to dismiss an enhancement if it is in the furtherance of justice to do so.
- Court must give great weight to defense evidence of the following mitigating circumstances, which weigh heavily in favor of dismissal unless

public safety would be endangered: (1) discriminatory racial impact; (2) multiple enhancements alleged; (3) sentence would exceed 20 years (if so, shall be dismissed); (4) current offense related to mental illness, prior victimization or childhood trauma; (5) current offense not a violent felony or committed as juvenile; (6) offense triggering enhancement was juvenile adjudication or is more than 5 years old; (7) firearm used was unloaded or inoperable.

SB 567 (Bradford) **The Cunningham Fix** (Pen. 1170,1170.1) *Co-sponsored by LSPC.*

- Requires a jury finding (or court finding if non-jury trial, or defense stipulation) of aggravating circumstances beyond a reasonable doubt before a defendant can be sentenced to an upper term. Prior conviction findings may be based on certified records.
- Requires separate (bifurcated) trial of current offense, followed by trial of aggravating circumstances after a guilty verdict, "except where evidence supporting an aggravating circumstance is admissible to prove or defend against the charged offense or enhancement at trial, or it is otherwise authorized by law."

SB 317 (Stern) **Incompetence to stand trial for misdemeanor** (Pen. 1370.01, 4019)

After a person charged with a misdemeanor is found incompetent to stand trial, current law allows treatment to restore the person to competence, including use of psychotropic medication.

This bill replaces this procedure. Under new procedure, the court may:

- Grant diversion up to one year.
- Order modification of the person's treatment plan
- Refer the person to assisted outpatient treatment and dismiss the charges.
- Refer the person for conservatorship proceedings if gravely disabled.
- Dismiss the charges.
- Dismiss a probation violation charge and return the person to supervision.

The person shall earn four days credit toward diversion for every two days served in actual custody.

**Juvenile Dependency and Family Law**  
*LSPC Policy Platform: Family Unity*

SB 354 (Skinner) **Relative caregivers for children removed from parents** (H&S 1522(g)(2), WIC 309, 319, 361.2, 361.4, and other statutes) *Co-sponsored by LSPC.* In juvenile dependency proceedings when a child is taken from parents:

- Allows a child welfare agency to grant a relative caregiver a criminal record exemption for an otherwise non-exemptible criminal conviction if the agency finds the child will be safe (as long as relative has no conviction in last five years for homicide, sex offense, spousal abuse, or crime against a child).
- Requires a child welfare agency to help a relative or a non-relative extended family member obtain resources they need to qualify as an emergency placement home.
- Allows a juvenile court, if it finds child will be safe, to place a child with a relative caregiver during a dependency case regardless of whether the child welfare agency has granted a criminal record exemption or Resource Family Approval.
- Expands the simplified criminal exemption process for all potential caregivers to cover all misdemeanors more than 3 years old (previously more than 5 years old) and felonies more than 5 years old (previously more than 7 years old).
- Excludes all infractions from criminal record exemption requirement (formerly, only minor traffic offenses)



# ALL OF US OR NONE

Slave, who is it that shall free you?  
Those in deepest darkness lying.  
Comrade, only these can see you  
Only they can hear you crying.  
Comrade, only slaves can free you.  
Everything or nothing. All of us or none.  
One alone his lot can't better.  
Either gun or fetter.  
Everything or nothing. All of us or none.

You who hunger, who shall feed you?  
If it's bread you would be carving,  
Come to us, we too are starving.  
Come to us and let us lead you.  
Only hungry men can feed you.  
Everything or nothing. All of us or none.  
One alone his lot can't better.  
Either gun or fetter.  
Everything or nothing. All of us or none.

Beaten man, who shall avenge you?  
You, on whom the blows are falling,  
Hear your wounded brothers calling.  
Weakness gives us strength to lend you.  
Come to us, we shall avenge you.  
Everything or nothing. All of us or none.  
One alone his lot can't better.  
Either gun or fetter.  
Everything or nothing. All of us or none.

Who, oh wretched one, shall dare it?  
He who can no longer bear it.  
Counts the blows that arm his spirit.  
Taught the time by need and sorrow,  
Strikes today and not tomorrow.  
Everything or nothing. All of us or none.  
One alone his lot can't better.  
Either gun or fetter.  
Everything or nothing. All of us or none.

Bertolt Brecht (1898–1956)

If you would like to send feedback or contribute to the All of Us or None newspaper, please contact the Editor.

AOUON  
4400 Market Street  
Oakland, CA 94608

info@prisonerswithchildren.org

# Chapter Contacts

National AOUON Headquarters  
c/o Legal Services for Prisoners with Children  
4400 Market St., Oakland, CA 94608  
Phone: (415) 255-7036 x337  
Fax: (415) 552-3150  
AOUON National Organizer:  
Oscar Flores: oscar@prisonerswithchildren.org

## California

### Bakersfield

Ucedrah Osby: AOUONBakersfield@gmail.com

### Los Angeles/Long Beach

c/o A New Way of Life Reentry  
PO Box 875288, Los Angeles, CA, 90087  
Phone: (323) 563-3575  
Fax: (323) 563-3445  
Stephanie Jeffcoat (657) 262-0670  
sjeffcoat@anewwayoflife.org

### Orange County

Stephanie Jeffcoat:  
stephaniejeffcoatocaouon@gmail.com  
Danielle Dancer: ddancertnap@gmail.com

### Riverside

1390 W. 6th St.  
Corona, CA 92882  
Shaun Leflore: shaun@startingover.inc  
Fidel Chagolla: fidel@startingover.inc

### Sacramento

PO Box 292967, Sacramento, CA 95829  
Henry Ortiz: henry@prisonerswithchildren.org

### San Bernardino

c/o A Time for Change Foundation  
PO Box 25040, San Bernardino, CA 92406  
Phone: (909) 886-2994  
Fax: (909) 886-0218  
Kim Carter: kcarter@timeforchangeoundation.org

### San Diego

Curtis Howard: allofusornonesandiego@gmail.com

### Idaho

Mary Failing: maryfailing@my.cwi.edu

### Illinois

**Central Illinois**  
P.O. Box 3026, Peoria, IL 61612-3026  
Phone: (309) 232-8583  
General Parker: centralillinoisouon@gmail.com

### Chicago

Richard Wallace: Chicago.IL.AOUON@gmail.com

### Kentucky

### Louisville

Savvy Shabazz: AOUONLouisville@gmail.com

## Missouri

### St. Louis

Patty Berger: AOUON.StL@gmail.com

## North Carolina

### Durham

Andrea "Muffin" Hudson:  
AOUONNC@gmail.com

### Eastern N.C.

Corey Purdie: AOUONENC@gmail.com

### Charlotte

Kristie Puckett Williams:  
AllOfUsOrNoneNC@gmail.com

## Ohio

### Greater Cincinnati

Zaria Davis: CincyAOUON@gmail.com

## Texas

### San Antonio

Steve Huerta: AllOfUsOrNoneTexas@gmail.com

## TRI-STATE

## New York

Ivelisse Gilestra: AOUON.NewYork@gmail.com

## Northern New Jersey

P.O. Box 9812, Newark, NJ 07104  
Tia Ryans: AOUON.NJ@gmail.com

## Washington

### Eastern Washington

Megan Pirie: EasternWAAOUON@gmail.com

## Wisconsin

### Madison

Caliph Muab-el: WIAOUON@gmail.com

## Georgia

### Atlanta

Waleisah Wilson  
(404) 860-2837

## South Jersey

Ronald Pierce (732) 608-4752  
rpierce@njjsj.org

## South Carolina - Greenville

Angela Hurks  
(864) 991-1388 (m) (854) 236-1393 (f)  
stepbystephopeproject@charter.net  
www.stepbystephopeproject@charter.net

## All of Us or None Membership Form | Yes, I want to become a member of ALL OF US OR NONE!

Name & Number: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

Country of Origin: \_\_\_\_\_

Do you have children? YES / NO. Do you need support with family issues? YES / NO

Earliest Parole/Release Date: \_\_\_\_\_ County of Parole/Probation: \_\_\_\_\_

- I can organize & facilitate group meeting
- I can help with membership outreach
- I can distribute materials & resources
- I can address & pass along feedback

Mail this form & any questions to:  
AOUON  
4400 Market Street  
Oakland, CA 94608

