

SJRA ADVOCATE

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LIFE WITHOUT POSSIBILITY OF REDEMPTION

By a Public Defender

Posted: 17 Jun 2010 06:47 PM PDT

I sat in a prison cell yesterday. And not your regular bullpen where they cram in 4 people who're waiting to go to court. The real deal. Where our clients sleep at night (and often during the day). That of the 60 square foot variety.

There was a bed – a small bed – that was the length of the room. At the foot of the bed a metal toilet, with no cover. Just beyond that the heavy metal door, with a slit for a window. The door was maybe 3 feet wide, if that. At the head of the bed, if you were laying on your right side, you'd be about half a foot away from an ugly metal desk with holes that pretended to be drawers. This could not have been more than a foot long. The bed was flush with one wall. The desk with the opposite.

The bed looked hard, cold and dirty. And that's it. This particular cell happened to have a window at the head of the bed. A window looking out onto nothing. Any future inhabitant of this particular cell would have it good. It was a single. Across the narrow passageway from this cell was another, identical in every respect except two: it was a double cell and there was no window. Here's a post <http://apublicdefender.com/2008/08/19/must-prisons-be-so-confining/> I wrote a while ago about a different take on prisons in a foreign country.)

I didn't have the courage to ask my escort to have them close the cell door for a minute, locking me in. It was nauseating and claustrophobic enough as it is. Maybe I was having a panic attack, or maybe the air in there was dead, like the spirits of the men that inhabit these cells, but I thought I was going to faint.

I willed myself to stand there, though, for a minute. To look around at the bare walls, the bare desk, the dirty toilet and imagine someone "living" there.

I even briefly closed my eyes and tried to

picture myself there, day in and day out, for months, which turned into years, which turned into decades.

Would I survive? How does anyone? Would I give up and stop bathing, shaving, eating? Would I maintain my sanity or would I quickly decompensate? How long would it be before I'd want to kill myself?

Luckily, my stint in a jail cell ended rather quickly. As I stepped out and waited for my escort to guide me to the next location, I peeked into the cell across the way – the double – and it was occupied. Two men, sleeping ramrod straight (for these "beds" are as wide as the human body and no more), in a dark, dingy cell.



One lifted his head as I was spying and looked at me. I looked away. I didn't want to see his lifeless eyes.

People in cells are lucky, though. The next portion of the tour took me to the dorm-style housing. Which is nothing like any dorm you've ever lived in. Imagine instead the makeshift MASH hospitals, or perhaps the busiest train station in your neighborhood at rush hour, except instead of standing, people are milling about a hundred bunk beds on that tiny platform.

There is no privacy, there is no solitude, there is no being left alone. You are part of a large crowd. You are in someone's face and they are in yours. You are a collective. Day in and day out. You share your bedroom with 125 other people.

Leaving the prison, I asked my colleague: cell or dorm? There's no debate. Cell. I'd rather lose my sanity by myself.

Parole has got to be a sham. There's no way that a group of 3 or 4 "regular folks" can decide whether one inmate is worthy of release

over another. How can anyone better themselves in those conditions? Is there any choice but to give in to the atmosphere? The aura of despair, rejection and failure? How can we reasonably expect a person to prove to us on the outside that they're worthy of a shot, when we give them no chance at redemption?

Parole hearings last 30-40 minutes. In that time, the board will try to determine who the person is that is sitting before them, what they've done to "change" and whether they'll reoffend. It's a crock of shit. It has to be. We spend our lifetime trying to figure out who we are and yet we ask others to perform this act and convince us of the goodness of their hearts and the errors of their ways in the time it takes for me to absent-mindedly watch the latest episode of crappy sitcom after crappy sitcom.

They don't stand a chance. Parole is a guessing game, much like poker. There's a lot of bluster and bluffing and saying the right things and avoiding doing the wrong things.

It's like locking a man in a room for 5 years with only a bicycle tire and asking him to manufacture the Bugatti Veyron in that time period and then punishing him when he is unable to. Why are we surprised? Why do we blame *them*?

How can one fault the inmate who, having served 30 years of his 40 year sentence, has done close to nothing, when it is we who have taken the tools from him. We, who have told him in no uncertain terms that his life, his potential, his talents, mean nothing, who have sucked the spirit out of him and confined him into submission, cannot then turn around and hold that man responsible for his failure to meet our arbitrary standards of rehabilitation.

Time slows down in prison. A minute seemed like an hour to me. I bet an hour seems like a year and a week like a decade. What of sentences of 5, 10 and 40 years? I can't imagine what that must feel like. Hearing an imaginary clock tick every second of every day in your head, loud and unstoppable. Thinking about it is agonizing. Living it must be unbearable.

Why are we surprised (Cont'd Page 13)

Note from Barb

Dear loved ones,

It is so good once again to touch bases with you. When I write this note, it is usually the last thing I do on the newsletter. It's a good sign that it will go to the printer shortly.

Please notice we don't have a flier on the newsletter about the Families Fast 4 Freedom Day on August 6th. I figured by the time you get this newsletter, the 6th will have come and gone. If you have the past couple of issues, the flier is in them. But the important thing for you to do is to inform your families of the day of fasting in order to get the attention of the media. We have to be able to give them numbers, so they will know how many families are participating.

Also, it is to our advantage that the media see us, so your family will be helping our causes by making a sign in support of their issues, such as Amending 3-strikes, getting rid of Life Without Parole, No LWOP for Juveniles, Education instead of Incarceration, Family Visits, Stop Isolation Units, whatever effects your families. They should do this whether or not they participate in the FAST. The sign does not have to be fancy, just a large piece of cardboard from a box, white paper and large printing with black marker. Not a big deal. They should go to their state senator or assembly person's local district office at 11am on August 6, and picket the office for at least one hour. Go inside the representative's office, give them a flier to let them know you are there. If your family will call FAST4Freedom at 760-348-2638, they can get more information and find out where L.A., San Francisco and Sacramento will meet. If they are not in those larger areas, please go to your own representative's office, and let Fast4Freedom know you will be there, so they can make an attempt to get media to be there also. Fast4Freedom may also have fliers for your families to give to the public. If we are silent, if we sit back and think someone else can take our place, and still make a difference, you are clearly wrong. Every other group besides prison reform, will come out in droves, whether teachers, gays, pro-abortion or pro-life. We have 170,000 prisoners. Granted some of those families will not support our causes, but the many that do, have to get moving, or we will be in the same spot for a much longer time. Your family is an extremely important part of our success in reforming these issues.

Sorry to go on and on about this subject, but since no flier, the message has to be out there somehow. We can still do it!

YES WE CAN!
Barb

ANOTHER PRISONER DIES: Shorty's Untimely Death Should Not be In Vain

By Kenneth G. Keel

Dwight "Shorty" Rolls died Monday evening, June 7, 2010. May he rest in peace! Shorty was a 55-year-old African-American, born on August 8, 1955. He was a small, docile and humble man. Shorty died isolated, desperately suffering, and without hope. His parents and brother are deceased, and he has not communicated with his estranged sister for nearly 20 years. Dying without dignity is an understatement.

Shorty was a political prisoner, confined at the Folsom State Prison ("FSP"). He was a non-violent "Third Striker," serving 25-years-to-life under the "Three Strikes and You're Out" law, for a victimless crime--i.e., personal use drug possession. Shorty was a good partner in our quest to amend the "Three Strikes" law. With that in mind, I am both saddened and honored to write this obituary on behalf of my fallen comrade.

About two weeks before his death, Shorty passionately discussed California's inhumane prison conditions. He looked into my eyes and said, "If I had enemies, I would not wish this on them!" During his final days, despite constant and severe pain, Shorty would regularly visit the FSP Law Library to obtain knowledge, wisdom and understanding. He was a fighter to the end!

Shorty knew he was dying, and he knew exactly what was killing him: toxic food provided by California's Department of Corrections and Rehabilitation (henceforth "CDCr"). Having consumed CDCr's toxic meals for 15 years, Shorty developed several serious medical conditions, including: chronic constipation, high blood pressure, diabetes, cancer, etc.

There was no early medical intervention for Shorty. He gradually got sicker-and-sicker. Not surprisingly, CDCr's sub-standard health care services accelerated Shorty's demise. About two weeks before his untimely death, CDCr's health care providers merely advised Shorty to "drink more water." His body was too weak to tolerate the toxins.

Although shorty was isolated at the times of his death, he didn't die alone. Before his passing, Shorty gave his life to "Jesus." There wasn't a day that went by that Shorty didn't get down on his knees to pray! He regularly attended FSP's Greystone Chapel for Bible Study, Narcotics Anonymous and Alcoholics Anonymous.

Shorty's death should not be in vain. He is a poster-child for cruel or unusual punishments. Shorty's death is not uncommon. He is only one of CDCr's many victims. We are in the midst of a growing epidemic of diabetes, cancer and many other serious medical conditions. Everyone consuming CDCr meals a decade or longer has an elevated risk of premature death.

Like most prisoners, Shorty had no power, no political affiliation, and no financial resources. He paid for that with his life.



**For Immediate Release United States
Public Opinion Poll June 21, 2010**

KEY FINDINGS

- **75% believe the prison system in the U.S. does not do a good job in helping prisoners become law-abiding**
- **67% say the justice system in the U.S. does not treat every person fairly**
- **50% think the criminal courts in the U.S. do a good job in determining whether or not an accused person is guilty**

From June 9 to June 10, 2010, Angus Reid Public Opinion conducted an online survey among 1,021 American adults who are Springboard America panelists. The margin of error—which measures sampling variability—is +/- 3.1%. The results have been statistically weighted according to the most current education, age, gender and region Census data to ensure a sample representative of the entire adult population of the United States. 7-page report, go to the website below, or send 2 stamps to SJRA Advocate

http://www.visioncritical.com/wp-content/uploads/2010/06/2010.06.21_Justice_USA.pdf

FACTS gives the facts

An interview between Geri Silva, Executive Director of FACTS Education Fund
and Barbara Brooks, Director of SJRA

Barb, SJRA: Geri, for those who don't know FACTS that well, will you give us a brief background of how FACTS got started.

Geri, FACTS: *In 1992 some of us were attending meetings of Mothers Reclaiming Our Children. ROC was dealing with people of color who were going through the system with their children and didn't understand what was happening. When the 3-strike law passed, I remember one guy, who stole a package of razor blades and was sentenced to 25 years to life. We were all stunned and in disbelief. The families started handing out fliers at the county jails. Christy Johnson in Orange County heard about us. Her husband was a 3-Striker and she formed a group similar to ours in OC. In the beginning, OC and L.A. were networking with each other and in 1997, we formally came together. Then more and more people came on with us, from San Diego, Hacienda Heights, San Jose, and other cities and counties. By 2007 we had 28 chapters, some in and out of existence. L.A. and Orange County were always the strongest chapters.*

Everyone worked very hard from the beginning. We thought with all our hard work, it would be over in a couple of years.

We tried to get the state legislators on board with us. There have been eleven bills in all. None of them ever went anywhere, except Senator John Vasconcellos' Study Bill, which passed, but was vetoed by Governor Pete Wilson.

Today most chapters meet once a month, but L.A. meets twice. There has been a renewal of interest. Stanford has given us hope and a boost to the movement. New people are calling all the time. We are feeling more certain now about 2012. We have a good chance. Everyone needs to get involved.

Southern California FACTS chapters are getting together on July 31. This is an opportunity for all of us to work together, and educate the chapters. Sue Reams will go through the Timeline between now and 2012. We'll discuss how we can grow this movement, and brainstorm about how each chapter's work can fit into the timeline.

If families wants the 3-strikes law to be amended, if they really want it to happen, they need to call the FACTS office, help us organize. Nothing is going to happen unless they get involved. We've been preaching the same things for years. We do have new energy now.

Barb, SJRA: Geri, the SJRA Advocate has received quite a few letters in which, in a nutshell, our loved ones inside stated that they had lost confidence in FACTS and didn't trust them, that all FACTS wanted was their families money. After all these years of getting money, millions they seem to think, FACTS hasn't done anything about this law.

How would you respond to this?

Geri, FACTS: *For those who feel we have done nothing but taken their families money through the years, please understand, I get your frustration. We've been at this 13 long years and the law is still in effect. We never believed it would be this hard in the beginning, but we fully underestimated the stronghold the prison industry has on the state lawmakers.*

So while I do understand your impatience, I will make no excuses for FACTS, as in truth, we owe none. We have worked extremely hard for all these years, often at the level of volunteers as the money was not available to pay salaries. We are a very, very committed group of people who will not stop until we have achieved our goal, or die in the process.

While we appreciate every hard-earned penny we have received from your families, it has been a small portion of the overall money needed to run FACTS. None of us is here for the money!! As you have read in the pages of the SJRA Advocate, FACTS feels very hopeful for 2012. The decision is up to you whether or not you believe and/or support our efforts. Either way, we move forward.

Barb, SJRA: Then, where did the monies come from, if not the families, what was it spent on and why was it spent on 'that'?

Geri, FACTS: *The majority of the dollars came from foundations. As a 501c3 Non-Profit organization, when we receive a gift in the form of a grant from a foundation, we cannot use the money toward putting an initiative on the ballot. But it can be used to educate the electorate and organize folks up and down the state. This is needed in order for us to build a statewide organization and create and disseminate literature everywhere.*

Other monies came from major donors, the rest from memberships, dinners, smaller fundraisers, monthly sustainers and smaller donations. Monies not spent on operations were spent on public opinion polling, printing

2008 initiatives, bus trips, posters, striker walls, props and the newsletters.

Our purpose has been to build an organization capable of winning over the hearts and minds of California voters. We have come a long way.

Barb, SJRA: You have said you are an abolitionist, and concerning the 3-strikes law, you personally would like to get rid of the whole law. Yet, our loved ones inside get the impression that the initiatives which FACTS support are more conservative. I'm thinking now of Prop 66 and that FACTS hesitated with their support in the beginning.

Explain to our loved ones why FACTS won't try to get 'unoccupied residential burglary' separated from serious and violent lists. Also, possession of a gun (or weapon) on the 3rd strike.

Now that the economy and other circumstances seem to be working in our favor, is there a chance to broaden the initiative?

Geri, FACTS: *I would not only love to get rid of the 3-strikes law, I'm an advocate of getting rid of prisons as any kind of solution or response to social issues. Because prison is handed us as the solution to public safety, we don't question it. That emphatically said, geri is not FACTS. FACTS was formed from among families whose loved ones were put in cages for minor property offenses. This not only sparked an outrage among families of Strikers, but it's not an exaggeration to say, the whole world responded in shock. At first, before we were officially FACTS, we all wanted to abolish the law, many of us fought against its passage in the first place, but we were faced with a law that passed with a comfortable majority, even in the communities where folks were the hardest hit. As a practical matter, we had to confine our goal to amending an obscene law. In the process, through a series of public polling done since 2001, we also concluded what voters would agree with and what sorts of amendments would make our efforts vulnerable. It was clear from the very beginning that folks would not vote for a bill which would allow the release /resentencing of 20,000+ people, so we could not include 2nd strikers in the re-sentencing provision. Although that hurt, again, we acted in the interests of those with life sentences and no real guarantees of ever getting a date. For that reason, we were at first skeptical about Prop 66 as the language was vague enough for some experts to tell us that it seemed to allow for the re-sentencing of second strikers. Consultants, with a history of winning initiatives told us that this made the initiative extremely (Cont'd Page 9)*

JUV AND LWOP

Graham v Florida / Sullivan v Florida

OPINION RECAP

Lyle Denniston *originally wrote the following for SCOTUSblog, covering both Graham v. Florida and Sullivan v. Florida:*

Analysis

In state prisons scattered across ten states, and in a handful of federal penitentiaries, a group of 129 prisoners on Monday gained a new constitutional right from the Supreme Court, but not one of them yet knows whether the ruling will lead to freedom. Each of them, convicted as minors and sentenced to life in prison without the chance of release, learned that it would no longer be possible for any juvenile to get that sentence in the future if the crime did not involve murder. But the Court did not rule that any of those 129 must now be released, or even that any of them must be re-sentenced. That was not what they won.

Instead, each of the 129 must be given some chance to show, at some point in the future, that they have matured enough while in prison that they might then be ruled “fit to rejoin society” (in the Court’s phrase) rather than staying in prison for the rest of their lives. And, while every other juvenile who commits a serious “non-homicide” crime from now on has won a right not to be sentenced to life without potential release; the decision leaves open the possibility that conviction for such a juvenile might lead to a definite prison sentence of perhaps 40 or more years, thus stretching their confinement long into the future, perhaps to old age. The 6-3 decision in *Graham v. Florida* (08-7412) produced an outpouring of writing from the Court, including a fervent complaint by three dissenters that the majority was simply using raw power to rule by “judicial fiat,” but the ruling’s practical effect on juvenile offenders was far from clear. In declaring that the Eighth Amendment’s ban on cruel and unusual punishment is violated by a life-without-parole sentence for a juvenile whose crime did not involve murder, the Court did

make a new constitutional declaration. That is a flat, or categorical, rule, and thus it lays down the juvenile sentencing rule from here on — but for new sentencing proceedings only, it appears.

When Justice Anthony M. Kennedy’s opinion reached the point of creating a remedy for past violations of that rule, however, his opinion said flatly that “a state need not guarantee the offender eventual release.” Any sentence for a non-homicide crime by an individual under age 18 at the time of the crime must include, Kennedy wrote, “some realistic opportunity to obtain release” before the individual’s life ends. What the offender must show in that situation, according to the opinion, is “demonstrated maturity and rehabilitation.”

The Constitution, according to the ruling, “does not require the state to release” a juvenile offender “during his natural life. Those who commit truly horrifying crimes as juveniles may turn out to be irredeemable, and thus deserving of incarceration for the duration of their lives.” All that a state may not do, the ruling said, is make the judgment “at the outset” — that is, at the time of sentencing — that the youthful offender “never will be fit to reenter society.”

Justice Kennedy also made clear that, at this point, the Court was not going to go beyond the mandate of “some meaningful opportunity” to seek release. “It is for the state, in the first instance, to explore the means and mechanisms for compliance” with that mandate, the opinion said.

Justice Clarence Thomas, in the part of his dissenting opinion that attracted the support of Justices Samuel A. Alito, Jr., and Antonin Scalia, forecast the consequences of the Court’s having left that part of the remedy uncertain. Predicting that the courts of the nation will be embroiled for years in clarifying litigation, Thomas listed these questions for the future: “What, exactly, does such a ‘meaningful’ opportunity entail? When must it occur? And what Eighth Amendment principles will govern review by the parole boards the Court now demands that states empanel?”

And Thomas also pointed out, indirectly, that one of the next court battles is likely to be

over whether Monday’s ruling will lead to new constitutional limits on mandatory minimum sentences for juvenile offenders in non-homicide cases. In a footnote, he cited the fact that Colorado, a state that forbids life-without-parole sentences for such offenders, does allow them to be sentenced to up to 40 years in prison. And, that footnote added, even the lawyer representing a Florida juvenile in this case conceded that such a sentence “would probably be constitutional.”

Another sequel issue that seems certain to arise is whether the *Graham* ruling will have any impact on life-without-parole sentences for adults who commit crimes short of murder. While the Kennedy opinion is focused heavily upon the lack of maturity and judgment among juveniles, some of the language of the opinion about the harshness of a life-without-parole sentences may lead some adult inmates under such sentences to see some hope for a new Eighth Amendment challenge. There is another possible limitation lurking in what the Court did on Monday on juvenile sentencing: without explanation, it simply dismissed as “improvidently granted” a second Florida juvenile offender’s case, *Sullivan v. Florida* (08-7621). The Justices had reviewed that case separately from the *Graham* case, but then disposed of this second one without saying why. In fact, what had happened in that case in Florida courts was that, for procedural reasons, state courts refused to rule formally on the same Eighth Amendment challenge that ultimately prevailed Monday in the *Graham* case. That raises the possibility that some of the other 129 juvenile offenders now serving life-without-parole sentences for non-homicide crimes may have had their chances to take advantage of the new ruling foreclosed by procedural flaws.

In the *Sullivan* case, his lawyers had asked the Court to look beyond the procedural defect found in his case by Florida courts, and give him, too, a ruling on the Eighth Amendment question. By dismissing the case, without more, the Court simply declined to do so. Whether Florida courts, or a federal judge in a future federal habeas case, would now take on that task remains to be seen.

On Prison Reform: Keep fewer behind bars

Offer opportunities for self-rehabilitation

By Spoon Jackson
Friday, July 14, 2006
SFGATE.com

When I came to San Quentin in 1980, rehabilitation had not yet become a dirty word. During my years at the prison, I was trained in data processing; took Arts-in-Corrections classes; attended church programs; participated in the Course in Miracles, Toastmasters and Transcendental Meditation; read books on tape for the blind; and played Pozzo in the 1988 prison production of Samuel Beckett's "Waiting for Godot."

But my "rehabilitation" started before getting on the bus to Quentin. In the months when I was still in the county jail, I sat stunned by all the words the district attorney used during my trial. I had no idea what these words meant, and I told myself then that I would not let unknown words trap me. I started studying the dictionary in jail and reading all I could. I began to awaken the sleeping student inside me, and thus took my first steps on my journey.

At San Quentin State Prison, I checked out all the books I could get from the prison library and education department. In one notebook, I wrote definitions. In another notebook, I used my favorite words in sentences. I became enraptured with words. I said certain words aloud numerous times, and pondered a word in the way I pondered the garden in front of the prison chapel or a sparrow singing in a tree. I took all the adult high-school education classes offered in the day time. At night, I took all the college classes and self-help/personal-expansion programs offered. All of these programs stressed taking responsibility for your actions, forgiveness, growth, love and peace.

Words would be what self-rehabilitated me and my thinking. I learned a few new words each day, and each new word brought forth a geyser erupting inside my mind and soul. The more words I read, studied and pondered, the clearer life became. I became richer and deeper inside. I could see, taste, feel and touch the growth taking shape inside me, and understood things I had never understood before. It was like I walked down an endless hallway full of dark rooms and, with each room I passed, a light came on and I learned something new.

Now, it is 2006 and a different world. There are no trades or higher education classes offered in the prison where I am housed. Last year, the California

Department of Corrections was renamed the Department of Corrections and Rehabilitation, but I know from my studies that words can be used to clarify and words can be used to confuse. If the word "rehabilitation" is to be more than a meaningless string of 14 letters, the state must muster the resources and will to offer again a wide range of programs such as those offered in California prisons 20 years ago. These are the programs that allowed many of us to change ourselves.

For ultimately, rehabilitation is always self-rehabilitation. Prison had to offer the programs, and I had to make myself active in these programs and in my own self-directed studies. Self-rehabilitation works. I had to choose to change, which meant to get to know myself and find my niche, bliss and myth in life. I had to till the endless gardens in my mind, heart and soul. I had to become anew, despite being in prison.

Looking back, I see how words -- unknown words particularly --intimidated me all of my pre-prison life. Words like "grammar," "language," "composition" and "algebra."

Words used by the D.A., such as "propensity," "purport" and "depict." Not knowing what these words meant cut me off from getting to know parts of myself. My self-rehabilitation started with words. At first, I only knew this subconsciously. After years of constant growth, writing, and studying myself, words became my life, my light, my shining soul in the darkness. Words were my dreams, my wood to stoke the fires of my spirit. Words coming out of realness are redeeming.

Spoon Jackson has served 29 years of a life-without possibility-of-parole sentence and is currently imprisoned at California State Prison, Sacramento. To read more of his writing, go to:
www.spoonjackson.com

LONGER AGO

Poems by Spoon Jackson
Available at lulu.com

BY HEART

A Memoir by
Judith Tannenbaum & Spoon Jackson
Poetry, Prison, and Two Lives
Available at newvillagepress.net



Spoon Jackson has been in the art world and in prison for over thirty years. He is a poet, wrier, actor, teaching artist, and native flute

player. *By Heart: Poetry, Prison, and Two Lives* is a two person memoir written by Spoon and Judith Tannenbaum. He has won four PEN Prison Writing Awards: in poetry, nonfiction, fiction, and memoir, and was featured in Swedish filmmaker Michael Wenzler's short film, "Three Poems by Spoon Jackson" and in two music suites by Stefan Säfsten—"Freedom for the Prisoner" and "Words of Realness".

Read *No Beauty in Cell Bars* from *Longer Ago*

—See page 10

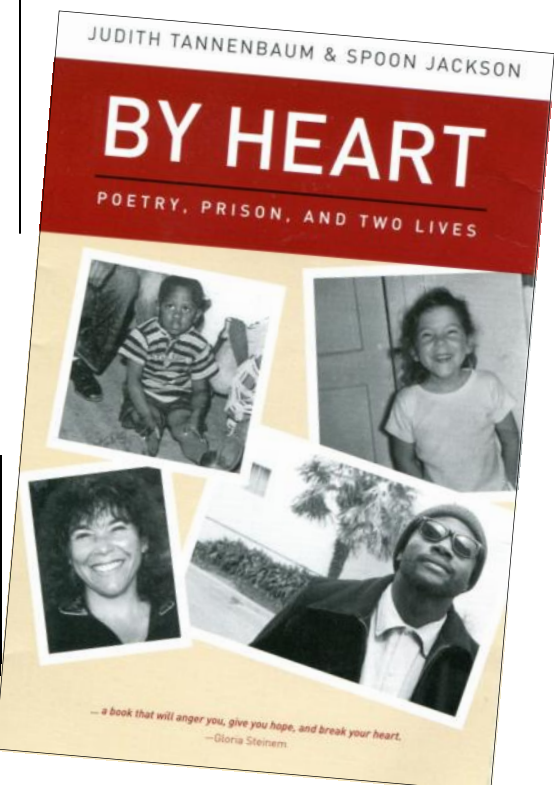
BY HEART: Poetry, Prison, and Two Lives

by Judith Tannenbaum and Spoon Jackson

A two-person memoir that explores art, education, prison, possibility, and the power of poetry to heal.

"A boy with no one to listen becomes a man in prison for life. He reads for the first time, and discovers his mind can be free. A woman poet enters prison to teach, becomes his first listener, and so begin twenty-five years of friendship between two gifted writers and poets."

—Gloria Steinem





Facts and Fiction about Sex Offenders

Part 3 of a 3-Part Series

By Chris Dornin, Retired Statehouse reporter

Published: 05/24/2010
www.corrections.com

SJRA Editor's Note: In the June issue, Part 2 of this series, our last myth to be discussed was "The Myth that Sex Offenders have a 94 percent Recidivism Rate. Below is the author's response, based on his research.

As I mentioned in the part 2, This is a very informative article that compiles various reports and studies regarding this distasteful and touchy subject, but we are not afraid of truth. Only rumors and misinformation keeps us ignorant and in the dark. Remember, knowledge is power. Our thanks to Mr. Dornin for giving permission to re-print this in the SJRA Advocate. This is Part 3 of 3 parts.

Fact: Most types of sex offenders have low sex-crime recidivism

A report to the Ohio Sentencing Commission in 1989 said 8 percent of sex offenders were convicted of a new sex crime within a decade. The 10-year Ohio recidivism rate for incest was 7.4 percent.

A 1998 Canadian Government study by Karl Hanson and Monique Bussiere, entitled "Predicting Relapse: A meta-Analysis of Sexual Offender Recidivism Studies," examined 61 research efforts between 1943 and 1995 with a combined sample of 28,972 sex offenders. The overall recidivism rate for new sex offenses was 13.4 percent during the average follow-up period of four to five years. Of the 9,603 child molesters in the combined cohort, the rate was 12.7 percent. Some of these studies dated back to the period when only stereotype serial sex offenders went to prison, thus weighting the results toward greater recidivism.

Roger Hood and three British colleagues followed 162 released sex offenders for four years and tracked 62 others for six years. Their report in 2002, entitled "Sex offenders emerging from long-term imprisonment; A Study of Their Long-term Reconviction Rates and of Parole Board Members' Judgements of Their Risk," found 1.2 percent were re-imprisoned for a new sex crime after two years. The report concluded, "These facts need to be more widely recognized and disseminated if there is to be rational debate on this emotive subject."

A 2000 Iowa Corrections study tracked 233 sex offenders released in 1995 and 1996 under a new sex offender registry law. That group had a 3 percent sex crime recidivism rate after 4.3 years in the community. A similar control group of 201 sex offenders released before the registry law took effect had a 3.5 percent sex recidivism rate in the same length of time. The group super-

vised under the registry had a somewhat lower average recidivism risk score to begin with, and it had a higher proportion of people on probation as opposed to parole. The difference in recidivism rates was statistically insignificant.

A U.S. Justice Department report in 2003 tracked 9,691 sex offenders released from prisons in New York, California, Ohio and 12 other large states in 1994. Their recidivism rate for new sex arrests and convictions after three years on parole was 5.3 percent. 7.3 percent of child molesters with two or more prior arrests for that crime were charged anew for molesting. That compares with a 2.4 percent sexual recidivism rate for child molesters with only one prior arrest for that crime.

Karl Hanson and Andrew Harris published a 2004 report on 4,724 sex offenders in 10 Canadian and American samples ranging from 191 to 1,138 subjects. The average follow-up period was seven years after release. The overall sexual recidivism rates were 14 percent after five years, 20 percent after 10 years and 24 percent after 15 years. Incest offenders had corresponding rates of 6, 9 and 13 percent. Recidivism was defined as a new sex crime arrest or a new conviction. Counting only new convictions, the recidivism rates were generally half as high.

Karl Hanson and Morton-Bourgon published a similar meta-analysis in 2005 of 73 recidivism studies with a combined cohort of 19,267 sex offenders. After an average of nearly six years in the community they had a new sex crimes recidivism rate of 14.3 percent.

A 2005 report by Robert Barnoski of the Washington State Institute for Public Policy tracked the five-year sexual recidivism rates for 8,359 sex offenders released from Washington prisons between 1986 and 1999. Here are the results by year of release, showing the rate decreased over time.

Year	5-Year Rate	Year	5-Year Rate
1986	6%	1993	8%
1987	7.5%	1994	6%
1988	7.5%	1995	4.4%
1989	6%	1996	3%
1990	7%	1997	2%
1991	8%	1998	3%
1992	6%	1999	3.7%

A 2006 New York study analyzed the recidivism patterns for 19,827 sex offenders. The rate for new sex offenses after one year in the community was 2 percent. The cumulative rate increased to 3 percent after two years, 6 percent after five years, and 8 percent after 8 years.

A 2006 California study followed 93 adjudicated high-risk sexually violent predators released from civil commitment at the Atascadero State Hospital. Only 4.3 percent of these worst-of-the-worst offenders had committed new sex offenses after six years on the street.

A 2007 study by the Missouri Department of Corrections tracked 3,166 sex offenders released between 1990 and 2002. Twelve percent

had been re-arrested for a new sex crime in those 12 years, and 10 percent had been reconvicted. The report also looked at sex offenders released in 2002. In the first three years on parole their sex crime recidivism rate was 3 percent. The report concluded, "Due to the dramatic decrease in sexual recidivism since the early 1990s, recent sexual re-offense rates have been very low, thus significantly limiting the extent to which sexual reoffending can be further reduced."

An Alaska Judicial Council report in 2007 said 3 percent of sex offenders had committed a new sex crime in their first three years after release from prison.

A 2007 report by the Tennessee Department of Safety found that 4.7 percent of 504 sex offenders released from prison in 2001 were arrested for a new sex offense after three years. The sex crime recidivism rate was zero for offenders whose original crime was incest.

A 2007 Minnesota Department of Corrections study tracked 3,166 sex offenders released from Minnesota prisons between 1990 and 2002. After an average of 8.4 years in the community, 10 percent had been convicted of a new sex offense. Those released in the beginning of the study period were much more likely to reoffend within three years than those released later -- 17 percent in 1990 as opposed to 3 percent in 2002.

A 2007 report by Jared Bauer of the West Virginia Division of Corrections tracked 325 sex offenders for three years after release from prison in 2001, 2002 and 2003. The recidivism rate for any return to prison, not just for sex crimes, was 9.5 percent. Only six parolees returned for new sex related crimes, including three for failing to properly register as a sex offender. The sex crime recidivism rate was slightly less than 2 percent. Only 1 percent had an actual sex crime victim.

A 2008 report by the California Department of Corrections and Rehabilitation tracked 4,280 sex offenders paroled in 2003. In the first year 2.43 percent had been arrested for new sex crimes. The cumulative totals were 3.27 percent at the end of the second year and 3.55 percent after three years.

A 2008 study by California's Sex Offender Management Board reported on 4,204 sex offenders released in 1997 and 1998. 3.38 percent were convicted of new sex offenses in the next decade.

Utah criminologist Larry Bench tracked 389 Utah sex offenders for up to 25 years after release. His 2008 report disclosed that 7.2 percent had been arrested for a new sex crime.

An Indiana Corrections report in the spring of 2009 found that sex offenders released in 2005 had compiled a 1.05 percent sex crime reconviction rate in three years. The study said this rate was "extremely low" and showed "a great deal of promise."

Stan Orchowsky and Janice Iwama authored a 2009 study for the U.S. Justice Research and Statistics Association which showed similar low sex crime re-arrest rates after three years for sex offenders released from prison in 2001. The rates by state were (Cont'd page 9)

GANG VALIDATIONS NOT ALWAYS VALID

By A. Vasquez
C.C.I.

CDCR is at it again. On a wicked quest to validate inmates as being involved with prison gangs, as either associates or members. They are doing this without a second thought of how they are destroying peoples lives, both inmates and families.

I am currently in the SHU, validated as allegedly being involved as an associate to a prison gang for innocuous items.

For decades CDCR has validated inmates under vague and ambiguous rules. As time has ticked by, it has been challenged in court. Little by little some cases have been successful in chipping away at the broad spectrum of regulations. Many of the rules that were being used were never promulgated by the A.P.A (Administrative Procedure Act), and were deemed underground regulations.

In 2004, the settlement agreement of Castillo v. Alameida came into effect and it was believed that things would get better, but as the dust settled, CDCR did what they do best, they interpreted the rules as they saw fit to their 'future agenda.' Since the settlement agreement pushed forward for inmate rights, CDCR pushed back, and push back they did.

They began applying the rules in a form similar to a witch hunt. Now there are hundreds of guys newly validated, or going through the process, as I write this.* The majority of these men never imagined they would be faced with an ordeal such as this. It happened so fast, their heads are still spinning. Believe me, I can sympathize, because I didn't see it coming either. Most were not in any way involved in any gang activity.

The codified rules of the Title 15, Section 3000 and the Due Process clause of both State and Federal Constitutions are being violated in ways unimaginable. The validation spectrum of alleged prison gang associates and the placement of inmates in a Security Housing Unit (SHU for indeterminate terms absent any rules violations is extremely harsh. That is correct! We did not violate any rules. Had we done so, a CDCR 115 disciplinary write-up would be issued, however in most cases of validations, none are issued. Yet, everytime you go for a review (every 180 days), they write on your 128B chrono that "you have proven to be a threat to the security of the institution, by continued association with a prison gang engaged in a criminal conspiracy against the safety of others."

If that is so, then why isn't there disciplinary write-ups issued? They use this language carelessly. It's the exact same language used on chronos for years, and its terminology has detrimental effects that adversely affect your program. You are given an indeterminate term, you will spend longer terms than those found guilty of felonious

acts such as murder, attempted murder, etc. Disproportionate is not it.

CDCR is conducting these mass round-ups on the mainlines, validating inmates under vague rules.

For instance, using symbols that they claim are 'gang related.' At the very least, one would think that fairness and professionalism would move CDCR to give prisoners notice of tattoos and symbols that CDCR deems to be gang related. Just as law enforcement informs the public in their communities when something or a certain act becomes unlawful. They notify us of everything else, why so secretive to something with such an extreme impact.

If you are a lifer like myself, and you get erroneously validated, the validation automatically deems you unsuitable by the BPH. It does not matter how much you have rehabilitated yourself, upgraded vocationally, or educationally. Even though you have obtained and achieved every requirement asked of you by the BPH, pursuant to CDCR Title 15 3041 or 3042, they will deem you a risk to public safety and deny you a parole date, thus prolonging your sentence perpetually. This is very disheartening to the inmates and their families.

Not only does the validation hurt family relationships due to the SHU confinement, but if you have family members incarcerated, you will not be allowed to correspond with them. It does not matter if it's your mom, dad, spouse, brother or sister. You will be prevented from corresponding under the new rules pertaining to mail.

Thus, CDCR is terminating your family ties! This is contrary to the rules of the BPH when they are making their decision based on the support and strength of the family ties as one of the factors toward suitability. CDCR encourages inmates to correspond to enhance family ties for rehabilitation, but once they validate you, all that goes out the window. What is more absurd is, if you try to route a letter to the family member via another family member, who is absent any type of gang activity, CDCR will label that family member a third party drop box for a prison gang, without that person even knowing they have been labeled.

Once a person is validated there are only a few options of being released from the SHU. (1)-Debrief, but that puts your life in jeopardy, since you will be labeled a jailhouse snitch. The cold thing is, many who are validated as associates that were just caught up by CDCR's action, like myself, there is nothing to debrief about. We weren't involved to begin with! (2)-Be revalidated as

'inactive' associate after being clean of gang activity for 6 years. However, most of the time, lie magicians, they will come up with something they'll consider a source item (gang related). For instance, it's common to lend magazines to one another in here. If they were to search my cell and I have magazines or a book with the name and number of someone in here who is also validated, that is another point! I do not know where the gang activity is in the act of lending a magazine or book. But they will give you another 6 years in the SHU. If a guy isn't validated and has a magazine or book of someone validated, it will be used as a point towards a validation on him. This is the end results of CDCR's vague and ambiguous application of their rules. The other way out is to either parole or die. Lifers like myself are stuck. Our fate is in the hands of CDCR.

Such acts need to be stopped! Such acts by the CDCR threaten family unity and rehabilitation. It creates more jobs for CDCR staff. This is of national importance regarding violations of rights afforded to inmates and their families, and at the very least be addressed by the ACLU on a civil lawsuit. This way, they can put clarity into what gang activity is and that punishment is based on objective, concrete criteria, i.e., 'documented assaultive or threatening behavior on behalf of a prison gang. The CDCR has to be forced to cease applying these 'make believe' reasons for deeming inmates gang related, when there is nothing to substantiate it.

This problem is at a ver low level of visibility, and no one seems to hear the call for help from lawyers, prison advocates and so forth. Yes, I know that some people come to the SHU to talk to prisoners and print their stories, nevertheless, that is the extent of their help. We need action by way of lawyers and prison advocates willing to take the CDCR to court, so they can be forced to establish clear rules. Otherwise, we are here at the mercy of CDCR.

As I mentioned before, most of us never imagined this happening. But it only came to be by the CDECR's vague and ambiguous interpretation of the rules, and our pleas falling on deaf ears. If we could be provided with a list of lawyers who are at the very least willing to look at prison gang validation cases on a contingency basis, and see for themselves the injustice we are faced with. I think they will be appalled as well. We are not asking for pity, just clarity and justice, so that we can continue on in our rehabilitation and quest for our freedom.

*article submitted February 19, 2010

9th Circuit Declares Actual Innocence Irrelevant

Posted on: July 8, 2010 12:02 PM, by [Ed Brayton](#)

In one of the most appalling court rulings imaginable, the 9th Circuit Court of Appeals has decided that the fact that a convicted criminal can now be proven to be innocent does not matter if he filed an appeal in 16 months rather than the 12 months allowed by the statute of limitations. Actual innocence simply does not matter, only technicalities do. You can see the full ruling [here](#) <http://www.ca9.uscourts.gov/datastore/opinions/2010/07/06/09-35276.pdf>

We have previously refrained from deciding whether there is an actual innocence exception that serves as a gateway through the AEDPA statute of limitations to the merits of a petitioner's claims. Instead, we have assumed such an exception and have evaluated the actual innocence claims themselves, waiting until a state prisoner shows actual innocence to answer the legal question.

Imagine that, thinking that actual innocence should matter. But they'll have no more of that mollycoddling:

We decline to prolong the inevitable recognition that there is no "actual innocence" exception to the one-year statute of limitation for filing an original petition for habeas corpus relief.

Here's the part that makes my skin crawl. In explaining why the court is doing what it does, Judge Diarmid O'Scannlain notes that different district courts have disagreed -- and this is troubling:

This split creates troubling inconsistency. The rights of state prisoners in Oregon depend on which judge hears their cases. The rights of state prisoners in California depend on the happenstance of the location of their state prison. Such chaos calls out for our resolution.

Really? Out of all the facts in this case, *that* is the part you find troubling? And the second reason is that the judge is crying crocodile tears over courts having to actually, you know, hold hearings and stuff:

Our second reason for resolving this question at this time is that our district courts are expending vast amounts of

resources under the current approach of evaluating actual innocence, on the assumption that an actual innocence exception exists. Each such evaluation requires the submission of exhibits, oral argument, evidentiary hearings, and numerous rulings, as the case before us demonstrates. Here, the district court held several hearings and accepted numerous exhibits over the course of proceedings lasting several months... Since the text of the statute indicates there is not, the federal courts in our circuit are needlessly burdened.

Oh yeah, it's the judges who are needlessly burdened -- not the innocent people thrown in prison for half their lives or more, their lives ruined and families destroyed. Won't someone think of the judges? Why, what do these people think, they have a right to actual justice or something? When will the madness end?

By the way, does it even need to be pointed out that this guy was represented by a public defender?

<http://scienceblogs.com/>

Prison Law Blog

Sara Mayeux

Prison Law Office Demands an End to Race-based Lock-downs in California Prisons

According to official prison reports, the [California Department of Corrections & Rehabilitation](#) (CDCR) frequently subjects entire racial groups to lockdowns, restricting the access of all prisoners of that racial group to medical care, religious services, family visits, and other resources for an average of more than three months at a time. Yesterday the [Prison Law Office](#), <http://prisonlaw.com/> a leading prisoners' rights non-profit law firm based in Berkeley, Calif., issued a demand letter requesting that CDCR cease this practice. From the Prison Law Office letter to [Secretary Matthew Cate](#) ([full PDF available here](#)): <http://prisonlaw.com/pdfs/10.07.14Race-BasedLockdownsDemandLetter.pdf>

African-American prisoners from CSP-Solano wrote to us complaining that the institution

continues its practice of locking prisoners down based only on racial classification, despite a decision by a California Superior Court that this practice was unlawful. ... Several Northern Hispanic prisoners in one facility at CSP-Sacramento have written to us stating that they have been on "modified program" more or less continuously for the last ten years, and as a result receive fewer privileges, job opportunities and yard time than prisoners of other races. More than twenty African-Americans prisoners housed at Kern Valley State Prison informed us that all African-American prisoners in certain facilities have been locked down frequently as a consequence of fights between individual African-American prisoners, and that even African-American prisoners who are "unaffiliated" must endure extended denials of their rights or privileges with respect to movement, feeding, ducats, visiting, work, shower, medical, library, dayroom, recreation, canteen, packages, phone calls, family visits and religious services. Over a dozen White prisoners in one facility at SATF wrote to us complaining of multiple lengthy lock-downs; some informed us that they had been locked down for over a year. These deprivations of rights are imposed purely on the basis of race and even apply to prisoners who arrived at the prison after the date of the incident which provoked the lockdown.

The Prison Law Office argues that extended racially based lockdowns violate the Equal Protection Clause of the Fourteenth Amendment. While prisons are legally permitted to take race into account for safety reasons, any racially discriminatory disciplinary practices must be narrowly tailored to a compelling state interest, under [Johnson v. California](#) (2005). <http://www.law.cornell.edu/supct/html/03-636.ZO.html>

The letter concludes: "Even if the prisons were permitted to enforce race-based lockdowns for brief periods of time 'as a necessary and temporary response to a race riot or other serious threat of race-related violence,' ... such race-based policies cannot remain in effect for weeks and even months as CDCR's lockdowns too often do."

*** Note: The Prison Law Blog has no affiliation with the Prison Law Office, just boundless admiration for their work.**

We all know there is a small group of criminals who are repeat offenders. They are in and out of the system constantly.

The only way we can be able to protect the public from those predators is to lock them up for a long time.

Bill Lockyer,
California Attorney General
During campaign against Prop 66

New Report Urges Cost-Effective Reforms of Juvenile Justice Systems

Treating Juveniles in Community-Based Programs and Downsizing Institutions Most Cost-Effective Way to Rehabilitate Youth.

**FOR IMMEDIATE RELEASE:
July 14, 2010**

Contact: Annie Balck, National Juvenile Justice Network, 202-467-0864 x124 (w), 703-371-1067 (c).

NEW REPORT URGES COST-EFFECTIVE REFORMS OF JUVENILE JUSTICE SYSTEMS

Treating Juveniles in Community-Based Programs and Downsizing Institutions Most Cost-Effective Way to Rehabilitate Youth

Washington, D.C. - With many states facing alarming budget shortfalls, now is the time for cost-effective strategies to improve and shrink juvenile justice systems, according to a new report from the National Juvenile Justice Network (NJJN). *The Real Costs and Benefits of Change: Finding Opportunities for Reform During Difficult Fiscal Times*, explores an array of reforms that states have successfully utilized to improve outcomes for youth, increase public safety, and reduce costs.

The report highlights concrete strategies, both substantive and tactical, that have been proven to save states money and treat youth more appropriately and effectively. One such strategy is to adopt a fiscal realignment model, through which states provide incentives to encourage localities to treat young offenders through community- and evidence-based programs, and decrease their use of costly state-funded juvenile prison beds. Programs such as this in Ohio, Wisconsin, Illinois, and California have saved states significant amounts of money while improving outcomes for kids.

"Rather than indiscriminately cutting juvenile justice funding, we can use the current budget crisis as an opportunity to serve youth better by rethinking our current modes of spending," says Betsy Clarke, co-chair of NJJN. "By spending wisely, states can both save money and have better outcomes for youth, families and communities." NJJN also uses the report to demonstrate the cost-effectiveness of "downsizing" through closing youth correctional centers or lowering detention populations. Oregon, Rhode Island, Washington, and New Mexico, all have realized significant savings from downsizing. A growing body of research also points to the harmful effects of institutionalization on youth and the effectiveness of community-based programming. Studies have found that placing youth in "training schools" and other

juvenile facilities increases their chance of future delinquent and adult criminal behavior, disrupts normal development and educational progress, and negatively impacts short- and long-term employment opportunities for youth.

According to Abby Anderson, co-chair of NJJN, the urgency of the changes cited in the report has been heightened by the current fiscal crisis. While many of these reforms were instituted before the current financial meltdown, their cost-savings benefits have become even more salient.

"This is documented proof that states must stop wasteful spending on archaic and expensive juvenile prisons, which can cost as much as \$800 a day, or more than \$290,000 per year to house just one youth," said Anderson. "Not only are these practices expensive, but they are also ineffective. The juvenile justice system's goal should be rehabilitation, and we know that community-based services are much more effective in helping kids get back on track."

NJJN urges advocates to help educate their local policymakers around the expense and disastrous effects of juvenile institutions and with the existence of sensible alternatives that will both achieve cost-cutting goals and increase public safety.

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About the National Juvenile Justice Network:

The National Juvenile Justice Network is a membership organization of state-based juvenile justice coalitions and organizations that advocate for state and federal laws, policies and practices that are fair, equitable and developmentally appropriate for all children, youth and families involved in, or at risk of becoming involved in, the justice system. For more information about NJJN, please visit www.njjn.org and/or email info@njjn.org.

Facts and Fiction/Sex Offenders (Cont'd. from Pg 6)

as follows: Alaska 3.4%, Arizona 2.3%, Delaware 3.8%, Illinois 2.4%, Iowa 3.9%, New Mexico 1.8%, South Carolina 4.0%, and Utah 9.0%. The comparison three-year national rate was 5.3 percent noted previously for inmates released in 1994.

Chris Dornin is a retired newspaper journalist and volunteer into NH Prison who watched the New Hampshire legislature enact its recent sex offender laws. He can be reached at 603-228-9610 or cltdornin@aol.com.

FACTS (Cont'd from Page 3)

vulnerable. We got on board anyway because the language was so strong in every other way and we felt that because the language was vague, perhaps it would not catch up with us. As we now know, the Governor used it in his ads and we weren't in a position strong enough to challenge him.

*In terms of burglary, I can't begin to tell you how much I want to see us take burglary off the list. I say this even though, once again, the polls show that keeping burglary in, will make the measure vulnerable to defeat. We saw some of the ads they used in Prop 66, where they did not discriminate between occupied and unoccupied. We fooled around with all different ways to approach burglary and have been told the same thing. At this point, what happens in 2012 will not necessarily be in our hands, but in the control of whoever puts the money up. For that reason, all we can do is give our input and hope for the strongest measure possible. Our initiative committee has drawn up language, which is similar to Cooley's 2006 initiative, but who knows what will develop as we move towards 2012. That same applies to possession of a gun or weapon as a third strike. As I understand Cooley's language, it refers to *possession of weapon in commission of a crime. I could be wrong.*

Barb, SJRA: Geri, What about all those Romero Hearings that LA County has been doing?

Geri, FACTS: *That project has been very successful in L.A. County, for those strikers from L.A. County who did not have a Romero hearing. However, the attorneys doing this can no longer take anymore cases, because they are overburdened with so many requests. Perhaps those who have not yet had a Romero hearing should contact their attorney or county public defender they had, and see if they can also get a hearing.*

Barb, SJRA: Thanks, Geri. I hope with this information, we all can unite and help each other, because this law puts so many men and women at risk to spending their lives in prison.

(editor-this is the wording discussed on Cooley's 2006 initiative)

**(iii) During the commission of the current offense, the defendant used a firearm, was armed with a firearm or deadly weapon, or intended to cause great bodily injury to another person.*

**To contact FACTS, call 213-746-4844 or write:
FACTS
3982 S. Figueroa Street, Suite 210
Los Angeles, CA 90037**

CIW women serving Life sentences Found suitable for Parole **Suitability reversed by the Governor**

By Jane Dorotik
CIW

Eighteen women at CIW have been identified as having been found suitable for parole by the BPH (Board of Parole Hearings) and 150 days later the Governor reversed the suitability finding.

Collectively these women represent 53 years of additional incarceration from their first suitability date and 118 years from their original MEPD*.

In analyzing the cost of this additional incarceration we look first to the aging women in this report:

- Of these 18 women, 4 are "Golden Girls" (over 55 years of age-GG)
- It costs an average of \$138,000 per year, per inmate, to continue to incarcerate them, and together they represent 27 years of additional incarceration beyond their **original finding of suitability**, so the cost is an astounding \$3,726,000.00 (\$138,000.00 per year x 27 years).
- Secondly, the years these 4 GG women spent beyond their **original MEPD** adds up to 59 years

collectively. Now if you figure the cost to taxpayers beyond MEPD for these same 4, the cost escalates to \$8,142,000.00

Then we look at the remaining women:

- The remaining 14 women represent 40 years of incarceration beyond their **original finding of suitability** at an average annual cost of \$52,000 per year, per inmate, so the cost for these women is \$2,080,000.00
- The amount of time these women have spent beyond their **original MEPD** adds up to 91 years collectively. If you figure the cost to taxpayers beyond MEPD for just these 14 women the cost escalates to \$4,732,000.00

Finally, had all of these 18 women been released at or near their original MEPD (clearly when sentencing courts assumed they would be released)

--- the prison system and the taxpayers would have saved \$12,874,000.00. ---

This analysis does not include the lost productivity, the lost potential tax revenue, the additional costs of the state supporting the

children of these women; to say nothing of the lost years of family/community reintegration.

*MEPD = Minimum Eligible Parole Date. This is the date a prisoner is first eligible to appear in front of the parole board after serving their life sentence. For instance, if a woman is sentenced to 15 years to life, that woman will appear before the parole board for the first time only after she has served 85% of the 15 year life-sentence. This is when our judicial system has said she is theoretically first eligible to be considered for parole.

Given the intent of the courts when the prisoner was sentenced, you would assume that at least 50% of all prisoners appearing before the board would be found suitable at their first initial or subsequent parole hearing. Instead the suitability rate for all prisoners appearing before the board for all suitability hearings is roughly 5 - 7% regardless of years spent in prison and demonstrated rehabilitation. So either, all of these prisoners are complete screw-ups, or there is something very wrong with the parole board.

Data compiled by Jane Dorotik,
CIW, June 2010

NO BEAUTY IN CELL BARS

By Spoon Jackson

Restless, unable to sleep
Keys, bars, guns being racked
Year after year
Endless echoes
Of steel kissing steel

Noise
Constant yelling
Nothing said
Vegetating faces, lost faces
Dusted faces

A lifer
A dreamer
Tomorrow's a dream
Yesterday's a memory

Both a passing of a cloud

How I long
For the silence of a raindrop
Falling gently to earth
The magnificence of a rose
Blooming into its many hues
Of color
The brilliance of a rainbow
When it sweetly lights up the sky
After a pounding rainfall

Picnics in a rich green meadow
We saw the beauty in butterflies
We made it our symbol
Tiny grains of sand

One hour glass
A tear that may engender
A waterfall

The memories
The dreams
Are now
Love is now

There's no beauty in cell bars.

—Spoon Jackson, San Quentin Prison

LONGER AGO
Poems by Spoon Jackson
Available at lulu.com

Women wondering why they are not getting a chance to be re-sentenced under 3-strikes

We just got confirmation that the power outage at Old Corcoran, reported about last weekend, was a part of an intentional blackout.

During a visit this weekend, a prisoner confirmed that not only did the outage take place, but, they (prisoners) were told that it was done to save money. Initially prisoners were told that the institution was saving \$1,000's a day by cutting off the electricity. Later they were told that it had to do with PG&E! They were also told that a third blackout would take place on the 19th, but it never materialized, and they were never told why not.

Specifically during the outage, toilets which are electric, were not running, there was no central air and even individual electrical outlets were not serviceable.

This took place over an 11 hour period. The first time it happened, they kept cell doors locked and the heat was in the triple digits. Apparently one prisoner passed out. The second time it happened (approximately a week after the first time), the doors were left open, but prisoners were confined to their cells.

Imagine 11 hours without the ability to flush a toilet, use an electric fan, turn on a radio, a TV and all the while confined to a steaming hot cell. It must be very dark behind those walls with no lights, even in the daytime.

Dear Ms. Barbara Brooks

I am a three-striker here at CCWF and am currently incarcerated for 40 years to life under the 3strikes law. I've never had any violent offenses, never carried any weapons and under this law, I got an indeterminate life sentence.

This law is a very expensive Tar Baby to the public's tax dollars.

I've met over 27 women here at CCWF under that law and none of their crimes are violent.

You have a lot of different advocacy groups checking on the men, but our women here needs to be touched with a blessing, as well as faith. We are all hanging in there ready to participate for the fasting of freedom on August 6, 2010. We need our voices to be heard. We are mothers, grandmothers, daughters and sisters.

Please send me the July issue, and thank you..

Sincerely,

We Get Letters, Letters...and More Letters...

Dear SJRA Barbara Brooks, "ADVOCATE"

...I don't have any family here. All my family are in Puerto Rico. I'm one more prisoner doing "Three Strikes." I'm doing the 25 to Life. I use to have my early release date in 2013, but when I went to court in 1996 for my appeal in the case of Romero, nothing change and 6 months later, they give me another release which is 2018. I'm been trying to fix it but this people don't want to do nothing. I got the paper from the sentence of 1995, and the 1996 to verified that nothing change, but the Counselor make this mistake and I been trying to corrected but until now nothing. Thank you very much. Here I send you 8 stamps and the self-stamp envelope. Sorry for my English.

Sincerely yours,

Old Corcoran

It is 7:30pm. I would have written earlier, but I can't really see to write without the light on, and for some reason the power to the cells has "only" been off for 11 1/2 hours and was just turned back on a few minutes ago. On the hottest day of the year not only could we not use our fans, we couldn't even flush the toilets. They were supposed to hook an extension cord up and plug it into our toilet power every hour for a flush, going to each individual pipe chase to do this, but in 11 1/2 hours they only came around two times for flushes in this building. They brought morning meds around 1:00pm. Yes, one thing after another.

Congrats on Jeff's graduation! You must be sooo proud. You are one kick ass mom. I really enjoyed the last news-letter.

That Stanford Law thing. Larry South and I have been together since the beginning, so it was a real blessing to see that boy go.

The Whites & Northern Mexicans are still on lockdown. This is the 13th straight month! Now the Southern Mexicans have issues with the Northerners and they are locked down now too. It's Crazy!

I am so glad I only got 25 more years til I go to Board.
LOL

Thank you again for all your hard work.

HDSP

Remember those early days after you first saw the light? Those were the hard times! Kicked around in public, targets of every kind of abuse—some days it was you, other days your friends. If some friends went to prison, you stuck by them.

Hebrews 10:32,
The Message

INMATE HEALTH CARE INQUIRY LINE

Telephone: (916) 324-1403

The California Prison Health Care Services maintains an Inmate Health Care Inquiry Line to enable members of the public, employees, and families of inmates to report concerns regarding the medical care provided to inmates by the California Department of Corrections and Rehabilitation. In most instances, concerns should be reported to the warden or chief medical officer before using the Inmate Health Care Inquiry Line.

Callers may leave a voice mail message containing the details of their concerns, and be assured that the California Prison Health Care Services will review all reported medical care issues. Providing a written statement of concerns is most helpful, as this will assist the California Health Care Services in quickly identifying the issues, conducting any necessary research, and providing a prompt response.

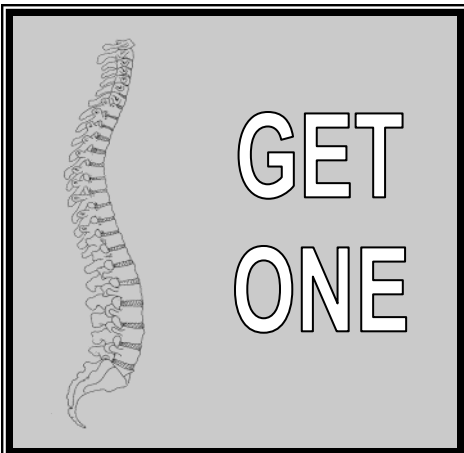
Those individuals who submit issues of concern will receive a written response within the guidelines of the Confidentiality of Medical Information Act (California Civil Code § 56 et seq.), which requires written authorization by the patient to release medical information. Patients must sign an Authorization For Release of Health Care Records to permit release of medical information to any individual, including family members. This form is available in the medical offices at all institutions.

To contact the California Prison Health Care Services by mail, write to:

<http://cprinc.org/contact.aspx>

California Prison Health Care Services
Controlled Correspondence Unit
P.O. Box 4038
Sacramento, CA 95812-4038

Or send a fax to (916) 327-3406 to the attention of the Controlled Correspondence Unit.

**LIFE WITHOUT PAROLE IS ALWAYS THE WRONG THING**

June 10, 2010

**Press release from
The Other Death Penalty Project:**

In a decision being hailed as a great step forward for criminal justice in the United States, the Supreme Court ruled, in a 6-3 decision, that sentencing juveniles to life without the possibility of parole for a crime that doesn't involve homicide, is now unconstitutional.

Justice Anthony Kennedy, who wrote the decision, stated that the "judgment of the world's nations" should be taken into account when judges in this country assess what is cruel and unusual punishment.

Yes, this is a small step in the right direction, but it's also a disturbing statement of reality that most prison reform activists seem to be missing.

Three justices of the United States Supreme Court believe that sentencing a juvenile to a long and slow death penalty is always a reasonable sentence, and one more thinks it's okay sometimes. And the conservative, discipline and punish crowd, are appalled that anyone should challenge the status quo of burying as many people as possible, for as long as possible, for as many crimes as possible.

Here's the bottom-line about all of this unwarranted celebration. Life without parole is a death sentence. This country still sentences many juveniles to death by way of

imprisonment, and this decision does not, impact that horrifying reality. Furthermore, contrary to Justice Kennedy's apparent desire for open-mindedness, this country pays no heed to international standards as regards criminal justice. If it did, there would be no death penalty, of any kind.

Bringing change to the criminal justice system will require work, work, and more work. It'll also require clear thinking and a realistic attitude toward what we're all up against. More accurately, this decision is a sad testament to the bankruptcy of our justice system. That this issue arose at all; this dynamic of juvenile crimes, not involving anyone's death, ending in a death sentence by imprisonment, requiring the intervention of the highest court in the land, is nothing short of astonishing. This country should be ashamed.

It's past time for all death penalty abolitionists, all prison reform activists, and all free thinking people across the nation, to come together and call this overblown, overgrown, and failed criminal justice system what it is – a disaster for everyone.

All forms of the death penalty, as the vast majority of the world has already agreed, are wrong. Life without parole is the death penalty. Life without parole is wrong.

The Other Death Penalty Project.
P.O. Box 1486
Lancaster, CA 93584

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LIFE WITHOUT REDEMPTION

(Cont'd from Page 1)

that the lifer has given up? That he sleeps on the floor and not the bed, that he doesn't eat or exercise or bathe or cut his hair? That he's resigned himself to dying in prison? Because that's what *will* happen. We've made that decision for him.

I do not believe that there is anyone who will not change, who will not repent or grow out of their childish bravado. Yet we send scores upon scores of our fellow human beings to these warehouses with no meaningful review of their development and growth for decades and decades.

Maybe it's a self-fulfilling prophesy. They cannot change because we don't let them. Because if we did give them the tools to "better" themselves and they did, our draconian system of punishment would seem barbaric.

We cannot be wrong. We are never wrong. We are not them.

There is so much wrong with our criminal justice system: the way we treat inmates, the disparate sentencing of minorities and whites, the witchhunts of sex offenders. Yet there is nothing that you or I can change about this. And that's a pity. Fear has won and will always win. Stereotyping still rules the day and will do so for eons to come. We are wonderful at recognizing the heterogeneity of those close to us and the homogeneity of everyone else.

Lots of people have lost faith in the goodness of the human spirit and have forgotten that man, at his core, is a fallible being. But he is not his actions; rather he is how he responds to them.

I could be snarky and say that visiting a prison cell should be required for all prosecutors and judges. Or I could be honest and say that it should be required for all *defense* counsel. We need to see where the people we represent live and how they live. We need to understand that they are unhappy when they come to court and we forget to see them. That our failure to do our absolute best eliminates any chance another human being has to escape these horrid conditions.

It is a sobering reminder of the consequences of our work. We must all place ourselves in our clients' position and be aware of the awesome burden that is placed upon our shoulders. Prosecutors and judges may not care. We must.

No doubt those in jail have transgressed against our social and moral code. But we, on the outside, have abused that code and disfigured it beyond recognition. Just as those in jail may be responsible for pain and suffering and loss of human life, so are we.

I NEED HELP-I WANT HELP

but where is the help to be found?

Name withheld by the Editor

There are many sex offenders in the prison system who do not meet the criteria for the Sexually Violent Predator program because their crimes were minor in nature. These people will be released from prison without having received psychiatric treatment specifically aimed for their sexual problems. I would think that it would benefit public safety if these inmates received treatment while doing their prison sentences. I have to ask myself why the California Department of Corrections & Rehabilitation is not providing this treatment?

My story began when I was about 13 years old. I started exposing myself to young adult women. Around the age of 19 or 20 I started "peeping" into windows. In 1984 while I was charged with an attempted rape, I was convicted of false imprisonment. In 1988, I was convicted of roughly five 1st degree burglaries that were a cause of my "peeping." I received a 12 year prison sentence.

At my sentencing I remember Judge Charles Hayes recommending to Corrections that my sexual issues be addressed through mental health treatment, and that I take advantage of that treatment so that I do not return to prison. Eventually, I was released in 1998 and never received any meaningful psychiatric treatment for my sexual issues because no such treatment existed within the Department of Corrections. When I got out in 1998, I had a year of parole, and after I discharged my parole, I moved close by to a major college and started "peeping" again at the sorority houses, even though I truly did not want to continue this behavior. I told myself I was going to stop. But later, after being caught a few times, and facing time in the county jail, I got to the point in which I felt hopeless, and help- less, and ended up attempting "suicide by cop," and was shot in the right hand and lower chest. Through all of that, I ended up plead-

ing guilty to one count of assault on a peace officer with a deadly weapon and received a 25 to life 3rd strike sentence. Just like my judge in 1988, this judge, my deputy district attorney, and my trial attorney all recommended to Corrections that I be housed at either CMC-East, or Atascadero State Mental Hospital, and that I receive psychiatric treatment specifically for my sexual problems. That was in 2001, and to this day, while I have received some psychiatric treatment, I have not received any psychiatric treatment for my sexual problems of exhibitionism, voyeurism, etc. Although I am in prison with a 25 to life sentence, these problems continue to plague me to this day, and affect my mental state of mind resulting in extreme, severe anxiety, stress and depression. You can also see that I am not at CMC-East or Atascadero State Mental Hospital, but I am here at Mule Creek State Prison where a good number of sex offenders are housed. And, it is because of that, I go back to my earlier question of why is there no real sex offender psychiatric treatment program here at Mule Creek State Prison?

It should be noted that my criminal conviction is in the Ninth Circuit Court of Appeal, and there is a slight chance I could very well have my guilty plea set aside. That is another reason I am pushing for psychiatric treatment aimed at my sexual problems.

If there is anyone out there that reads this and can help me get the treatment that I so desperately need and ask for, please contact me.

If you really think about the actual crime I committed this time to come to prison, I honestly was asking, and begging the cops to shoot and kill me, telling them I was suicidal. The reason I pled guilty was I was not competent at the time. I was on psychiatric medication when I pled guilty, and my trial counsel was ineffective. I need to be in a State Mental Hospital, not here in prison.

"They are shoving 8 women into a 4-person cell. I'm sure you can guess how horrible it is. I am luckier than most because my roommates are reasonable. But there is so much insanity and anger in prison."

Mari Gray
VSPW

In a Letter, July 21, 2010

SJRA is not a legal services provider.

We are a publication, offering information on CA prison issues. We have one person on staff, Barbara Brooks, who is not paid, not an attorney and does not give legal advise.

SJRA cannot:

1. Provide you with legal representation,
 2. Give you legal advice or answer any legal questions regarding specific aspects of your case or your loved one's case,
 3. Assist you with your appeal or post-conviction petitions,
 4. Help you file claims against the Department of Corrections or Bureau of Prisons, or
 5. Recommend other attorneys to you for any of these purposes.
- If you need legal help, contact a lawyer or the State Bar Association in your local area.

PLEASE NOTE: SJRA can no longer respond to legal mail

If you write asking for any of these things, we will not respond to your letter.

What Does

We are a positive voice for prisoners through a monthly newsletter focused on CA prisoner/prison issues.

Our goal is to publish truthful information to educate, motivate and inspire prisoners, families, general public, lawyers, legislators and local lawmakers.

We give a voice to the prisoner.

We oppose the Three-Strikes Law, Mandatory Minimums, Marsy's Law, Life Without Parole, Death Penalty

We believe Lifers should be paroled if found suitable.

We support drug and alcohol treatment in lieu of jail, rehabilitative sentences, restorative justice, second chances, sensible sentences that fit the offense

We support non-profit prison reform groups and help to get their message out by offering free space in the newsletter.

We encourage family volunteers to write letters to politicians, judges, newspapers, to show up when needed and to vote.

WE DO SO MUCH MORE



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I am willing to 'FAST' on Aug 6, 2010
(Circle one) YES NO