

Ending Incarceration of Women and Girls

Nothing about us without us.

Issue No. | Feb. 2022

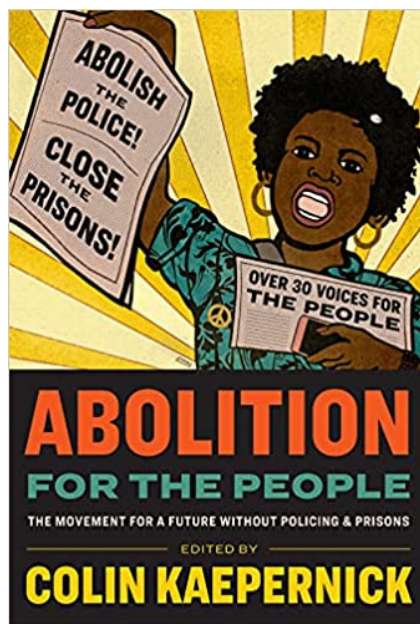


National Council member and allies in the fight to end incarceration of women and girls at the 2021 FreeHer Conference, Boston, Ma.

Acknowledgement

The National Council for Incarcerated and Formerly Incarcerated Women and Girls recently received favorable mention twice in Colin Kaepernick's latest book "ABOLITION FOR THE PEOPLE".

Thank you Colin Kaepernick and James Kilgore for recognizing our abolitionist work at the National Council in "Abolition for the People"; and thank you Mariame Kaba for continuing to teach the way.



**TNC Policy Director
Louellyn Lambros**

Out-and-about raising awareness to block building a new \$50 Mil+ prison in MA.

Hot Off The Wire

The National Council issues open letter to the Biden administration in response to FBOP director's resignation

On January 12, 2022, via the Cision PR Newswire, the National Council for Incarcerated and Formerly Incarcerated Women and Girls (The National Council) issued an open letter to the Biden administration in response to Michael Carvajal, director of the Federal Bureau of Prisons, decision to retire.

"We call upon the Biden Administration to make sure the next Director is not someone who has spent their career within the BOP and is, therefore, part of the agency's culture of inflicting harm. The next Director should have a deep understanding of the causes of mass incarceration and a track record of combating institutional racism in keeping with this Administration's oft-stated -- but rarely seen -- commitment to racial justice. The Director should be committed to decarceration of people who should not be in prison: the elderly, ill, survivors of domestic violence, and long-timers."

The full text of the letter follows:

Mr. President,

The National Council and our extensive membership of currently and formerly incarcerated women and girls welcome Michael Carvajal's resignation as director of the Bureau of Prisons.

The complimentary Department of Justice press statements following Carvajal's announcement obscure the fact that he presided over a particularly turbulent period in the BOP's history. We struggled to support our incarcerated membership during the following hallmarks of his tenure:

- Two hundred seventy-five admitted deaths from COVID and an infection rate that is much higher than the general population due to failure to provide PPE and cleaning supplies and refusal to decarcerate to allow meaningful social distancing despite Attorney General Barr's directives
- Deliberate exposure of healthy incarcerated individuals to those with positive COVID tests and active illness
- Lockdowns for weeks and months with as many as four women in an 8 x 12-foot cell
- Bagged meals with rotten food for months at a time, as is currently happening at FCI Aliceville, which is suffering through a COVID outbreak.
- Little to no medical care for those with COVID, who are left to fend for themselves in visiting rooms, segregated housing units, and even the kitchen; and
- Refusal to implement relief measures, such as free phone calls and pointless restrictions, such as suspending crafting privileges that exacerbate the burden of incarceration during the pandemic

In addition, Michael Carvajal failed to curb other atrocities at multiple facilities, including but not limited to:

- Burst sewage pipe at FMC Carswell, a hospital facility that women incarcerated there were forced to clean up without protective gear, proper equipment, or Hepatitis C vaccines
- Sexual abuse by Warden at FCI Dublin of numerous women in his custody.
- A reported rape at FCI Aliceville with the victim put in solitary confinement to keep her quiet; and
- Psychological torture by staff telling people they would be released to home confinement and then canceling the transfer a day or two before the scheduled departure

We call upon the Biden Administration to make sure the next Director is not someone who has spent their career within the BOP and will therefore not carry forward the distinction of decades of mismanagement that has become part of the agency's culture. Instead, the next Director should have a deep understanding of the causes of mass incarceration and a track record of combating institutional racism in keeping with this Administration's oft-stated -- but rarely seen -- commitment to racial justice. In addition, the Director should be committed to decarceration of people who should not be in prison: the elderly, ill, survivors of domestic violence, and long-timers.

Hot Off The Wire

The National Council issues open letter to the Biden administration in response to FBOP director's resignation (cont.)

The Administration's record on criminal justice has so far been deeply disappointing. It has not granted a single clemency petition. It initially endorsed the Trump Administration's position that people on home detention would have to return to prison at the end of the COVID-19 emergency and its "reversal" of that opinion after a year of protests leaves the door wide open for the BOP to reincarcerate people at its whim. The nomination of a new BOP Director is another test of whether the President really believes in racial justice. We call upon him to consult with all impacted people and to choose wisely.

Our only hope for Michael Carvajal's future is that he stays retired; and does not follow in the steps of former director of the Federal Bureau of Prisons Harley Lappin, who came out of retirement and went on to lead the largest private prison corporation globally, recruiting states across the country to sign contracts that committed them to keep the state prisons 90% full to guarantee profits. Naturally leading to increased police activity, harsher and unjust sentencing laws, and incarceration of citizens in predominantly black and brown communities so that states could meet their incarceration quotas.

ARRIVEDERCI!

Formerly Incarcerated Activists, Families and Supporters of People in Prison to Call on Media to Report Horrific Conditions Due to COVID-19 at Press Conference Outside of CNN Center in Atlanta, GA Monday, January 31, 2022, AT 3:00 PM ET

LOS ANGELES, Jan 30, 2022 – Formerly incarcerated activist and founder of Saving the Forgotten, Velma Bowens, is currently on a multi-state tour to raise awareness of the deadly and inhumane conditions and treatment of incarcerated people in state and federal prisons during the Covid-19 pandemic and advocate for the early release of those most at risk. Bowen's next stop will be Atlanta, Georgia where she will be joined by the National Council for Incarcerated and Formerly Incarcerated Women and Girls (The National Council), local grass-root organizers, activists, families, and supporters of incarcerated people.

Where: CNN News Headquarters, at 1 CNN Center, Atlanta, GA 30303

Time: 3:00 – 3:30 PM ET

"The media has done a good job at staying silent when it comes to reporting the deadly conditions in this country's prisons and jails. But these are human beings, they deserve a chance to live and not be killed by neglect and a pandemic. So, if the media won't come to them, we will come to the media". – V. Bowens

"The federal Bureau of Prisons alone has admitted to 276 deaths from COVID-19, although the real number is certainly much higher. Infection rates in prisons and jails is six times that of the general population due to failure to provide PPE and cleaning supplies and refusal to decarcerate to allow meaningful social distancing. Lockdowns with four people in a 6 x 9 cell who are let out for 90 minutes every two days are common. Twice a day they get food marked "not for human consumption." Prison staff refuse to wear masks and deliberately expose healthy incarcerated individuals to those with positive COVID tests and active illness. ; Those with COVID are left to fend for themselves with no medical care. There are thousands of incarcerated people who are elderly, ill, survivors of domestic violence, and long-timers who need to come home. Now is the time". – The National Council



Boots On The Ground

Thank you to our @RepPressley for working with @thecouncilus on the FIX Act!!!

We directly understand the importance of clemency!

And we continue the work to bring our Sisters home!

FREHER
#CLEMENCYWORKS



TNC Clemency Coordinator Danielle Metz and Senior Legal Counsel Catherine Sevckenko w/ US Rep. Ayanna Pressley at the introduction press conference for the Fix Clemency Act.



TNC Founder & Executive Director Andrea James w/ in our opinion the next governor of Georgia Stacey Abrams at the RFK Human Rights Gala.



TNC co-founder & Guaranteed Income Coordinator Virginia Douglas on the ground in Pittsburgh, PA as The National Council made history with a 1st of its kind freight farm; as part of our reimagining communities, what different looks like work. This community will soon have access to fresh produce.



When politicians hold private events while ignoring the issue of freeing thousands of women and girls. The National Council's more than happy to be the welcoming committee to their guests as they arrive.

In Movement In Sisterhood

#FreeHer Turning-Up Outside of Gov. Roy Cooper's Mansion... in Solidarity with the North Carolina Vigil for Freedom and Racial Justice

The National Council for Incarcerated and Formerly Incarcerated Women and Girls organized a #FreeHer Block Party on Saturday, December 11, 2021, to shed light on the need to end the incarceration of women and girls. The National Council stands in solidarity with the organizers of the Vigil for Freedom and Racial Justice and with them calls on Governor Cooper to take immediate and decisive action to rectify the horrid and racist legacy of incarceration in North Carolina. The inaction of those in power while our people inside suffer is one of the cruelest acts of all. As organizers from the Vigil sent Governor Cooper:

"We stand vigil to call for decisive action to decarcerate North Carolina and stop the use of imprisonment as a catch-all response to societal harms, which is consistent with the recommendations of your Task Force for Racial Equity in Criminal Justice (TREC). We hold vigil to advocate for the immediate release of those who are ill, the elderly, those in prison for technical violations of parole, and those who were incarcerated as children, as well as to commute the death sentences of those on death row whose trials were unconstitutionally affected by racial bias. Last year, we hosted the Vigil for Freedom and Racial Justice, standing in vigil for 58 days. We will return this year because not enough has been achieved to implement the Task Force's crucial recommendations. TREC heard and reported on the unjust and racist ways our state's criminal legal system routinely dehumanizes, exploits, harms, and even kills. A humanitarian and public health disaster has been unfolding in our state's jails, courts, and prisons for decades. The COVID-19 pandemic and severe understaffing in our state's prisons have only exacerbated the cruel treatment and dangerous conditions of incarcerated people in North Carolina."

Many of the National Council's founders are mothers, and the motherly love which inspires our work to free communities' children caged by the state was on full display at the multi-generational #FreeHer Block Party that took place at the 2021 Vigil for Freedom and Racial Justice.



In Movement In Sisterhood

**An update from Danielle Metz, TNC
Director of Clemency**

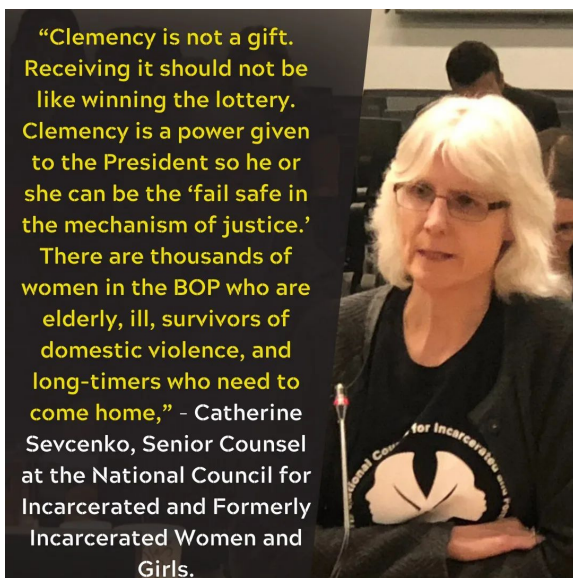
On December 10, 2021, I had the honor of standing shoulder to shoulder with some extraordinary women as Congresswomen Ayanna Pressley and Cori Bush, and Congressman Hakeem Jeffries introduced the FIX Clemency Act. **This is an important bill that would take the review of clemency applications out of the Department of Justice and put that function in an independent commission.** The bill provides that one of the commissioners be a formerly incarcerated person. This new structure would clear the backlog of 15,000 pending applications for clemency.

Lives are at stake; over 250 incarcerated people in the BOP have died of COVID. It must be tremendously difficult to be imprisoned and fighting for your life while your family battles for survival on the outside. Please tell them to call their elected representatives in Congress and ask that they support clemency reform. The National Council for Incarcerated and Formerly Incarcerated Women and Girls contributed to drafting the bill.

The FIX Clemency Act will only address the dysfunction in the federal system. But the National Council is also working on the state level. This is a momentous moment in the fight to end the incarceration of women and girls. Together we won't stop until all our people are free!

Sincerely,
Danielle Metz
Director of Clemency
The National Council

**FOR WAYS THAT YOUR FAMILY AND FRIENDS
CAN HELP, VISIT:
www.nationalcouncil.us/clemencyfix-act**



Become a member today
for only \$5 per year!

www.nationalcouncil.us/get-involved

Ask Grandma

Dear Grandma,

I believe that I am eligible for Earned Time Credits under the First Step Act, but I don't know how to find out whether I have been credited correctly for the programs I have completed. If the BOP has made a mistake in determining my eligibility or the amount of time I am owed, how do I get them to fix it? – Baffled in the BOP

Dear Baffled,

By January 2022, the BOP must inform you if you are eligible or ineligible to receive FSA Earned Time Credits. The First Step Act requires the BOP to apply your eligible classes towards programming hours that can be used toward increasing pre-release custody (e.g., halfway house and/or home confinement). (Earned time credits do not reduce a person's sentence but rather allow eligible people to serve their sentence outside prison walls. For example, the current limits on time in a halfway house (up to 12 months) and home confinement (six months or 10% of the sentence, whichever is less) will not apply to earned time credits. So, a person can be released to a halfway house and/or home confinement even earlier, meaning incarcerated people can spend more than 12 months in a halfway house or more than ten percent of their sentence in home confinement after accumulating earned time credits.

People who complete rehabilitative programs serving sentences for offenses not eligible to receive earned time credits are nonetheless eligible for other incentives, including increased telephone and email time, expanded visitation, and more options at the commissary. Individual wardens will decide incentives for privileges at each institution. See Program Statement RSD/RSD NUMBER: 5220.01 DATE: July 14, 2021, First Step Act Program Incentives. Acquiring "Earned Time Credits" (ETCs)

All eligible persons can earn 10 days of ETCs for "every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities."

Persons in min/low-risk categories who "over 2 consecutive assessments" have not increased their risk category shall earn "an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities."

Persons who "successfully participate" in programming shall receive reassessments "not less often than annually." Persons in medium/high-risk categories who are less than 5-years from release shall receive "more frequent" reassessments. See 18 U.S.C. § 3632(d)(4), (5)

Using "Earned Time Credits" (ETCs)

ETCs can be used when accumulated credits are equal to remainder of prison term. For prerelease custody (home confinement or RRC):

- (1) Min/Low risk for last 2 reassessments; or
- (2) Warden approval after determining
 - (a) no danger to society;
 - (b) good-faith effort to lower recidivism risk through programming; and
 - (c) unlikely to recidivate

For supervised release (not to exceed 12 months):

- (1) Min/Low risk for last reassessment; or
- (2) Warden approval after determining
 - (a) no danger to society;
 - (b) good-faith effort to lower recidivism risk through programming; and
 - (c) unlikely to recidivate See 18 U.S.C. § 3624(g)

Importantly, potentially large categories of incarcerated people will not be eligible to receive earned time credits based on the crime they committed. Additionally, non-citizens with immigration detainers will not be able to benefit either.

You can find your statute of conviction on your sentence computation form which can be obtained from your case manager. Ineligible for ETCs If "serving a sentence for a conviction" under any of the following:

• 18 U.S.C. § 1030(a)(1)	• 18 U.S.C. § 1091	• 18 U.S.C. § 111(b)	• 18 U.S.C. § 113(a)(1), (7), (8)	• 18 U.S.C. § 115, except threats
• 18 U.S.C. § 116	• 18 U.S.C. § 117	• 18 U.S.C. § 1751	• 18 U.S.C. § 1791	• 18 U.S.C. § 1792
• 18 U.S.C. § 1841(a)(2)(C)	• 18 U.S.C. § 1992	• 18 U.S.C. § 2113(e)	• 18 U.S.C. § 2118(c)	• 18 U.S.C. § 2119
• 18 U.S.C. § 2250	• 18 U.S.C. § 2251	• 18 U.S.C. § 2251A	• 18 U.S.C. § 2252	• 18 U.S.C. § 2252A
• 18 U.S.C. § 2260	• 18 U.S.C. § 2283	• 18 U.S.C. § 2284	• 18 U.S.C. § 2291 if sub. risk of death/SBI	• 18 U.S.C. § 2340A
• 18 U.S.C. § 2381	• 18 U.S.C. § 2442	• 18 U.S.C. § 32	• 18 U.S.C. § 33	• 18 U.S.C. § 351
• 18 U.S.C. § 3559(c)(2)(F) if +1 year imprisonment and if certain prior convictions	• 18 U.S.C. § 36	• 18 U.S.C. § 521	• 18 U.S.C. § 751	• 18 U.S.C. § 793
• 18 U.S.C. § 794	• 18 U.S.C. § 81	• 18 U.S.C. § 842(p) if weapon of mass destruction)	• 18 U.S.C. § 844(f)(3), (h), (i)	• 18 U.S.C. § 871
• 18 U.S.C. § 879	• 18 U.S.C. § 924(e)	• 21 U.S.C. § 841(b)(1)(A-C) if death/SBI resulted	• 21 U.S.C. §§ 841(b)(1)(A)-(B) or 960(b)(1)-(2) for any drug if court finds offense involved fentanyl/analogue and role enhancement Deportable persons: ineligible to apply time credits if subject	• 21 U.S.C. §§ 841(b)(1)(A)-(B) or 960(b)(1)-(2) if for fentanyl/analogue Court-found Ineligibilities:
			to a final order of removal under any provision of the INA See 18 U.S.C. § 3632(d)(4)(D)-(E)	
• 21 U.S.C. §§ 841(b)(1)(A)-(B) or 960(b)(1)-(2) if heroin and court finds role enhancement	• 21 U.S.C. §§ 841(b)(1)(A)-(B) or 960(b)(1)-(2) if meth and court finds role enhancement	• 42 U.S.C. § 2077(b)	• 42 U.S.C. § 2122	• 42 U.S.C. § 2131
• 42 U.S.C. § 2274	• 42 U.S.C. § 2275	• 42 U.S.C. § 2284	• 49 U.S.C. § 60123(b) if sub. risk of death/SBI	• 50 U.S.C. § 1705
• 50 U.S.C. § 3121	• 50 U.S.C. § 4611 et seq.	• 8 U.S.C. § 1326(b)(1), (2)	• 8 U.S.C. § 1327	• 8 U.S.C. § 1328

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Ask Grandma | In Loving Memoriam

Ask your case manager for the status of your earned time credits. If they won't tell you or if you believe they have miscalculated your ETCs or incorrectly determined that you are not eligible for the program, you must file a grievance. File a BP-9 explaining why you are entitled to ETCs. Send an electronic request through Corrlinks to your unit team, thus starting the administrative remedy process. They have up to 40 days to respond. Give them 40 days and then request a BP-10, and provide the same information on your BP-10, explaining that you have yet to receive a response to your BP-9 and send it off to your Regional Office administrative coordinator. Regional has 60 days as well to respond. If they don't, ask for a BP-11, follow the same procedure, and send it to the Central Office. They also have 60 days to respond. If they don't respond you will have exhausted your administrative remedy and can go into the district court where the prison is located to seek a ruling that you are entitled to ETCs. You will not be able to seek a judge's help until you exhaust administrative remedies, so make sure you file the paperwork within the required deadlines. Make sure to use certified mailing receipts with a tracking number when you mail anything legal.

Good luck and keep up the programming!

Peace and Love, Grandma

The information in this article is for informational purposes only and does not constitute legal advice nor does it create an attorney-client relationship with anyone at the National Council. You should consult an attorney to get an assessment of your personal situation.



FREEHER
#CLEMENCYWORKS



Tiyana Tiffany Price
06-18-1987-12-7-2021

Tiyana was a loving and pure spirit with the heart of an angel. She was also a doting mother who was educated and highly optimistic; most of all, Tiyana was a warrior and a loyal member of the National Council whose mother, Virginia Douglas, is one of the co-founders.

Sleep on Tiyana and Rest in Peace.



Tyjah Kahn

With joyous hearts, we celebrate the life of our sister Tyjah Khan and her unwavering commitment to ending the incarceration of all women and girls. We will miss you, dear sister. Thank you for all you have taught us. Mostly how to walk in grace and dignity
