**ATTORNEY COMMUNICATION**

**CONFIDENTIAL**

[Date]

[Client Address]

Dear [Client]:

*[Note to counsel: this letter is purely informational and does not give advice about whether a client should stay or go, whether visiting will be harder or easier, or other communication will be affected should your client decide to participate in the CITPP. That part has been left up to you. Please edit this letter as you see fit.]*

I wanted to write to you about the CDCR’s new program that lets San Quentin’s condemned prisoners transfer to another CDCR prison. You have probably seen a memo that CDCR gave out about this program. The CDCR is calling this the “Condemned Inmate Transfer Pilot Program” (CITPP). [DELETE if not relevant to your client: The CITPP also lets prisoners on death row at CCWF transfer to the CCWF mainline]

I wanted to tell you what we do and don’t know about how this will work.

**Here is what I know about the transfer program:**

* This program is VOLUNTARY. If you don’t want to move, you don’t have to. If you don’t want to move, at your next Unit Classification Committee (UCC), tell them that you want to stay at San Quentin and do not want to be part of the CITPP.
* The best information we have is that if you decide NOT to move, and you say “no” at your first UCC, you may still change your mind and say “yes” to transferring at any point during the two years that the pilot program exists. This is what San Quentin has said so far, but this information is not in the regulations so we cannot be completely sure about it.
* Not everyone will be able to move. If you were found guilty of a Division A or Division B offense in the last 5 years, you cannot be in this program. This covers a lot of different 115s, but not all of them. For example, possession of a cell phone is not a Division A or B offense, and neither is testing “dirty” for drugs. Even so, these offenses will increase your classification score and might make you ineligible for a Level III facility, which most prisoners will prefer to a Level IV. Ask your counselor, your lawyer, or one of us if you need help figuring this out.
* You can NOT transfer if your next UCC happens while you are serving a SHU sentence (housed in the A.C.).
* The prison has already started the program. At your next UCC hearing you will probably be asked to decide if you want to transfer or to stay at San Quentin, or you will be told why you cannot transfer at this time.
* Prisoners classified as male may transfer to one of seven prisons
  + California Correctional Institution (CCI), in Tehachapi (about 2-3 hours north of Los Angeles and one hour east of Bakersfield)
  + California Medical Facility (CMF), in Vacaville (about halfway between Oakland and Sacramento)
  + California State Prison, Corcoran, (COR) in Corcoran (about 60 miles north of Bakersfield and South of Fresno)
  + Centinela State Prison (CEN) in Imperial (about a half hour or 30 miles from Calexico/Mexicali border and two hours east of San Diego)
  + Kern Valley State Prison (KVSP) in Delano (about a half hour north of Bakersfield)
  + R.J. Donovan Correctional Facility (RJD) near San Diego (about 12 miles from the Mexican border at Tijuana)
  + Salinas Valley State Prison (SVSP) in Soledad (about 1.5 hours south of San Jose)
* All of these prisons will be accepting condemned prisoners, but your individual situation will limit the prisons that are available to you, and which yards or programs are available to you. Also some of these prisons may only be taking a small number of condemned prisoners.
* Once you decide to transfer and the prison accepts you into this program, you cannot change your mind. That means that if you volunteer for transfer and are told that you will go to a prison of your choice, you may end up sent somewhere different and not be able to change your mind to stay at San Quentin.

**Here is what we don’t know about the transfer program:**

* *How long will it take to get transferred if I decide to participate?* We don’t know. One person believes he will be moving in 30-60 days; we don’t know if that will be true for everyone.
* *If I transfer will members of my legal team be able to visit me as often?*
* *Will I be able to have my same property/ hobbycraft/ religious items?* We don’t know. This will likely depend on what prison you transfer to, and what your classification is when you get there. This is a good question for your counselor or UCC.
* *Will I get a job if I transfer?* This is very hard for us to answer. Our best answer is “Maybe, but you should not count on it.” On the mainline right now, there are not enough jobs for everyone that wants a job. You might get put at the bottom of the waitlist and have to wait months or even years.
* *If I transfer to another prison, but then change my mind, will I be allowed to come back to San Quentin?* We don’t know, but we don’t think so. The CDCR memo says that you can’t come back.
* *Will I be able to come back after the two years are up?* We don’t know, but we don’t think so.
* *Will I get to pick the prison I go to if I participate?* Here’s what we were told: the committee will listen to your request and take that into consideration. But you don’t make the decision; they make it. Also, keep in mind that you may first be transferred to the prison of your choice, and later be re-assigned to a different prison.

A lot of people are trying to find out answers to these questions, and I expect that we will be learning more about the transfer program. I will let you know when we know more.

**What you can do to try to find out more:**

* Read the rules and the Frequently Asked Questions carefully. Do that more than once. If you don’t have a copy, feel free to write or call us, and request a copy. If there are things you don’t understand, let us know, and we will try to help.
* Talk to your counselor before your next UCC and ask any questions you might have.

Sincerely,