

JPAY - UPDATE #1

The battle has definitely commenced, with San Quentin firing the 1st salvo. On Feb 4, I received some mail from my Pops that still had a money order (MO) inside. This was in contradiction to THEIR OWN RULE - California Code of Regulations (CCR), §3140 that is based on both the U.S., & State constitutions, Amend 5, & §15, respectively, which states that funds received via the mail SHALL [in legalese, this is MANDATORY] be processed by mailroom staff, & placed into an inmate's account. This, of itself, is no big deal, for it has been known to happen. In such situations, one would just pass the MO off to the legal mail officer, who would have it placed into the inmate's account, & return with the receipt.

This day, however everything was totally different. As I attempted to give the legal officer this MO, he steps back as if I'm offering him a bribe! He proceeds to tell me that he has been ordered not to accept these anymore. When I asked who gave this order, his unwillingness to provide a name, or position, was telling. I press on asking can he at least, supply me with a memo, or anything that overturns, the above-mentioned, State policy, CCR §3140. After unsuccessful attempts to bamboozle me with impotent authorizations, including a JPay form [Now I'm insulted!], he finally gives up, asserting to come back with a valid memo.

One of the few benefits of, continuously, being bullied by a legal system, is that it can compel one to study this weapon, THE LAW, that's constantly being used as an emasculating tool, just for self-preservation. As a consequence, what I quickly gathered, was to have EVERYTHING in writing! In

this legal system, our words tend to be mud. therefore, we need to arm ourselves with all the evidence that we can possibly amass. (Some rightfully argue, that this still is not enough!) In this case, I was looking for someone willing to cosign this perverse attempt to violate our rights,¹ & deliver us straight to Corporate America's front door, with their John Hancock.

After days of NO ONE willing to do this, nor, an ability to produce one document pertaining to this ALLEGEDLY new policy (see post: California "Blesses" JPay W/A Windfall), my confidence that something inappropriate is going on, perhaps even ILLEGAL intensifies. On that account, I go in even harder.

It must be added. I wasn't the only person in here w/a MO. Now, picture this, an institution, supposedly holding the 'worst of the worst,' giving inmates, undocumented, MOs to possess. Thereby, relinquishing all ability to prevent them from being endorsed, TO ANYONE, after their entry. This begs the question, "Why would a prison do this?" The answer is simple - if the mailroom confiscates anything from the mail, they SHALL have to notify the inmate, IN WRITING, STATING WHY! Therefore, in order not to leave DOCUMENTATIONAL EVIDENCE OF COLLUSION WITH A CORPORATE ENTITY, the prison is allowing these checks to bypass the mailroom, & pressuring the inmates to mail them out "on their own accord," which leaves no trace of them every entering the prison!

By Feb. 12, after receiving numerous false promises that someone will place the funds into my account, I made the decision to force documentation, by

any means necessary, even if this meant going to the hole & losing MOST of my property.

On this morning, of the 12th, as soon as I seen one of the Sgt.'s, I inquired into when will he have someone pick up this MO as he previously stated At this time, he does a 180: "They said you must mail it out & have it sent to JPay." Once again, I am not informed of who's in this powerful cabal of 'they,' that s overturning established laws. Being ready for this immediately, I notify him of my wish to turn in this MO as CONTRABAND, under CCR §3006(b). This rule states that an inmate may not possess money if he turns it in & if the rightful owner is not found, it will be placed into his account. As expected he's completely thrown by this, Why would you want to do something like that, just have it sent to JPay?" - he asks.

"Listen, if I am not allowed to have this, it must be contraband, & I would like to have this contraband out of my cell, ASAP!" I retort. Subsequently, I attempt to hand him the MO, along with an attached form for him TO SIGN, AS PROOF of this transaction.

"I am not doing that! Take it up with the next shift," he refuses, indignantly.

Time for Plan C: Getting rolled-up to the hole, which would generate paperwork, for sure! "I NEVER heard of an officer refusing to accept contraband! Usually, you are going out of your way to find some! Go get the Lieutenant [his superior], now!" I bark, combatively.

"Fine," he snaps, walking away.

After that blood-raising spat, I needed to partake in some meditation to focus on maintaining equanimity. Approximately 10 minutes has passed when the Sgt. returns. As I brace for combat, he announces, "Harris, I just checked & they are still processing MOs until the END OF THE MONTH. So, I will personally take it to the trust office, & have a receipt for you by the time you come in from the yard." :)

True to his word upon arriving from the yard, there was a receipt! Later in the day when I seen the Sgt leaving I decided to practice a little Buddhism: "Hey, Sarge .. Thanks." Again, I catch him off-guard.

"You see your receipt, huh? Anytime," he responds personably.

And, with that, all previous tensions evaporated!!!

Nevertheless, that was just one battle in what looks to be a protracted war. After all, AT THE END OF THE MONTH, "THEY" will be back, trying to push this faux policy!!!

To be continued ...

NOTE

1. See Wright v. Riveland 219 F.3d 905 913 (9th Cir. 2000) (inmates have a PROTECTABLE PROPERTY INTEREST IN FUNDS RECEIVED FROM OUTSIDE SOURCES); & Reynolds v. Wagner 128 F.3d 166 (3d Cir. 1997) ("Inmates have a PROPERTY INTEREST IN FUNDS HELD IN PRISON ACCOUNTS. Thus inmates are ENTITLED TO DUE PROCESS with respect to ANY DEPRIVATION OF THIS MONEY.")