

(español)

Visitación en persona

Empezando el 15 de julio, abogados, oficiales de la corte, oficiales de embajadas y consulados, y otros visitantes oficiales van a poder entrar a las facilidades del DOC. El departamento tiene planes de abrir la facilidad a visitantes religiosos y voluntarios tan pronto como el 1 de agosto y abrir sitios piloto para visitas familiares en persona antes del 1 de septiembre, según un comunicado de prensa del departamento el jueves. Se anticipa que las visitas familiares en persona se habrán reanudado en todas las instalaciones para el 1 de octubre. "La seguridad es de suma importancia, y se seguirán siguiendo las medidas de saneamiento a medida que se reanuden las visitas, incluida la limpieza entre visitantes / grupos de visitantes", dijo un portavoz del departamento. Hasta el momento, 56 encarcelados y cinco miembros del personal han muerto por COVID-19, según cifras publicadas en el sitio web del departamento de correcciones. El departamento dijo que continúa vacunando a todo el personal y los encarcelados que quieran vacunarse y examinando al personal y a los encarcelados para detectar COVID-19. Hasta el viernes, casi 20,000 de los aproximadamente 24,000 encarcelados del estado habían recibido al menos una dosis de vacuna. Desde el comienzo de la pandemia, más de 9,100 ofensores han dado positivo por COVID-19. Actualmente hay cuatro casos activos entre los internos y 13 casos activos entre el personal. Los visitantes de 12 años o más deberían tomar una prueba rápida de antígeno COVID-19, autoadministrada o administrada por un tutor, y deben recibir un resultado negativo de la prueba para visitar en persona a un preso o un preso en libertad condicional como parte del programa alternativo de correcciones comunitarias. Se requieren máscaras para los visitantes. Los presos y los que están en libertad condicional por CCAP que estén completamente vacunados serán elegibles para reunirse con miembros del público en persona. Las visitas por video seguirán estando disponibles para los presos que no hayan sido vacunados. El proceso de prueba y otros requisitos de visitas se compartirán en la página web del DOC. "Si bien los esfuerzos de prevención en las instalaciones continúan teniendo mucho éxito, la propagación de las variantes de COVID-19 y las tasas de vacunación en la comunidad son consideraciones que se continuarán monitoreando. El DOC continuará siguiendo las actualizaciones de los Centros para el Control y la Prevención de Enfermedades (CDC) y la orientación del Departamento de Salud de Virginia (VDH) para las instalaciones correccionales / entornos de atención colectiva", dijo el departamento. El departamento también supervisa a unas 66,180 personas por supervisión comunitaria. Las precauciones continuarán apoyando a los empleados, personas en libertad condicional, contratistas y representantes del

(continúa en la página 2)

Self Reflection

By Jason McCrickland, Green Rock
 As I broaden my horizons, I spread my wings and let my mental capabilities fly.
 I use this time to expand my mind.
 No drugs are needed to get this high.
 No more will I ever feel low.
 I am smart, I am fearless.
 I am confident. I am me, version 2.0
 At times when things seemed insurmountable, I would push through and it would pass.
 I have created a new path to a brighter future and will no longer be held back by my past.
 I am building bridges where they were once burned.
 With communication, humility and honesty, trust can be earned.
 New friends can be made and family relationships restored.
 Life is a gift, so don't wait until it is too late to repair and enjoy yours.
 Time is a fickle mistress and can be gone in a blink of an eye.
 What do you have to lose?
 Go ahead and give it a try.

Probation and New Marijuana Laws

The legislative director of the ACLU of Virginia, Ashna Khanna recently said that people on state probation will still need to be mindful of marijuana consumption: "When we think about probation officers, probation and being let out: one thing we're trying to educate the public on is that marijuana is still being tested as an illegal substance. Don't get caught up in the framework now that it's legal if you're out and have certain probation terms, not to be smoking with the intention, 'Now that it's legal this won't impact me' or that there won't be repercussions." Anyone with questions regarding legalization can text 757-628-6200, where the organization works to provide updates. CFJ recently wrote to the VADOC asking how those on probation would be impacted by the new laws and Ms. Lisa Kinney (VADOC) responded on 7/14/2021: "Judges impose conditions of supervision. An individual probationer's conditions of supervision could include a court-imposed condition regarding marijuana." The re-sentencing provisions did not take effect this year and they require reenactment by the 2022 General Assembly when it will be debated and voted on again.

Latest Stats - Writ of Actual Innocence

13 petitions were pending on Jan. 1, 2020; 24 petitions were filed in 2020; 25 petitions were disposed of in 2020. The dispositions of those cases were as follows: 21 petitions were summarily dismissed; one petition was

(continued on page 2)

Changes to Newsletter List & JPAY

We remove people from the newsletter list with 3 months left on sentence. That will change to 6 months left as our wait list has grown considerably. We are beyond capacity and not funded. Also, due to increasingly high numbers on JPAY, CFJ will prioritize email regarding grievances and NOT on addressing rumors or bill status as the newsletter provides this information.

Fishback

From Ms. Chapman (PB Chair): DOC's Court and Legal identified approximately 560 inmates where a jury sat for the whole trial, or the just findings portion from 1995-2000. Many of the inmates were already eligible for geriatric conditional release, juvenile parole eligible, were ineligible (e.g., minor victim of a sex crime) or had already been considered for parole. To date, 33 Fishback individuals have been granted parole. C&L's review of all known Fishback cases was completed as of June 24, 2021.

Purdue Pharma Update

The VA Attorney General's office said on July 8: "Virginia should get at least \$80 million as part of a pending agreement between 15 states and Purdue Pharma, the prescription drug maker that made the addictive painkiller OxyContin." The company's creditors will need to vote on the plan. A majority of Virginia's portion of the money will go to the state's opioid abatement authority, a fund Herring asked the legislature to create this year to support treatment and recovery from opioid addiction. There have been 12,315 opioid overdose deaths in the state from 2007- 2020. More than 2 million people are currently living with an opioid-related substance use disorder. The Bankruptcy Court will hold a Confirmation Hearing for the Court to consider whether to approve the plan. The hearing is on 8/9/2021

Life on the Farms

It was in the 1890s that the Virginia State Farm Prison, which was located on over 4,000 acres of land on both sides of the James River in Goochland and Powhatan Counties was formed. In the early 1920s, the Powhatan side of the farm was used mostly for chicken raising and the Goochland side ran a dairy farm with a herd of over 200 cows. In 1931 female prisoners were introduced to the prison farm. In 1950, an industrial laundromat was opened at the women's prison facility where an average of 10 million pounds of linens were washed per year. The main compound of the State Farm facility, later known as the James River Correctional Center, closed in 2011. Other parts of the prison are still active. There are several prison farms in Virginia and they produce a great deal of food. Bland Correctional Center has had an on-site farm since June 1946 and is now one of 24 far, prisons around the state In 2017, in an article in

(continued on page 2)

gobierno y otras agencias asociadas. Continuarán las condiciones de la comunidad y las prácticas constantes de detección y pruebas. Unos 2,185 reclusos fueron liberados anticipadamente en virtud de un programa destinado a reducir el hacinamiento y la propagación del COVID-19. La autoridad para liberar a los presos terminó el 1 de julio. La población promedio diaria de presos del departamento cayó de 29,208 en febrero de 2020 a 23,664 en febrero de este año

In Person Visitation

Starting July 15, attorneys, court officials, embassy and consulate officials and other official visitors will be able to enter DOC facilities. The VADOC plans to open facilities to religious visitors and volunteers as early as August 1 and to open pilot sites for in-person family visitation by September 1. It is anticipated that in-person family visitation will have resumed at all facilities by October 1.. The department said it continues to vaccinate all staff and inmates who want to be vaccinated and to test staff and inmates for COVID-19. As of Friday, nearly 20,000 of the state's roughly 24,000 inmates had received at least one vaccine dose. Since the start of the pandemic, more than 9,100 offenders have tested positive for COVID-19. Visitors 12 years old and older will be required to take a self-administered, or guardian-administered COVID-19 rapid antigen test and must receive a negative test result in order to visit an inmate or Community Corrections Alternative Program probationer in person. Masks are required for visitors. Inmates and CCAP probationers who are fully vaccinated will be eligible to meet with members of the public in person. Video visits will continue to be available to inmates who have not been vaccinated. Community conditions and consistent screening and testing practices will continue.

Dental Care

Starting July 1, 2021, adults receiving full Medicaid benefits are eligible for comprehensive dental care, giving them access to more services and provider choices through DentaQuest. Contact a DentaQuest representative at 1-888-912-3456 to find a dentist and learn more about the new dental benefit for adults enrolled in Medicaid. In 2018, two researchers wrote in an American Journal of Public Health editorial that inmate dental health—despite major lawsuits by incarcerated persons alleging that their serious dental problems weren't tended to—is too far outside the spotlight of urgent needs in correctional health care. Dr. Jay Shulman of Texas A&M wrote. "Prisons are typically not going to do any more than they have to to comply with the Eighth Amendment, which means the care... just has to... [not] constitute deliberate indifference and infliction of pain. That's the correctional standard."

dismissed following consideration of the Attorney General's response to the petition and petitioner's reply thereto, if any; two petitions were dismissed following consideration of the Attorney General's response to the petition and petitioner's reply thereto, if any, and the circuit court's findings of fact; one writ was issued, and the convictions vacated; 12 petitions were pending as of December 31, 2020.

Published 2021, Board of Local and Regional Jails Report to the General Assembly [HB1284]

The Board of Local and Regional Jails in consultation with a stakeholder workgroup reviewed the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities. Delegate Patrick Hope introduced HB 1284 which directed the Board to conduct a review of the standards and requirements governing, and the application and use, of isolated confinement in local correctional facilities. The stakeholder workgroup participants included: Alton Coston - Civil Liberties Advocate; Christopher Rashad Green - Formerly Incarcerated Person; David Kidwell - Chief Deputy, Arlington Sheriff's Office; Kemba Pradia - Formerly Incarcerated Person; Ren Faszewski - Disability Law Center Advocate; William Smith - Western Tidewater Regional Jail Superintendent. The work group is concerned about the requirements and procedures surrounding intake, assessment, and need for isolated confinement of inmates. The work group recommends that the standards be more specific with defining terminology mentioned in the standards. For example, it is not clear what specifically qualifies as a "security threat," to the facility or other inmates. The stakeholder workgroup would like clear and concise guidance on what the criteria are for isolated confinement along with juvenile contact policies and procedures. The majority of stakeholders expressed concern about mental health assessments upon arrival at the facility, as well as the frequency of these assessments once a person is in the facility. The group has concerns about the length of time an inmate is housed in isolated confinement, whether the inmate has time out of the cell for sunlight, whether there is a window, and if the inmate is allowed to have reading materials or other items in the cell. Some of the stakeholders expressed concerns about leaving an inmate in isolated confinement too long, which could impact their mental health negatively. Unanimously, the stakeholder work group feels that security checks while inmates are housed in isolation should be more frequent than every 30 minutes. Stakeholders expressed concerns about inmates in isolation and the possibility that they would be overlooked or missed if there is a medical
(continued on page 3)

Ag Daily on Bland, the high levels of production of a few of the crops was reported as: 256,400 pounds of spring and fall cabbage 14,000 pounds of green peppers, 59,000 pounds of squash. 94,500 pounds of potatoes That's in addition to the cattle, of which the center had an average of 400 brood cows and 80 replacements. There's about 20 tons of corn silage made, and nearly 3,000 round bales produced. Life on the farm, then and now, means incredibly hard for a population that remains to most people invisible.

Cells in Cells

Federal regulators are giving state prisons across the country more technological options to combat contraband cell phones, which prison officials have long said represent the greatest security threat behind bars. In a comment posted online, FCC Chairwoman Jessica Rosenworcel said the commission's action "sets up a streamlined system for corrections department officials to use certified contraband interdiction systems to identify where contraband phones may be in use and request that wireless carriers have them deactivated." Noting dangers like extortion schemes made possible by contraband phones, Rosenworcel also pushed prison officials to continue their other efforts to root out cell phones. "The incentive to bring these devices into prisons and jails will not simply go away with better contraband interdiction systems in place," she wrote. "These underlying problems need to be addressed."

New CFJ Initiative - Journal of Prisoner Writing

The Coalition for Justice, in partnership with the Center for Humanities at Virginia Tech, is in the process of creating a quarterly journal of selected Virginia inmate's poems, reflections and some art work as well. The journal will be in an online format but hard copies will also be available. The goal is to amplify the creativity and talent of people behind bars and also to provide a platform for their work. Reflection pieces should be no more than 300 words, more or less. Writings on topics such as covid-19 and other timely issues, for example, would be appreciated. If you have already submitted a poem or essay to the CFJ and would like to have your piece considered for publication, please submit permission in writing to our org. The journal will be widely distributed. Long term goals include a mentoring program for aspiring writers. Please submit pieces to: Coalition for Justice, PO Box 299, Blacksburg, VA 24063.

Stats

June 20 parole grants included 2 geriatric, 14 regular parole, 1 board review, 3 dual (combination of geriatric/Fishback or juvenile). As of 7/30, 0 inmate covid cases and 19 staff cases: 1 Augusta, 2 Bland, 2 Buckingham, 1 Caroline, 2 Dillwyn, 2 Fluvanna, 2 Greensville, 1 Haynesville, 1 Keen, 1 Lawrenceville, 1 Nottoway, 2 State Farm, 1 Sussex 1.

Delta Covid Variant

Africa, where less than 2% of the population is vaccinated against Covid-19, experienced its worst surge of cases since the pandemic began. The second-largest continent recorded over 251,000 new Covid cases during the week ending July 4, a 20% increase from the prior week and a 12% increase from the January peak. Active cases in Africa recently surpassed 642,000, eclipsing a second-wave peak of 528,000 active cases in January, according to Johns Hopkins University data. "Africa has just marked the continent's most dire pandemic week ever. But the worst is yet to come as the fast-moving third wave continues to gain speed and new ground," said Dr. Matshidiso Moeti, the WHO's regional director for Africa. The Covid emergency in Africa "may become worse than anywhere else we've seen." Pfizer wants approval for a third dose of its COVID-19 vaccine, saying another shot within 12 months could dramatically boost immunity. Pfizer has stated that people will "likely" need a third dose of a Covid-19 vaccine within 12 months of getting fully vaccinated and may have to get the vaccine annually like the flu shot. In South Africa, less than 1% of its residents are vaccinated against Covid. Covid variants thrive in large unvaccinated populations. As Delta variant spreads in VA, nearly every recent COVID case and death is among unvaccinated or not fully vaccinated people. Delta variant accounts for 83% of US cases.

There is no need to get a third vaccine now as health officials are saying that the vaccines are still largely keeping vaccinated people safe. The CDC recently called what is happening in the US, "a pandemic of the unvaccinated."

Keep Pushing

The DOC recently issued a press release saying it had "completed the removal of restrictive housing" in Virginia's prisons. In response, The Virginia Coalition on Solitary Confinement and the ACLU of Virginia said it will continue to push for legislation to end the practice of confining inmates for over 20 hours a day—17 hours for juvenile defendants—and are calling for an independent investigation into practices. They also launched a public awareness action oriented campaign on the issue. According to VDOC, starting on August 1, the state will shift to "restorative housing," a new form of confinement in which they say inmates are offered more safety and security. They also said the Department has been working on the transition for 18 months now by offering a minimum of four hours of out-of-cell time to all inmates. Senator Morrissey [D] sponsored SB 1301 in 2020 but the bill failed. It would have effectively ended prolonged isolation for both adults and juveniles. For more information on the Coalition contact: Interfaith Action for Human Rights, P.O.Box 55802, Washington, DC 20040. Write Senator Morrissey at 701 German School Road, Richmond, VA 23225

emergency or a mental health need. Additionally, the stakeholder work group also recommends extensive training for jail staff when it comes to dealing with mental health inmates that are placed in isolation. Recognizing the substantial nature of some of these recommendations and the resources required for implementation, this stakeholder work group recommends a continuation of the study. The workgroup believes there should be a deeper assessment of the standards and the potential resources necessary to meet these standards. The stakeholder work group is recommending additional time so the standards can be re-written and set more clear expectations about the policies and procedures in place.

New UVA Project

Starting in the spring, the Project for Informed Reform will be a clinic where UVA students, working alongside scholars and experts, will conduct extensive research and investigation on issues related to criminal justice, and then generate evidence-based data to help inform and assist litigation, legal scholarship and public policy.

Happy 7th Birthday In Heaven

For my son, Kyrin Lamere Lewis
08/20/2014 -02/25/2018 By Amber Renee Lucas, VCCW

A million times we will miss you.
A million times we'll cry.
If love alone could have saved you, my son,
you would have never died.
All we want is you back.
It's still so hard to deal.
A pain that cuts so deep,
That no one can ever fill.
It broke our hearts to lose you
but I promise --
you didn't go alone --
a part of me and your dad went with you
that awful night in our home.
We love you!
Mommy and your baby brother, "your bubba"
Kendrick.

The Virginia Prison Justice Network Newsletter

The monthly newsletter is published by the Coalition for Justice, PO Box 299, Blacksburg, VA 24063. Have a poem or thought you'd like published? Send them! Please note: we are not lawyers. Thanks to all who send stamps! We are humbled and grateful. We publish inmate writings when we have room to do so and appreciate all submissions.

español

No somos abogados. Ayudamos a los presos con sus quejas durante el encarcelamiento ¡Ahora tenemos apoyo con el español para quejas o preguntas. ¿Tienes un poema o ensayo corto que te gustaría publicar? ¡Mándanoslas!

HB 5148

According to the Virginia Criminal Sentencing Commission, "Currently, pursuant to § 53.1-202.3, all felons must serve a minimum of 85% of the active sentence ordered by the court (felons may earn a maximum of 4 ½ days off for every 30 days served). Under the provisions of HB 5148, persons serving time for certain nonviolent felonies will be eligible to earn as much as 15 days for every 30 days served, based on their participation in programs and record of institutional infractions during confinement. If a nonviolent felon earns at the highest rate throughout his sentence, he will serve no less than 65% of the court-ordered sentence. The provisions of this legislation will apply retroactively to the entire sentence of any person who is confined in a state correctional facility and participating in the earned sentence credit system on July 1, 2022" The VADOC will release their plans on bill implementation closer to the enactment date. Also, there is no separate HB5148 bill for violent offenses and there is no amendment that pushes the enactment date back to January. Stop feeding rumors!

Use of Discretionary Sentencing Guidelines Provision Subsection F

As of April 9, 2018, the VA Criminal Sentencing Commission Judicial Departure Reasons reported that from FY 2007 to FY 2017, an estimated 10,000 cases in which the sentence imposed upon the defendant exceeded the guidelines with no (noncompliance) written reason for departure by the Virginia district judge. HB1055, sponsored by Del. Herring (Discretionary sentencing guidelines; judicial performance evaluation program, report) provided post-conviction relief to/for prisoners beginning July 1, 2018 and moving forward. However, the bill did not address, nor allow any basis of post-conviction relief or be reviewed upon appeal (Subsection F) when the Courts are in noncompliance retroactive for persons sentenced between January 1, 1995 to July 1, 2018. RIHD (Resource, Information, Help for the Disadvantaged & Disenfranchised) Remedy Recommendations are as follows To correct the injustice and amend the sentencing guideline provision subsections F of the statute to reflect the following fair and consistent law: Subsection F: The failure to follow any or all the provisions of subsection B or the inability to pursue any or all the provisions of this section in the prescribed manner or the failure to impose a sentence within the range recommended by the sentencing guidelines from 1995 to 7/ 1/2018, shall be considered "special circumstances" and make prisoners parole eligible with time served per the defendant's original sentence guideline recommendation. Urge support for the amendment: Contact : Office of the Governor P.O. Box 1475. Richmond, VA 23218. Delegate Herring: P.O. Box 11779 Alexandria, VA 22312