



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

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Cover photo by Brett Sayles

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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



Movement Maker

A	L	W	T	L	E	C	I	L	O	P	Y	I	T
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- ABUSE
- ADVOCACY
- PRISON
- LEGAL
- HEALTH
- CIVIL
- INMATE
- POWER
- POLICE
- FELLOWSHIP
- CAMPAIGN
- ORGANIZATION
- SAFETY
- BUILD
- BRUTALITY

Legal Advocacy

Legal Services for Prisoners with Children organized our annual Quest 4 Democracy Advocacy Day held in Sacramento on August 8th, 2022. We invited hundreds of allies from organizations across California to gather at the State Capitol to rally and visit legislators to make known and advance our legislative platform. This day was also organized as a virtual

event with online town halls, so, if people couldn't physically attend they were able to follow the activities virtually. People impacted by the criminal system have an opportunity during this annual event to speak directly to those we've elected to represent us about issues that affect the success of our future.

This issue's Legal Advocacy section will highlight some of the legislative bills we advocated for in Sacramento. The images in this section are a sampling of this incredible gathering. The annual event holds true to the continued fight against discriminatory policies we face as current and formerly incarcerated people.

The Battle to Ban Involuntary Servitude Continues

ACA 3 and Beyond

Prepared by Eric C. Sapp, Staff Attorney

When the United States was founded in the late 18th century, enslavement existed in nearly all the newly independent States. After the Civil War, in which the northern Union, with its wage-labor economy, militarily defeated the southern Confederacy, with its enslavement-based economy, the Thirteenth Amendment to

the U.S. Constitution was ratified in 1865. It provided that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." The exception clause was significant; it meant that penal servitude would not be prohibited as a matter of federal constitutional law. The ban on slavery, in other words, would not be absolute, even in a polity that prides itself on being the land of the free.

The California Constitution of 1849 boldly declared "Neither slavery, nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state."

However, in the following decade, not only was unconstitutional enslavement tolerated, but the national policy of the Fugitive Slave Act was enforced in this state. The state's Constitution of 1879 repeated the language of three decades prior (albeit changing "crimes" to the singular, abstract noun "crime"). Accordingly, the *logic of exception* framed each of the two early constitutions of California – the same exceptional logic which, in the interim between the two state versions, had informed the federal Constitution's Thirteenth Amendment.

The current version of the state constitutional provision on slavery and involuntary servitude is Article I, section 6: "Slavery is prohibited.

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“It is the community that connects us, and sometimes it is the community that saves us”

-Shaun LeFlore

Chapter Connections

RIVERSIDE All of US or None Chapter

One thing we all have in common when we are doing time is our vision. It does not matter if you are in a cell or a dorm. Often we reflect on our past and future. We think about our mistakes, spending too much time on things we cannot change. When the pain of staying in the past becomes too intense, we travel into the future. We visualize what life can be like once we are free. We can smell the air of our hometown; we can hear the heartbeat of our city or the calm stillness of a peaceful hideaway location with loved ones. These visions become our vacation, and like any daily grind, these visions propel us forward as we battle with the harsh reality of everyday life. Our visions are different, but I think it is safe to say that our future visions represent some semblance of success for us. While I am not qualified to tell you what your vision is or what it looks like to you, I do think I know what success does not resemble. For most people, incarceration brings frustrations. The constant presence of correctional officers interrupts life and even your sleep as they walk by with flashlights in the middle of the night. problematic CO's are only the beginning, and as we both know, this list can continue.

Let us talk about not coming back to this place. Success is not sitting inside the county jail due to a violation or new charge, nor is it having a difficult time finding a place to live or living at the poverty level even though you have what some might call a job. The world is an exciting place; when you are free, you will be amazed at how many people are physically free yet mentally enslaved. The visions we once had while imagining the endless possibilities of freedom are quickly replaced with necessity about three hours after our release. We exchange our physical bondage for the mental enslavement of struggle. Three hours is about how long it takes to spend the futile 200 they

give us upon our release, regardless of how many years you did. In the blink of an eye, many of us face the same dilemma we had before we went in.

So how do we get out and stay out? Why does the national recidivism rate hover around 67.5%, and in California, it is at 50% during the first three years after release? Did you know that the Department of Justice conducted an extensive study on formerly incarcerated people, and 83% went back to prison after 9 years? Why is this so? So many questions, so many academic studies, yet so few answers.

I am not only someone who is formerly incarcerated; I also work in the world of Reentry. More importantly, I am a proud member of All of Us or None. The people who share no experiences with us believe they have all the answers, but truthfully the numbers show that they don't have any. Too many of us (formerly incarcerated) keep returning to prison, and too many are not finding our way. As a community organizer for Riverside All of Us or None, I hear countless stories, struggles, and triumphs. Sometimes the story is all about struggle.

Organizing is about getting people to come together and provide space. It is about relationships, and it is about applicable real-life education. When I am not organizing for All of Us or None, I work for a Non-Profit organization called Starting Over Inc.

Whenever I am in conversation and someone tells a story of struggle and recidivism, these stories have one thing in common. My fellow human beings who have had the most challenging time are always the people who did not connect with local organizations and get involved with the community. For some reason, we like to believe that we can take this

journey alone. I get it because most of us had to do time alone. Doing prison time and being sustainable in society are different; therefore, both situations require different approaches. In prison, you can stay to yourself and run your program. At times, the less talking you do to other people, the easier your time may become. Out here, it is the opposite. Believe it or not, out here, we need community. It is the community that connects us, and sometimes it is the community that saves us. This may be a hard pill to swallow, and you may not believe it, but I know when I go to our All of Us or None meetings, the people that are showing up are the people that are progressing and the people who are not showing up are the people who are having more difficulties.

You may want to respond by saying, “well, what if people can show up because they are progressing and the people who are not showing up are not because they are struggling, and when they are doing better, they will get involved.” I will have to say that I disagree; the people who show up struggling are getting on their feet, creating community, networking, and finally helping others along the way. The people who have a desire to contribute to others seem to be the ones who find breaks and opportunities. After three years and countless success stories, I can not believe that this is a coincidence.

Most of us are not coming home to wealthy families and super-star friends. We will have to make a way because, as of today, society is not giving us a way. The way that seems to be guaranteed is the way back to prison. I don't think any of us want that. We can stay out by coming together. There are many different forms of intelligence, and I know that every single one is inside prison. The movement needs what you have to offer. We don't simply want it; we need it. Come home, connect, and contribute. If you are trying to come home and don't have a date, write us; doors can open, and you will never know if you don't try.

My teacher always told me that if I had no documentation to back up my conversation, I should probably be quiet. For me, this has been a beneficial rule. So why do I believe I am qualified to write this you?

When I was released from prison after 11 years on a 13-year sentence, the job market was looking scarce for people in my

shoes. So I enrolled in a local community college, Riverside City College. A group of formerly incarcerated people and allies called Transitioning Minds on the college campus. I decided to attend a meeting and was introduced to all the work being done on our behalf. I was energized and began seeking more spaces in the Inland Empire region of Southern California, where I am from, I got connected with a local coalition called IE Fair Chance. This coalition centered its work on the ban the box law AB1008. The more I came to volunteer, the more I got acquainted with other organizations such as All Of Us or None and Time Done.

I volunteered and showed up to meetings, and eventually, I was offered a job at a non-profit organization that counseled youth in the inner city of San Bernardino. In my spare time, I still showed up and participated. Over time I was brought on as a community organizer for Riverside All of Us or None. From there, the rest has been history. The opportunities since then have been endless. I am not yet where I want to be in life, but I am in a community with people who understand them and me, and I can put gas in my car any time of the day or week. (Out here, this is a huge deal) More importantly, I make a difference.

Present day I am still a proud life-long proud member of All of Us or None, and I still organize. Still, most of the time is taken up as the Outreach Coordinator for a Non-profit organization in Riverside, California called Starting Over Inc., which specializes in transitional housing, civic engagement, family reunification, and Reentry. About 70% of my time work life is spent working with rental assistance to formerly incarcerated people who are either unsheltered or at the risk of losing their housing. I hear many different stories from many people who have walked the path you will be walking and walking as well.

The difference maker is getting connected with organizations and people who will help you develop. The people who choose to go at this alone have a much more difficult time. I will not lie to you and tell you that this journey is easier, but you can make it easier if you know that it is either All of Us or None of Us!

Legal Advocacy Continued from page 2

Involuntary servitude is prohibited except to punish crime.” It was adopted by the electorate as Proposition 7 in 1974. This provision essentially enables the state of California to coerce and exploit the labor of incarcerated persons.

In December of 2020, then-Assemblymember Kamlager introduced an amendment, known as ACA 3, that would have eliminated the exception for punishment of crime. That version of ACA 3 unanimously passed the Assembly in March 2022. The bill passed unanimously through the Committee on Public Safety and, without opposition, through the Committee on Elections and Constitutional Amendments and the Appropriations Committee by the end of spring. Failing to secure the required two-thirds support in the full Senate, the bill was amended; a sub-section was added, specifying that “slavery includes forced labor compelled by the use or threat of physical or legal coercion.” The bill still

did not garner the necessary support to pass it on to the electorate. A few days later, another revision added a new exception, stating that the provision “is not intended to have any effect on voluntary work programs in correctional settings.” More legally sophisticated, perhaps, and subtle than the *exception* for penal servitude built into the original constitutional provision, the proposed amendment would have replicated a version of the logic of exception. Yet even this watered-down version of the bill did not pass the Senate.

ACA 3 will not be on the ballot this November. However, some successor to it will be in the future. The movement to end involuntary servitude is steadily gaining in momentum across the country such that it is a matter of *when*, not *if*, the constitutional law of California will be reformed in this respect. It remains to be seen, furthermore, exactly what form that amendment will take: whether the ban on involuntary servitude in prisons will be unequivocal or whether it will be woven with a texture of loopholes.



Restoring the Right to Visit for Incarcerated People and their Families

Summary:

In 2020, The Coalition for Family Unity introduced Assembly Bill 990 (Santiago) that would have guaranteed the right to visit for incarcerated people in prison and people serving felony sentences in some jails. The bill provided that the right could not be infringed upon unless necessary for narrowly interpreted security interests of the government. The bill would also have explicitly removed barriers to visiting that keep families separated but are not related to rule violations during or in relation to visits.

Background:

Current law treats personal visits to incarcerated people as a privilege, not a right. It allows prisons and jails to deny visiting rights for any reason deemed “reasonably related to legitimate penological interests,” including investigations, discipline for unrelated rule violations, and the visitor’s criminal history. The Penal Code

used to protect receiving personal visits as an incarcerated person’s right, but this provision was repealed in 1994 as a “get-tough-on-crime” measure.

Today’s law authorizes facilities to enforce rules and regulations that may impact visiting based on “the need to maintain order, the safety of persons, the security of institutions and facilities, and required prison activities and operations.” Current law does not require prisons to provide more than two in-person visiting days, even when all would-be visitors cannot be accommodated within two days. It allows jails in a few specified counties to replace all in-person visits with video calls.

What AB 990 Would Have Done?

This bill would have made it harder for CDCR to deny visits to an incarcerated person or their loved ones. Under AB 990, visits could be denied only when denial is “necessary and narrowly tailored to further the legitimate security interests of the government.” AB 990 would have removed many current barriers to keeping families connected through visits, including by:

- prohibiting denial of visits as discipline for rule violations unrelated to visiting
- prohibiting denial of visits for omissions or inaccuracies on visiting applications when the information is provided on the criminal background report
- prohibiting denial of visits based on law enforcement history of a visitor or incarcerated person other than serious violations of visiting rules

What Happened?

Both the Assembly and the Senate voted in favor of AB 990 and sent it to the Governor for signature. Governor Newsom vetoed the bill. In his veto message, the Governor stated that he was concerned with the costs of potential lawsuits by “individuals denied visitation for what may be valid and serious safety and security concerns.” Instead of signing AB 990, Governor Newsom agreed to a budget item that provided funds to increase visiting from two to three days a week and to provide free transportation on certain days for family members who live far from their incarcerated relative. This has not been fully implemented.

The Coalition for Family Unity is preparing to reintroduce the Visiting Bill in the 2023 legislative year. The new bill will focus on restoring the right to visit for incarcerated people and their families, removing visit denial as a disciplinary action, limiting visit denial based on errors in the application, and ensuring that the 2021-22 budget augmentation for a third day of in-person visiting and related transportation is fully implemented.

*Information for this fact sheet was collected from leginfo.ca.gov and the 2021 SF Chronicle article, “Newsom vetoes bill giving California prisoners a right to visitation,” and The Coalition for Family Unity Support letter 03-08-2021.

*Direct questions to Joshua Marin, intern at Legal Services for Prisoners with Children: joshua@prisonerswithchildren.org

Assembly Bill 2383 (Jones-Sawyer): Criminal History in Rental Housing

(partial overview)

Summary:

AB 2383 prevents property owners from using criminal history as part of their initial application process for rental housing. It provides language for rental applications. It also provides a procedure for providing and appealing denials based on criminal history. Criminal background checks may be used after the initial application process.

AB 2383 limits the ability of landlords to use criminal history in the rental application process. It delays a landlord's consideration of criminal history information until after the initial application phase. The landlord must notify an applicant if they are considering rejecting the rental application based on criminal history information. The applicant then has three days to provide a response, including to show that the information obtained by the landlord was incorrect. After the response is submitted, the landlord has five days to make a final decision.

Background:

Existing law allows rental landlords to use criminal history information in the rental application process in several ways. They may conduct a screening of applicants, charge applicants up to approximately \$55 for the screening, and use criminal history information as a factor to reject an application for housing. Landlords are not required to disclose that they will screen applicants for criminal history in housing listings.

Existing law also restricts the use of criminal history information in the rental application process. Landlords may not consider arrests that did not lead to a conviction, information that an applicant has been questioned or detained, or infractions. California law prohibits housing owners from discriminating based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source



of income, disability, veteran or military status, or genetic information of that person.

The screening companies that owners use to conduct background checks are subject to regulations. Credit reporting companies are subject to California's fair housing laws and are prohibited from reporting records of a crime that are more than seven years old. However, these screening companies often produce reports that are incomplete and inaccurate, resulting in applicants being rejected due to erroneous criminal history information. Screening reports often do not update their information, so an applicant may be rejected due to a charge that was later expunged or reduced to a lesser offense. Landlords are not required to provide applicants the reasons for a rejection, as long as it is "necessary to achieve one or more substantial, legitimate, nondiscriminatory purposes. The effect is that an applicant may receive multiple rejections due to an incorrect screening report without receiving the information needed to correct the errors.

Assemblymember Jones-Sawyer said: "This bill addresses the pressing need to decrease the number of homeless people who are formerly incarcerated. This issue carries greater urgency as a result of the COVID-19 pandemic and actions that have allowed incarcerated persons to return to their families and communities. According to a LA Times article, 'crime-free

housing' policies disproportionately impact California's Black and Latino residents. It is time for California to put an end to 'race-neutral' policies that aim to reduce access to housing for families and individuals of color seeking a second chance."

Proposed Solution:

This bill would make it unlawful for the owner of rental housing or a business establishment to ask about or require criminal history information during the initial housing application, except when it is required by state or federal law. After the initial application assessment phase, property owners may request a criminal background check and consider the criminal history of the applicant in deciding whether to rent or lease.



Message from the Executive Director

(reprinted from the July LSPC E-News)



were true, then "armed robbery" would be the "voluntarily transfer of assets.

"What does it mean when the so-called free slaves never get a chance to vote on slavery? When all the black people in California don't get a chance to have a vote to say should their relatives be enslaved? That the descendants of slaves don't get a chance to say if should we still maintain that as part of our constitution?

The legislature denied people the possibilities of voting on the question of slavery in California. The general public could have a whole different take on whether or not they want to maintain the notion of slavery in the constitution, but the California Legislature did not give them the privilege. The Democratic party holds a super majority in the legislature, meaning that they're controlling the assembly and the Senate. We also have a governor that's a Democrat.

This is what makes me sad is that I have a grandson serving 25 years in the California Department of Corrections. I didn't have a say whether the State of California gets to maintain my grandson as a slave.

We will continue the fight to end slavery and involuntary servitude in this country.

Statement after CA Senate fails to bring up ACA 3 for a vote, killing our co-sponsored amendment to remove a vestige of slavery from our governing constitution.

The State of California just decided not vote to end slavery.

The State of California could not see themselves moving beyond the entitlement of enslaving people. That's what the question of ACA 3 was about: should we as a state hold on to the remnants and vestiges of slavery.

During the speeches before the Senate floor vote, many talked about how they didn't want to pay "inmates." The reality of it is: before those people are "inmates" or anything else, they are PEOPLE.

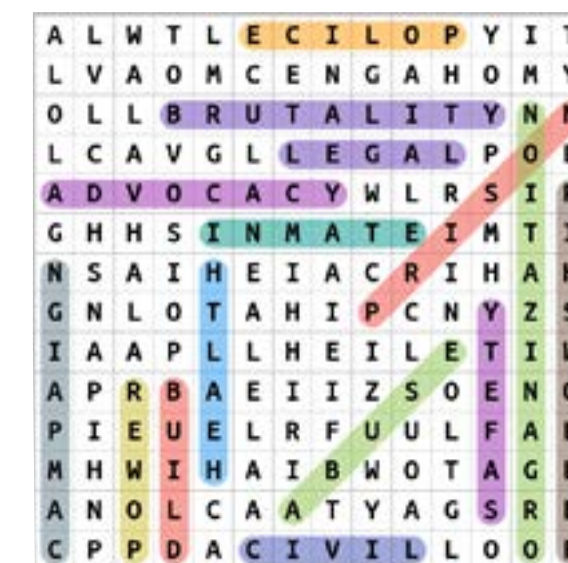
They couldn't necessarily see prisoners as people. They couldn't see "inmates" as people.

They couldn't distance themselves from the practice of slavery because the practice of

slavery had them saying, "Please don't close the prison because it's going to affect the economy of the city."

What makes that argument any different than the argument they had during the Civil War? It'd be one thing if we didn't have any existing lessons of the past to draw from, but we have the entire history of the United States practicing chattel slavery right in front of us. It shouldn't be that difficult to come up and say slavery under all circumstances is wrong.

I think that they don't want to admit that they're holding slaves, to admit that they're exploiting the hell out of people. We need to clarify that people can't volunteer at gunpoint! If that



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.

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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:
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