

Updated Covid Information

What is the difference between the flu and COVID-19: It's impossible to tell without a test. Influenza and COVID-19 have such similar symptoms, you may need to get tested to know what's making you miserable. This is why getting a flu vaccine is important. The flu vaccine protects you from seasonal influenza, not the coronavirus — but avoiding the flu is especially important this year.

Is there a treatment for covid 19?

In the United States, no treatments are specifically approved for COVID-19, but a few have been authorized for emergency use and several more are being considered.

Covid and surface transmission:

During the initial stages of the pandemic there was concern about surface transmission. However, latest research suggests that this is unlikely to be a major route of transmission as although SARS-CoV-2 can persist for days on inanimate surfaces, attempts to culture the virus from these surfaces were unsuccessful..

Has covid 19 mutated?

Covid doesn't seem to have changed in a way that makes people less or more sick. There's some evidence that a specific mutation called D614G may have made it easier for the virus to be transmitted between people. But not all scientists are convinced, and it's hard to say how strong any such effect might be.

Does weather affect Covid spread?

Not really. The World Health Organization says the virus can be transmitted in any kind of weather and that there is no reason to believe that cold weather can kill it. The U.N. health agency says the virus is mainly spread between people. Rain and snow might dilute any traces of the virus on benches or other outside objects, but transmission from surfaces is not believed to be a major contributor to the pandemic. Scientists say the real concern about cold weather is that lower temperatures are more likely to keep people indoors — potentially in more crowded spaces where the virus can spread more easily.

Waiting on Stimulus Checks - Paper Filing

If you haven't gotten a check within 8 weeks, ask at the facility business office. If they don't have an answer, write to: Lieff Cabraser Heimann & Bernstein, LLP, 275 Battery Street, 29th Floor San Francisco, CA 94111
Include your VADOC number (and include the acronym VADOC) & address that was used when filing along with your birthdate and social.

Several Bills That Passed in the Special Session Policing/Criminal Justice

HB 5043 Mental health crises (Marcus alert) Introduced by: Jeffrey M. Bourne. Provides that the Department of Criminal Justice Services (DCJS) & the Dept. of Behavioral Health and Developmental Services (DBHDS) shall develop and establish a mental health awareness response and community understanding services alert system throughout VA. Effective July 1, 2021

HB 5045 Inmate, parolee, probationer, detainee, or pretrial defendant, etc.; carnal knowledge. Introduced by Karrie Delaney. Makes VA one of at least a dozen states to pass or tighten laws governing sexual relations between police & arrestees. Effective 3/1/21.

HB 5051 Law-enforcement officers or jail officers; notice to Criminal Justice Services Board of misconduct. Introduced by Marcus Simon. Requires the state's Criminal Justice Services Board to adopt statewide standards that, among other things, define serious misconduct. Establishes compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the DOC under the provisions of Title 53.1. Establishes and includes compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the DOC under the provisions of Title 53.1. Effective 3/1/21.

español

HB 5051 Las Fuerzas del Orden oficiales o oficiales de la cárcel; noticia para la Junta de Servicios de Justicia Criminales de mala conducta. Introducido por: Marcus B. Simon. Requiere que el estado de Junta de Servicios de Justicia Criminal siga el cambio en estándar del estandando entero sobre la definición de serios malos conductos y otras cosas también. Establece obligatorios mínimos para el nivel entrada, en servicio, y avance en entrenamiento normas. El tiempo que se requiere para el entrenamiento, las personas que trabajan para el diputado y los oficiales de la cárcel de las agencias de justicia criminal y
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Voluntary Manslaughter - HB 5148/SB5034

Individuals serving a sentence on one of offenses listed under that subdivision A 17 (lines 38 thru 49 of the bill---including voluntary manslaughter) are excluded from getting the enhanced sentence credits **if it's a second or subsequent conviction of any of those offenses** (as long as such offenses were not part of a common act, transaction, or scheme and the person has been at liberty in between). So, for example, if someone is serving a sentence for voluntary manslaughter and they've previously been convicted of any of the other offenses included under subdivision A 17 (a thru j, see below), then they would be excluded from the enhanced sentence credits. If the person is serving a sentence for voluntary manslaughter and has not been previously convicted of any of those other offenses listed under subdivision A 17, then they would be eligible for the enhanced sentence credits.

Bill text:

17. A second or subsequent violation of the following offenses, in any combination, when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:

- a. Any felony violation of § 3.2-6571;
- b. Voluntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- c. Any violation of § 18.2-41 or felony violation of § 18.2-42.1;
- d. Any violation of subsection B, C, or D of § 18.2-46.5 or § 18.2-46.7;
- e. Any violation of § 18.2-51 when done unlawfully but not maliciously, § 18.2-51.1 when done unlawfully but not maliciously, or § 18.2-54.1 or 18.2-54.2;
- f. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
- g. Any violation of § 18.2-89 or 18.2-92;
- h. Any violation of subsection A of § 18.2-374.1.1;
- i. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or
- j. Any violation of subdivision E 2 of § 40.1-29.

Expungement Bills Special Session - Failed HB 5146

Criminal records; automatic expungement for certain convictions, etc. Introduced by Delegate Charniele Herring [D] Establishes a process for the automatic expungement of criminal records
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Moment of Truth

By Traer R. Tisdale, SISP

Men and Women

Let's take a look in the mirror,
And when you stare long enough,
You'll see yourself more clearer,
We are not worthless,
We are all imperfect,
So let's let this prison time,
Serve a divine purpose,
At times it seems hard,
At times it feels rough,
We must never lose faith,
We must never give up,
This fight will be long,
So in time remain strong,
And contribute all you can,
Towards the fight for reform
The constant struggle is within,
So regardless of our sins,
We have the power to renew our minds,
That's where the change begins,
Keep your thoughts in check,
This means keeping your thinking constructive.

Clo's House

Clo's House housing initiative began as a collaboration with the VADOC. The primary purpose and objective of Clo's House is to provide emergency, transitional, and permanent housing to our returning citizens in a caring and compassionate environment. However, they have since expanded their housing services to include homeless members of their community in order to help abate the homelessness crisis in the City of Richmond. Since the establishment of the first Clo's House in February 2017 with just three beds, they have grown to a capacity of over twenty beds, and their capacity is growing every quarter. They have housed more than one hundred men since their inception in 2017 on both short and long term bases. They take a holistic approach to transition working one on one with each person to ensure that everyone gets the services, help, and encouragement they need to succeed. Contact: Clo's House, 102 W. Blake Lane, Richmond, VA 23225

The AMA, Covid Vaccine & the Incarcerated

The American Medical Association (AMA) has called for stronger disease mitigation measures at the nation's correctional and immigrant detention facilities, and has called for correctional workers, incarcerated people and detained immigrants to be included in the initial phases of coronavirus vaccine distribution. An AMA Board of Trustees report also calls compassionate release a practical solution and "a matter of medical ethics, as the continued incarceration of patients with serious or debilitating illness can constitute a violation of
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los oficiales de corrección empleados por el Departamento de Corrección bajo la provisión de título 53.1. Esto también aplica para los oficiales que son empleados por la DOC bajo la provisión de Título 53.1 Efectivo el 1 de Marzo, 2021.

HB 5055 Law-enforcement civilian oversight bodies. Introduced by: Charniele L. Herring Allows local governments to create panels that can field citizen complaints, investigate them and issue binding disciplinary rulings. Effective July 1, 2021

español

HB Ley 5055 - cumplimiento de la ley Vigilancia de cuerpo civiles Introducido por: Charniele L. herring. Esta ley deja que los gobiernos locales tengan reuniones donde tienen que escuchar las quejas de los ciudadanos, investigarlos, y descartar una decisión.

HB 5058 Marijuana and certain traffic offenses; issuing citations, etc., Introduced by Patrick A. Hope. The bill is aimed curbing pre-textual traffic stops in the hope it will cut down on racial profiling. Effective March 1.

HB 5062 Criminal charges; dismissal on Commonwealth's motion - Special Session 2020 Introduced by Delegate Michael Mullin [D] Effective 3/1/21 Requires a court to grant a motion to dismiss made by the Commonwealth, whether with or without prejudice, and with the consent of the defendant unless the court finds by clear and convincing evidence that the motion was made as the result of (i) bribery or (ii) animus toward a victim because of the race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin of the victim.

HB 5069 Law-enforcement officers; prohibition on the use of neck restraints, exception, penalties. Introduced by: Jennifer Carroll Foy. Prohibits a law-enforcement officer from using a neck restraint in the performance of his official duties and provides for disciplinary sanctions on an officer who uses a neck restraint. The bill provides an exception from the prohibition if a neck restraint is immediately necessary to protect the officer or another person. Effective March 1, 2021.

HB 5099 Search warrants; provide notice of authority. Introduced by: Lashrecse Aird. Makes Virginia just the third state in the country to bar police from executing warrants without first knocking and announcing themselves. Effective March 1, 2021.

HB 5109 Law-enforcement officer training & qualifications. Introduced by Patrick Hope. Includes compulsory minimum training standards for detector canine handlers
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for certain convictions, deferred dispositions, acquittals, and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. **SB 5043** Expungement of police and court records. Sponsored by Senator Creigh Deeds [D] Provides that final disposition may include (i) conviction of the original charge, (ii) conviction of an alternative charge, or (iii) dismissal of the proceedings. The bill also allows a person to petition for the expungement of the police and court records relating to such person's conviction for misdemeanors and certain felonies if he has been granted a simple pardon for the crimes.

Judge Us by Our Work

D. Ray Thomas RNCC

Today I read the finalized version of the "good conduct bill" awaiting signature by the Governor to become law. I was initially taken aback by the results. However, after reflecting on my 20 years of incarceration and the politics associated with it I came to the realization that the majority of legislators clearly do not believe in the power of rehabilitation and redemption. As a so called "Lifer" many of us are the school tutors, library aides, law library clerks and hold many other positions of responsibility that require little to no supervision by administrative staff or security. Moreover in the Virginia Reentry Initiative created by former Governor Bob McDonnell, VADOC director Clarke and other state officials explains the role of "Lifers" by stating that "Lifers have a more stabilizing influence on younger more volatile offenders." Unfortunately for us this information seems to escape the thought process of legislators. Although there is the perception that "prison reform" is a critical issue for the General Assembly; there is clearly an attempt to be "politically safe." This approach towards "prison reform" demands the question whether or not there's a sincere belief in redemption and rehabilitation. To answer this question we must first look at some of the theories that have helped shape the belief that "rehabilitation" cannot truly be achieved. One of the greatest critics of rehabilitation was criminologist Robert Martinson. In 1974 Martinson wrote a paper entitled "What Works" and in this work he declared "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism. His ideas have seemingly made their impact on many legislators in the 21st century. With this purported "good conduct" legislation practically every crime a person could be incarcerated for
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human dignity if appropriate palliative care is unavailable.” The new policy also calls for expanded data reporting to include the testing rates and demographic breakdown for SARS-CoV-2 cases, & other contagious infectious diseases, and deaths in correctional and detention facilities.

Cash Bonds & The Poor

A Fairfax circuit court judge seems to be the first in our state to rule that keeping an indigent defendant in jail in lieu of a cash bond is unconstitutional, writing that it violates the Due Process Clause by forcing poor people awaiting trial to remain confined in jail while the wealthy walk free. “The inherent arbitrariness of the use of the cash bond is as palpable as it is counterproductive,” Judge David Bernhard wrote last week in the opinion, which addressed the case of a man who could not pay a \$2,500 cash bond on a DUI charge and was held in jail for at least five days even though he was unlikely to serve jail time if found guilty. The opinion is not binding but nonetheless sends a message to lower court judges in Fairfax to reconsider how and when they use bonds. It also sends a message to our legislature that change is needed.

Virginia General Assembly 2021

The Virginia General Assembly opens its 2021 legislative session on Wednesday, January 13

Stats

As of 11/24/2020, Early Release stats: 1,992 reviewed; 1,456 approved; 740 DOC released; 2 released (Institutional hospital); (393 DOC jail inmates) Combine DOC, institutional hospital and DOC jail inmates for the total number released. 536 have been denied

Healing Prayer & Hope for 2021

Grandfather,
Sacred one,
Teach us love, compassion,
and honor.
That we may heal the earth
And heal each other.
- Ojibway Prayer

The Virginia Prison Justice Network

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.
THANK YOU to all who send stamps!
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!

employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives. Effective March 1, 2021.

HB 5148 Earned sentence credits. Introduced by Delegate Scott. Lets inmates cut their sentences by a third if not convicted of certain violent offenses, follow prison rules and participate in counseling and education programs. Prison officials estimate that it would move up the release dates of more than 14,000 inmates if enacted today. Effective 7/1/2022. **SB 5034**, a related bill, also expands VA's compassionate release policies, which had been among the most restrictive in the country. Allows the parole board to consider releasing terminally ill inmates.

SB 5007 Criminal cases; sentencing reform Introduced by Sen. Joe Morrissey. Transfers sentencing authority to judges unless a defendant specifically requests it be set by the jury, which advocates predict will force prosecutors to offer more lenient plea bargains. Not retroactive. effective 7/1/21
SB 5017 Correctional facility, local; clarifies definition. Introduced by Jennifer Boysko. In response to a deadly and poorly contained coronavirus outbreak at an ICE-contracted facility in Farmville, the legislation subjects the detention centers to the same standards and health requirements as other local jails. It will also allow the state to investigate detainee deaths. Effective March 1, 2021.

SB 5024 Law-enforcement; Attorney General. Introduced by Senator Louise Lucas. Authorizes the AG to file a civil suit or inquire into or seek to conciliate, through the Division of Human Rights, any unlawful pattern and practice against the Commonwealth or a locality whenever the AG has reasonable cause to believe that law-enforcement officers of any agency of the Commonwealth or any locality are engaging in a pattern or practice that deprives persons of rights, privileges, or immunities secured or protected by the laws of the US and the Commonwealth. The bill also empowers the AG to issue a civil investigative demand if the AG has reasonable cause to believe that an unlawful pattern and practice violation has occurred. Effective 3/1/2021.

is excluded from the maximum benefits the law would allow and this restriction is not because of our lack of effort, it is because our crimes are considered "violent offenses." In no way do I excuse the foolish behaviour that took the life of my victim and brought pain and frustration to his family. However, this attitude towards us by legislators suggests that we have no redeeming qualities although our records would indicate otherwise. For example, behavior that leads to incarceration is the result of either adaptation to poverty, cognitive/character issues or a combination of both. In any event these maladaptive behaviors are amenable to change and these changes are reflected in our infraction free status which makes us prime candidates for the premiere employment positions that require little to no supervision. In closing, the January legislative session will be crucial for so many incarcerated men and women in Virginia and I stand as one of many who strive to lead by example and work to debunk this myth that redemption and rehabilitation are failed efforts. Consider our crimes but also consider our effort to understand the inexcusable behavior that produces it and rid our lives of it, judge us by our work.

A New Book Out There

Courtney D. Henson "Free", a co-founder of the BLM Virginia Prisoners Chapter, has published "Redemption Is Never Satisfied", and it's currently available on Amazon. Courtney writes, "This book is about inspiration for prisoners. It's about second chances and never giving up." Courtney tackles mass incarceration, racism, policing, life, love, choices, and so much more. This book is for everyone and anyone.

Incarceration Trends - Women

The Sentencing Project released a new report citing that the number of incarcerated women was over seven times higher in 2019 than in 1980. The report examines pre-pandemic female incarceration trends and finds areas of both concern and hope. While the imprisonment rate for African American women was nearly twice that of white women in 2019, this disparity represents a sharp decline from 2000 when Black women were six times as likely to be imprisoned. Since then Black women's imprisonment rate has decreased by 60% while white women's rate has increased by 41%. Similar to adults, girls of color are more likely to be incarcerated than white girls. Native girls are more than four times as likely, and African American girls are more than three times as likely as white girls to be incarcerated. Remember, state lawmakers have the power to make much needed legislative change. We need real change in our state in 2021.