

SJRA ADVOCATE

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Remember the prisoners-behind closed doors

Investigative visit to High Desert State Prison, July 2010

By Penny Schoner
PARC Volunteer

In February and in July 2010, Prison Activist Resource Center in Oakland sent legal investigators to interview prisoners at High Desert State Prison. The February interviews were mainly with prisoners in B Yard, also known as the Sensitive Needs Yard. We heard from men describing racist, derogatory lan-

guage and physical abuse by guards, not only on strong healthy men but brutal beatings of ADA prisoners, some who were in wheelchairs. In addition; we heard of harsh isolation techniques, and lockdowns of entire units for months at a time. We heard about dehumanizing, horrific contraband watch procedures that could fit within legal definitions of torture. Food was minimal and sometimes spoiled,

likely as a result of being stored for too long. Medical care in compliance with California laws and regulations was reported to be woefully below standards; doctors were discontinuing prescriptions to medications that prisoners have used for years for no medical reason and possibly for retaliatory purposes. Upon our return in July 2010, PARC investigators found these conditions are continuing with little if any improvement.

High Desert State Prison (Cont'd Page 9)





Dear Loved Ones. . .

I know how difficult holidays are for you, nevertheless I hope that the spirit of Christmas is in you, giving you gifts of peace, hope and joy. I hope you were able to see some of your family and friends for Thanksgiving, and also for Christmas, Hanukkah.

How do you like the front page? Larry DeRossett does such a great job with his 'Prison Blues' art. Color just brings it out so beautifully. I know this was a surprise for him. And once a year it doesn't hurt to have something a little more spectacular. . .

What about Kamala Harris winning AG? I think for once, either way we would be doing pretty good. But I was worried if Steve Cooley won, I wondered what 3-Strikes lover would take his job as L.A. Dist Atty. You know, it's too bad that justice is decided by the head guy, and when they leave, justice changes, too. But I'm really thankful for Steve Cooley and his approach to the 3-Strikes law. I wish Orange County, and those other counties like San Bernardino, Riverside, San Diego, would get on the ball. We families should be writing them. After all, our loved ones have spent 10-15 years already for stealing batteries, etc...and all the reports are showing that the safest people to release are those who have spent years in prison, because of various reasons. All of us families, whether we have strikers, lifers, juvenile, LWOP, etc, etc, need to be writing and calling and making our voices heard, or how else will these politicians know what is going on? It's an uphill battle, but it has to be done.

Hey, my charts on page 12 and 14 do not balance, though they are close. But I don't have time to work with it right now. I think it has to do with stamps of a different value than the 44cent stamps. I think in December issue on page 12, I will only put the Value of the Stamps. That is the important part anyway.

Be sure and see the very back page. I put a flyer on, so you can copy, or do whatever you want, as long as we get this message out right away. It is really exciting and so generous of "Returning Home Foundation" to MATCH the value of all the stamps our incarcerated loved ones send in for the 3-Strikes Initiative Fund—all during the month of December! This is a FIRST for us, a fabulous opportunity to double our donations received from stamps. And I think even those who have been receiving the newsletter free because of being indigent, should make an effort to send stamps also. I know that many indigent pris-

PRISONERS WIN LANDMARK CASE AGAINST THE CDCR

By Kenneth G. Keel

After three years of appeals and litigation, I'm pleased to announce that, beginning January 1, 2011, the CDCr will no longer be allowed to furnish prisoners food containing poisonous trans fats.

On November 5, 1998, on behalf of myself and 267 group appeal members, I commenced the landmark case, In re KENNETH G. KEEL et al., On Habeas Corpus, Sacramento County Case No. 08F09526. Our Emergency Group Appeal alleged, in part: "We are involuntarily being provided a diet with high quantities of industrially-produced trans fatty acids ('TFA') from partially hydrogenated oils. There is conclusive evidence indicating that TFA promotes coronary heart disease, sudden cardiac death, diabetes and many other diseases that kill people. Even if it doesn't kill particular individuals, it can cause them to use medication for the rest of their abbreviated lives. . ."

On March 9, 2009, after the CDCr informed the Court that "beginning in January 2010, CDCR will serve no food containing artificial trans whatsoever," our case was closed. On January 14, 2010, the Court issued an Order of Reconsideration & Request for Supplemental Informal Response. The Attorney General's Office, as legal counsel for the CDCr, admitted that the CDCr was violating Health & Safety Code section 114377. Subsequently, the Court granted my requests for an Order to Show Cause and appointment of counsel. The Attorney General's Office then filed a Return with two supporting declarations by CDCr Food Managers. Thereafter, by and through counsel, we filed a Traverse with two declarations by Folsom prison kitchen workers. On November 3, 2010, after reviewing evidence presented by both sides, the Court granted our request and issued an Order for Evidentiary Hearing, which expanded the case to include all CDCr

facilities.

On November 12, 2010, the Attorney General's Office filed a Request to Vacate Evidentiary Hearing, with an "Expedited Ruling by November 17, 2010." Therein, CDCr's counsel unsuccessfully argued that "the issue of statewide compliance with the Health and Safety Code is not properly before the Court because the Court limited the issue to whether Folsom was in current compliance with the Health and Safety Code. Further, the issue of statewide compliance was not briefed by the parties." The motion was DENIED.

Today, this author attended the evidentiary hearing, which was held at the Sacramento County Superior Court (Dept. 21). After me and CDCr's Food Manager testified, Judge Steve White concluded that he will "maintain jurisdiction of the case," which means the Court will oversee CDCr's compliance in 2011. Therefore, the CDCr must "destroy any and all such foods that still exist in the prison system on January 1, 2011." The Attorney General's Office vigorously defended CDCr because statewide compliance will cost the CDCr millions of dollars. Now, thousands of prisoners can use the factual findings in our case to sue the CDCr for their serious medical conditions attributed to consuming CDCr's toxic diet (e.g., diabetes, CHD, clogged arteries, etc.)

For further information about the case, including copies of our Emergency Group Appeal, Public Records Act Requests, Petition, etc., order "AVOIDING TRANS FATS: What All Citizens & Prisoners Need to Know." A special pre-publication edition is available exclusively from FACTS, L.A. Chapter, for a \$15 tax deductible donation (plus \$4.95) shipping and handling. Make check or money order payable to 'FACTS Education Fund,' and mail to FACTS L.A. Chapter, 3982 S. Figueroa Street #210, Los Angeles, CA 90037.

oners do have stamps, even if they don't show money in their trust accounts. So, knowing that it is better to give than to receive, now is a good time to give back. Remember, indigents receive the newsletter because of the 3-stamps, subscriptions and donations to SJRA. But these stamps will be for the Initiative Fund, so be sure and specify that in your mail. I'll be looking forward to see what we can do in December! God Bless you all...

Ps...This Tuesday, Nov 30th, the U.S. Supreme Court will be hearing the case that the 3-judge panel has had for so long, Schwarzenegger v. Plata.

Their decision is not expected to come for several months. So, you know what that means, right? No letters asking me about it, please....



United States Supreme Court

Tuesday, November 30

SCHWARZENEGGER

**V.
PLATA**

09-1233

QUESTIONS PRESENTED

1. Whether the three-judge district court had jurisdiction to issue the "prisoner release order" pursuant to the Prison Litigation Reform Act ("PLRA"), 18 U.S.C. § 3626.
2. Whether the court below properly interpreted and applied Section 3626(a)(3)(E), which requires a three-judge court to find, by clear and convincing evidence, that "crowding is the primary cause of the violation of a Federal right; and...no other relief will remedy the violation of the Federal Right" in order to issue a "prisoner release order."
3. Whether the three-judge court's "prisoner release order," which was entered to address the allegedly unconstitutional delivery of medical and mental health care to two classes of California inmates, but mandates a system-wide population cap within two years that will require a population reduction of approximately 46,000 inmates, satisfies that PLRA's nexus and narrow tailoring requirements while giving sufficient weight to potential adverse effects on public safety and the State's operation of its criminal justice system.

SCOTUSblog

(Supreme Court of the United States)

Lyle Denniston *Reporter*

Posted Monday, November 15th, 2010 12:53 pm

More time for prison release case

The Court added 20 minutes to allow an 80-minute oral argument on Nov. 30 in a merits case on federal court authority to order the release of state prison inmates to relieve overcrowding. It denied divided argument for the inmates' side.

CASE PAGES

[Schwarzenegger v. Plata](#)

The Supreme Court on Monday added 20 minutes to the scheduled time for the Nov. 30 argument in *Schwarzenegger v. Plata* (09-1233), a case testing federal court authority to order the release of state prison inmates to relieve overcrowding and the health hazards that result from it. As a result, the 80-minute argument will be held second, not first, on that Tuesday. The revised calendar is [here](#).

The Court earlier in the day had turned down a request from lawyers for the prisoners involved to divide the argument. Instead, the Court added ten minutes for each side to argue.

The case involves two tracks of challenges by California inmates to overcrowding condi-

tions. One of the tracks involved state prison officials' failure to provide adequate mental health care in the overcrowded facilities, and other involved failure to provide adequate medical care. The lawyers for the separate groups of inmates, in asking the Court to divide argument time, asked that each group's lawyer get 15 minutes, to share the 30 minutes allotted for their side of the case.

Their motion argued that the two groups represent different interests and "bring different perspectives to bear" on the issues at stake. Thus, they contended, each group's counsel should be allowed to take part in it.

Although the Court in response denied an appearance by both counsel, it has increased the time, presumably to allow a fuller airing of the two groups of inmates' claims, with some added time for the state to respond. It will be up to the prisoners' lawyers to decide which of them argues their side of the case in the lengthier hearing.

UPDATE: Inmate release up for review

Lyle Denniston *Reporter*

CASE PAGES

[Schwarzenegger v. Plata](#)

UPDATE and NOTE TO READERS 4:26 p.m.(November 15, 2010). The following post (from June 14, 2010-11:52am) has been revised to add clarity to a version that appeared earlier today. The jurisdictional question that the Court has before it has to do with the Court's own jurisdiction to decide this case. That is separate from the question of whether the three-judge District Court had the authority to issue the prisoner release order that it did, in final form, in January. The blog apologizes for any misunderstanding arising from the earlier post.

(Revised post of June 14, 2010)

The Supreme Court, having already shown it was interested in the controversy, on Monday finally agreed to consider at least part of the state of California's complaint about being forced by a federal court to release close to 40,000 inmates from its 33 state prisons, to relieve over-crowding and a serious health crisis. The Court will set the case for a hearing in the Term starting Oct. 4, but the first issue up for review is whether the Supreme Court has the authority even to consider the state's appeal. The Justices said they will consider that jurisdictional question when the case is called for a merits hearing on the case of *Schwarzenegger, et al., v. Plata, et al.* (09-1233). The case could produce a major ruling on federal judges' power to order prison releases under the Prison Litigation Reform Act of 1996.

The Court's order Monday in the California prison case grew out of prolonged litigation in federal court over threats to the health of both prisoners and prison staff members as a result of severe over-crowding in the state's prisons. Two separate lawsuits by prison inmates ultimately were merged before a

three-judge District Court, to consider whether a mandate to free prisoners would ultimately be necessary to meet the health threat. The state's prisons were operating at close to twice their actual design capacity. The District Court in the end ordered California to reduce over-crowding from the peak of 196 percent of design capacity to 137.5 percent, and to do so in two years.

Earlier, the Supreme Court had declined to step into the controversy, but expressly noted that it had been assured that no prisoner release order would be ordered until the Supreme Court had had an opportunity to review it. The release order is now on hold pending final action by the Justices.

The question of jurisdiction that lingers in the case is a basic one under federal law: whether the Supreme Court can hear and decide a challenge to a single federal judge's decision to summon a three-judge District Court — as was done in this case, putting before a three-judge panel the California inmates' plea for an inmate release order. The prisoners' lawyers told the Supreme Court that, if California wanted to challenge the summoning of the three-judge court, it should have appealed that to the Ninth Circuit Court, not directly to the Supreme Court. The state did not do so. Direct appeals to the Supreme Court, those lawyers' brief said, are allowed only from final orders issued by a three-judge court, not a single judge acting alone.

The state's separate argument is that, under the 1996 federal act that governs when an inmate release order may be issued, the requirements were not satisfied in this case. Under that act, a prisoner release order may be adopted only as a "last resort," only if it has previously issued other, less-intrusive orders that had failed to remedy violations of inmates' rights, and only if it found that state officials had had a reasonable time to comply with such prior orders. The state contends that the District Court did not satisfy at least one of those conditions, because it did not give officials time enough to try to cure the over-crowding situation on their own.

Only if the Justices find that they have jurisdiction to consider the state's appeal would they then move on to decide whether the specific order at issue was justified. The case is not likely to come up for a hearing until the winter.

Retired Supreme Court Judge John Paul Stevens . . .

"In a detailed, candid and critical essay to be published this week in the *New York Review of Books*, he wrote that personnel changes on the court, coupled with "regrettable judicial activism," had created a system of capital punishment that is shot through with racism, skewed toward conviction, infected with politics and tinged with hysteria."

Sacramento Bee
November 28, 2010

re: Schwarzenegger v. Plata

NOTES of Carol Strickman,
Staff Attorney, Prisoners with Children

I have now downloaded and briefly reviewed the plaintiffs' briefs in the US Supreme Court.

The legal issues being appealed by Schwarzenegger/Brown are:

1. Whether Judge Henderson gave the state a reasonable amount of time to correct the medical care violations before considering a crowding reduction order.

Answer: Yes, he did. He gave the state 3 years and after 3 years not a single prison was in compliance. He then appointed the receiver and the receiver said repeatedly that crowding prevents his ability to provide adequate medical care. After the 3 judge panel was convened, it gave the state more time and begged it to fix the problem. Only after all that did the trial begin.

2. Whether the Supreme Court has jurisdiction to review question #1 above.

Answer: No. The Supreme Court only has jurisdiction to review an order granting or denying injunctive relief. Judge Henderson's recommendation to convene the three-judge panel was not an order granting or denying an injunction.

3. Whether the 3 judge panel "clearly erred" in concluding that the PLRA (Prison Litigation Reform Act) requirements were met here -- that overcrowding is the primary cause of the state's failure to provide adequate care and that "no other relief" would remedy the violations.

Answer: No. The court did not err. Overwhelming evidence at trial proved that the primary cause of inadequate medical care was crowding. At trial, the court accepted the state's definition of "primary cause." Now that the trial is over, the state wants to change the definition of "primary cause" to be the "only cause" -- or to require that the crowding reduction order by itself cure the medical care deficiencies. The PLRA doesn't require this.

The three-judge panel also determined that no other relief would fix the problem. The state argues that the court could have ordered prison construction or the transfer of prisoners out of state. But the three-judge panel only ordered the state to reduce crowding, without telling the state how to do it. The plan submitted to the court by the state includes some prison construction, transferring prisoners out of state, and many other measures to meet the crowding reduction goals set by the court.

4. **Answer:** The order is proper. Whether the 3 judge panel's crowding reduction order is "narrowly drawn, extends no further than necessary, and is the least intrusive means to correct the ongoing violations" (as the PLRA requires).

The three-judge panel carefully addressed each of these requirements. The violations are systemic, so the solution has to be systemic. It is as narrow as possible. The plaintiffs requested a 130% cap, and a governor's study group found that 130% should be seen only as the "acceptable level for emergency overcrowding", but the court ordered a higher cap of 137.5% -- thus it cannot be said to "extend further than necessary."

The order is not "intrusive." Rather, the court's remedy is similar to Governor Schwarzenegger's proposal to the legislature for authority to reduce the prison population by 37,000 prisoners. The three judge panel has given the state the authority to reduce population in the best way it sees fit. Half of the trial was devoted to public safety considerations. Evidence from recent population reduction plans in other states shows that prison population can be reduced without impairing public safety

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ADEQUATE MEDICAL CARE (according to CDCR)

By David Clark
Lifers Support Group
MCSP

It seems that the average California citizen sees the federal three-judge panel's finding of an unconstitutional level of medical care and order to release approximately 40,000 inmates, as a scam, another way the inmates have devised to con the system, avoid doing their time and paying for their crimes. If they only knew.

The public has no idea what is being perpetrated everyday in their name. If they did, they would be so ashamed.

Most incidents that occur are never shown the light of day, unless they reflect negatively on the population. It is only in CDCR's best interest for it to be that way.

Occasional photos to news stories appear trying to show the bleakness of the situation, but they cannot adequately convey the overcrowding that has correctional housing units resembling the slums of a third world country. Neither can they show how the lack of adequate care causes the loss of life and limb alike. Yet, when inmates cry for relief, it is seen only as sniveling, or trying to manipulate the system.

With approximately 150,000 inmates, and on average, one death per week that could be prevented, the health care in California's prisons leaves much to be desired.

Imagine a city the size of Bakersfield or Modesto, where one person a week dies because they could not get proper medical care. The public would be outraged and would demand the situation be corrected. Well, this is California's prison system, and the federal courts are attempting to correct this injustice. But unfortunately, they are being thwarted by the state at every turn. As troubling as the needless deaths are, there are countless incidents just as concerting, which can show the needless suffering inflicted upon these people.

Take for example the inmate with the infected cyst on his forehead causing his face to be so puffy that his eyes were swollen closed and he was left unrecognizable to those who knew him. It took him three trips and two days to be seen by the proper medical staff. Then another two days for the badly needed antibiotics to reach him. All the while the infection raged inches away from his brain.

Then, there was the inmate who broke his finger while working at his assigned job, when a part from a machine fell on his hand. He was seen by medical staff, then was lost in the shuffle. His broken finger was never set, even after three different procedures were scheduled and never performed. They were canceled for one reason or another by state physicians.

Finally, approximately (Cont'd Page 8)

HATE THE PLAYER AND HATE THE GAME: The Politics of the War Against the Young ¹

The Players

While we can comprehend The Game in sociological terms and focus on the structural forces that led to bad social policies for the young, it is equally important to expose the perfidy of those power hungry politicians, government bureaucrats, and academic mountebanks that have fueled the War Against the Young. I would like to present a brief review of three dramatic California instances in which powerful and influential adults betrayed our young people. Besides talking about the main villains in the piece, I will discuss the smaller roles that others played in these examples of bad public policy.

AB 136 and the Rise and Fall of Chuck Quackenbush

For more than a half century, California law mandated that persons under age 16 were to be tried in juvenile courts regardless of the gravity of their crimes. While there were very limited examples of persons between the ages of 16 and 18 being tried as adults, the vast majority of minors were handled in the juvenile justice system and served their sentences in the California Youth Authority, the mission of which was to pursue the goals of treatment and rehabilitation, not punishment. Before 1994, the maximum sentence that could be given to a youthful murderer under the age of 16 was to be confined in the Youth Authority until age 25. Other states began amending their laws to permit serious juvenile offenders to be tried as adults and placed in prisons. For example, New York State revised its sentencing laws in 1978 to allow young offenders above the age of 14 to be handled in the adult criminal justice system. Throughout the country in the 1980s, states debated and passed new laws that sent more youths to the adult system. California was virtually alone among the large urbanized states to resist this urge to stiffen penalties for very young juvenile murderers.

All this changed as a politically ambitious Republican Legislator Chuck Quackenbush launched a media-focused set of hearings to support his bill, AB 136. The proposed legislation dropped the age at which children could be tried for murder in criminal courts, and could face a potential sentence in prison of Life Without the Possibility of Parole. Quackenbush used a time-tested method to push his agenda and organize events at which the surviving relatives of murder victims talked about the tragic loss of their family members and publicly shared their unremitting sorrow.

The media, especially the local television evening news, has come to adore these stories.

Barry Krisberg, Ph.D.

October, 2004

A full report in a series format.

Part 3

Cynical news directors often say, "If it bleeds it leads," and the focus on the suffering of ordinary citizens is compelling television. Not only is the viewer drawn to the drama of the tragic testimony, but there is an emotional "rush" to viewers as they realize that the story is about someone else and not them. This is not unlike the emotional charge that is offered by horror movies or suspenseful television dramas we get a chance to vicariously experience the pain or fear of others without paying the price. Some years ago, Danish sociologist Svend Ranulf (1938) pointed out that this sort of very emotional news coverage is often used by totalitarian regimes to build support for repressive government actions. Most important, this sort of journalism generally does not address questions about why these terrible events occur, nor what the citizenry might do to make their families safer. Violence is portrayed as the random and irrational acts of strangers, despite the fact that most violence occurs among people who are well acquainted with each other.

Quackenbush used AB 136 to strengthen his image as a crime fighting conservative. He broadened his political rhetoric about AB 136 to encompass other conservative social concerns such as the alleged decline in personal responsibility and the claimed corrosive nature of the welfare system. As he noted, "Once you bring government into the family, you really are zapping the energy of society. People think, 'Why should I bust my tail to raise a family? Government will take care of all of that for us.'" (Hubner & Wolfson, 1996: 259). Chuck Quackenbush's argument for AB 136 also suggested, without providing any evidence, that the juvenile justice system was incapable of handling the "new breed" of young murderers. Pushing all the fear buttons, Quackenbush warned that "The Little Monsters we have today who murder in cold blood are very dangerous individuals. They have to be punished and walled off from society for a very long period of time, if not forever." (Hubner & Wolfson, 1996: 260). He asked if voters were willing to bet their lives or those of their family members on the ability to rehabilitate young killers. He went on to explain "The way you turn things around is to make crime hurt. If you hurt a person in this society, then society has to hurt you back. It's very primitive, but people understand it" (Hubner & Wolfson, 1996: 261).

These arguments certainly resonated with a strain of American social values that suggest that "an eye for an eye" or social revenge is an appropriate and effective response to crime. Further, there were several academic "players" such as James Q. Wilson, Charles Murray, and John DiIulio who were providing seemingly valid intellectual cover for these political arguments. These professor-crime warriors told us that America was about to be overrun by a generation of "super predators" who were psychologically damaged and possessed lower than average intelligence and would only respond to blunt social reactions to their criminal behavior (Wilson & Herrnstein, 1985; Murray & Cox, 1979; DiIulio, 1995). Employing language designed to scare white, middle-class voters, John DiIulio wrote about a coming "Crime Bomb" carried by the new generation of A fatherless, Godless, and jobless A juvenile super predators that would be flooding America's streets (DiIulio, 1995).

The highly questionable science produced by these conservative academics was trumpeted by right wing "think tanks" and given enormous coverage in the press. They were invited to present their flawed research to legislators, to the United States Congress, and to other gatherings of elected officials.

More moderate members of the California legislature could not resist the pressures from the fear-mongering right wing, the strong, publicity-savvy, victim's advocacy groups, and the hysterical media. AB 136 was quickly passed and signed into law in 1994. This was the same year that Californians were discussing the "Three Strikes and You're Out" ballot proposition for habitual and violent adult offenders. Trepidation about violent crime was on the political and media front burners, with the rhetoric flame turned up high.

AB 136 affected a (Cont'd Page 6)

¹ The title of this paper takes poetic license with the Hip Hop phrase, "Don't hate the player, hate the game." This saying is often used to excuse the behavior of people involved in exploitive and dishonest actions as part of the "survival of the fittest." The phrase suggests a sense of pride in the abilities of some streetwise individuals to employ their wit and resiliency to overcome harsh social conditions that are often out of their control. By altering this phrase, I mean to say that the powerful and influential officials who push for destructive legal and social policies need to be held publicly accountable for their personal choices. These establishment players do have the ability to change the circumstances in which they operate.



Good Morning Commissioners,

I am Vanessa Nelson speaking for Life Support Alliance, we advocate for the parole of term to life prisoners.

A few weeks ago the Office of Research of the CDCR released, with little publicity, a report on recidivism characteristics in the California parole population. This report contains a great deal of statistical information LSA has been requesting for some time, information of which we believe the board commissioners should take particular note.

Specifically, the 2010 Adult Institutions Evaluation Outcome Report identifies characteristics of individuals who, when released on parole, exhibit markedly lower rates of recidivism than the parolee population as a whole.

Although, curiously, this report does not address the recidivism rate of term to life prisoners specifically, those identified as having significantly lower recidivism rates constitute groups into which term to life prisoners fall.

On point, this report unequivocally affirms that individuals "age out of re-offending," noting that as age increases the rate of recidivism steadily decreases. By the time they are eligible for parole consideration most term to life prisoners, by virtue of their many years of incarceration, are in the age ranges identified as being the least likely to recidivate.

Secondly, the report further states those persons paroled after serving 15 years or more in prisons re-offend at the lowest rate of any group. It requires no stretch of imagination to realize this cohort is composed largely of term to life prisoners.

And thirdly, this report, from CDCR's own researchers, admits "severity of commit-

**TEXT OF LSA COMMENTS
ON THE PUBLIC RECORD
AT BPH EXECUTIVE MEETING
(November 16, 2010)**

ment offense was found **not** to be related to recidivism rates" and "inmates designated as serious or violent offenders recidivate at a lower rate than those who are not [so designated]."

To summarize, term to life prisoners, who as a group are among the oldest, have served the longest terms and have often been convicted of the most serious offenses, are, by virtue of these very characteristics, the **least** likely to recidivate. In short, they are the safest cohort to release on parole.

We do not believe these benchmarks have historically been given sufficient weight in parole considerations. We are, however, hopeful that with the release of this report from CDCR and the department's own verification of what has been shown through studies in other states and on the national level, commissioners will be attentive to these now verified mitigation factors and give them due weight and consideration when rendering parole decisions.

We recommend to the commissioners and other public safety stakeholders the "2010 Adult Institutions Outcome Evaluations Report" as evidence that life term inmates can be released on parole with no decrease in public safety and substantial savings of tax dollars. And as the department's own mission statement declares, it is public safety that is the over-riding concern when determining parole suitability, not vengeance or retribution."

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Ellis (2000) presented an alarming set of facts. It turned out that Commissioner Quackenbush had made several secret deals with major insurance companies that allowed them to escape fines for mishandling up to thousands of claims resulting from the terrible Northridge earthquake. Quackenbush ignored the advice of his own legal staff that might have produced hundreds of millions in fines for the offending insurance companies. Further, the investigation revealed that Quackenbush and his aides had "strong-armed" some of these same corporations to donate more than \$12 million to non-profit foundations that he created. Ms. Ellis uncovered confidential documents showing that that Quackenbush used his powers as Insurance Commissioner to create a "political slush fund directed by highly paid consultants, to further his quest for higher public office." Pressures to have Quackenbush resign his office grew rapidly, but even in his last days in office, the erstwhile crime fighter approved contracts that obliged taxpayers to pay more than \$1 million for his legal fees and those of his top staff for the investigations of wrongdoing.

Commissioner Quackenbush received no jail time for these alleged felonies. He resigned his office and was able to move to Hawaii to avoid further legal entanglements. It does not appear that he was made to "hurt" for the damage that he inflicted while in public office. Tragically, while Quackenbush is now a long forgotten "trivia question" in California politics, the harm to young people created by AB 136 continues.

**The Players-
CONTINUED NEXT MONTH
With
Governor Pete Wilson and Prop 21**

Barry Krisberg is a distinguished senior fellow and lecturer-in-residence at Berkeley Law Center for Criminal Justice. He is a well-known researcher and advocate for juvenile-justice reform, and served as president of the National Council on Crime and Delinquency for more than 25 years.

War Against Young

(Cont'd from Page 5)

relatively small number of young defendants, but the break with past juvenile justice traditions emphasizing the possibility of rehabilitation for very young criminals signaled the start of a stampede among elected officials to demonstrate who could be tougher on juvenile criminals. A few years later, this trend resulted in another politically motivated campaign to pass Proposition 21, which amended juvenile law to move the State towards becoming the harshest juvenile sentencing system in the nation.

And what of the payoffs for the major player behind AB 136, Chuck Quackenbush? The formerly obscure Santa Clara County lawmaker used the publicity gained via his support of AB 136 to spearhead a statewide

campaign to become elected as California's Insurance Commissioner. Virtually all of Quackenbush's well-funded television advertisements centered on his role to toughen laws against juvenile criminals. This might be an appropriate electoral theme if one was running for Governor or Attorney General, but crime control was not part of the job description of the Insurance Commissioner. Despite this logical disconnect, Quackenbush became California's elected Insurance Commissioner. Politic pundits declared that the former Notre Dame University graduate was a rising political star who might be destined for even higher statewide or even national elective office.

Then something happened to derail the Quackenbush political bandwagon. A very high profile series in the Los Angeles Times written by top investigative journalist Virginia

"I'm not ashamed of the fact that people, particularly when they're poor and when they don't have power, and they don't even speak English, they need a strong lawyer advocate standing in their corner."

"I'm going to treat everybody, whether they're documented or not," he said, "as God's child, and my brothers and sisters."

**Jerry Brown
Fresno, CA**

Ed: Does "everybody" mean 3-Strikers too, bro?

FACTS Update

By Geri Silva, Executive Director

On November 13th FACTS reps from San Diego, the Inland Empire, Corcoran, Visalia, Bakersfield, Long Beach, El Monte, the San Fernando Valley and South Los Angeles met to discuss the road to 2012.

Spirits were high as members have victory in 2012 in their sites. Chapters have been active, making it happen in their various areas. Long Beach and El Monte/San Gabriel FACTS are approaching their city councils for an official endorsement of the effort to reform Three Strikes in 2012.

East San Fernando FACTS is busy preparing for an event at Tia Chucha's in Sylmar, the Los Angeles Chapter is adding more churches to its support list. San Diego is trying to get a chapter up and running. Bakersfield and Visalia are always up to something. Compton is trying hard to get back on its feet!!

The outcome of the meeting was that we came to the agreement that we act together on the event of the 17th anniversary of the passage of the law. Each of us will have a candlelight vigil on March 7th 2011 to mark another year where thousands are buried alive.

We realize that Stanford has been doing a wonderful job getting media attention, but our role must be to open the doors to invite others to get involved. No matter how wonderful Stanford is or any other clinic for that matter, or how remarkable the lawyer who wins his client's freedom is, we have the state of California to educate. While we can't do the legal work to get folks out, we can educate and organize.

While we don't have any definite news or answers about who and what for 2012, I will tell you that FACTS will be working with Stanford and Legal Defense Fund to qualify an initiative for the 2012 ballot. We are more hopeful than we have been since 2004.

FACTS will offer our opinion in terms of language but, we will not have the final say. I will tell you that we will fight for the strongest reform possible. But, as always, the polls taken will determine what voters will vote for and only a fool will go against them. Barbara has said that she will share whatever info you send her and we will compile whatever you send us.

Finally, while you might have had and still have problems with FACTS, trust that we are only strong if we unite, so please stand with us. geri

FACTS
3982 S. Figueroa Street, Suite 210
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YOUTH Today

States Begin Reacting to Ban on Juvenile Life Without Parole

November 23, 2010 by [John Kelly](#)

*"The court's ruling does not prohibit stern sentences for juveniles who commit violent crimes, and I fully expect the offender in this case be resentenced to a very long term in prison" – Florida Attorney General Bill McCollum, June 2010, on the U.S. Supreme Court decision in *Graham v. Florida*, which banned states from issuing life without parole sentences to juveniles convicted of non-homicide offenses.*

"I hope states take a sensible approach," and review sentences "at a point in time when the juvenile has matured. It doesn't make sense to wait [for parole hearings] until they're 80 or 85." – Bryan Gowdy, June 2010, the attorney for Terrance Graham in the Supreme Court case.

When the *Graham* ruling came down, it seemed evident that the high court had left itself open on two fronts to further attention on the issue of juvenile life without parole (LWOP).

First, it was almost certain that juveniles who were sentenced to LWOP on homicide charges would use *Graham* to challenge their sentences. That process has already begun in some states, including Pennsylvania and Michigan.

Second, some contention over what constituted a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation," which is what the court said states must offer in lieu of LWOP. The vague phrasing was cited in a *New York Times* article this week that reported on what some perceive to be a **lack of clarity in decisions** rendered by the Roberts Court.

It would appear that contention is about to ensue.

The *Graham* ruling banned life without parole for juveniles, but set no definitive line on what constituted a "meaningful opportunity" to obtain parole. Juvenile advocates followed the court's lead and mostly refused to suggest a highest tolerable amount of time before a parole hearing, out of fear that such a suggested ceiling would immediately become a norm. They would like to see states offer parole early in the life sentence of a juvenile. (Read the third entry [here](#) for more on that).

So states could no longer slap a life sentence on a juvenile and not offer parole. But could they instead impose a 90-year sentence? Or a 75-year sentence? Or four consecutive 25-year sentences?

Strictly speaking, those wouldn't guarantee a whole lifetime in prison for a juvenile offender. But it could be viewed, as Florida attorney Bryan Gowdy described to *Youth Today* over the summer, as the "functional equivalent" of life without parole.

States that try to substitute something like that for LWOP, Gowdy said in June, "will be facing challenges from people like me."

It looks like he and other attorneys are go-

ing to have that chance. **An excellent article by Herald-Tribune reporter Lloyd Dunkelberger** cites a number of examples where Florida judges have already sentenced (or resentenced) to terms that would fall into Gowdy's "functional equivalent" category. Examples from Dunkelberger's article:

- In Hillsborough County, a defendant, who was 13 at the time he was involved in a series of robberies and rapes, received a new 65-year sentence that will have to be served after another 27-year sentence for a separate crime.

- In Jacksonville, a youth received a new 50-year sentence for his part in an armed robbery and shooting that left a victim paralyzed.

- In Orlando, a prisoner – who was 17 at the time he raped and robbed a woman – represented himself in court and received 90 years in consecutive sentences.

Florida has no parole system at the moment, so each of those sentences will be served in full.

"Florida is a big problem state because they've dismantled parole," said Bryan Stevenson, executive director of the Equal Justice Initiative, which is representing a number of inmates who are seeking re-sentencing under *Graham*. Indeed, Florida is home to about 116 of the estimated 200 people doing LWOP sentences for non-homicides they committed as juveniles.

In Stevenson's mind, it is too early to tell if the prevailing response of judges is going to be replacing LWOP with "functional LWOP." He expects re-sentencing in the next six weeks in *Graham*-related appeals that EJI is handling, in a number of states, and that will serve as an early indicator.

One recent appeal in California also indicated that some courts may embrace the spirit of *Graham*. Victor Mendez based his appeal of an 84-year sentence on *Graham*, saying his sentence was "materially indistinguishable" from an LWOP sentence.

The California Court of Appeal for the Second Appellate District decided that Mendez was technically not covered by *Graham* – because he didn't actually receive an LWOP sentence – and still felt "guided by the principles set forth in *Graham* in evaluating Mendez's claim that his sentence is cruel and unusual." The court remanded Mendez's case back for re-sentencing.

And even though some Florida judges are presently handing out lengthy terms, a bill that will be introduced in the next state legislature would mandate parole for juvenile convicts after 25 years. The bill has already gained the support of the Florida Prosecuting Attorneys Association.

From David Jones, Ed., *Humane Prisons*. Oxford: Radcliffe Publishing, 2006.

How to Create **MADNESS** in Prison

Terry A. Kupers, M.D., M.S.P.

Part 2

I will briefly discuss these successive steps to madness, starting with the massive prison crowding that began in the 1970's and continued to swell prison populations exponentially until, just after the new millennium, the prison and jail population in the USA climbed to over 2 million - and it keeps on growing. There was convincing research at the time that prison crowding caused increased rates of violence, psychiatric breakdown and suicide in correctional facilities. (Paulus, McCain, and Cox 1978, Thornbury & Call, 1983) One had only to tour a prison to understand how violence and madness were bred by the crowding. Consider the gymnasium that had to be converted to a dormitory with bunks for 200 prisoners. A prisoner cannot move more than a few feet away from a neighbor, and lines form at the pay telephones and the urinals. With tough men crowded into a small space and forced to wait in lines, altercations are practically inevitable.

The next prisoner in line begins to harass the prisoner on the phone, saying he's been on too long, the man on the phone turns and takes a swing at the other and there's a fight. Of course, open expressions of rage and frequent eruptions of violence tend to push individuals prone to psychiatric breakdown over the edge. Often they become preferred victims of the violence. The more violence, the more madness, and the crowding exacerbates both.

The steady rise of prison crowding since the 1980s has been driven by calls for "tougher sentences," especially in the context of a widely proclaimed "War on Drugs." More defendants are put behind bars for longer terms, and a growing number of new laws require incarceration for drug-use, drug-dealing, and a whole list of crimes associated with illegal drugs. (Garland, 2001)

As it turns out, the theory that led to incarcerating more drug-users was entirely foolhardy. Prison is not good for people with a substance-abuse problem. Studies show that those who enter prison with a drug problem will leave prison with the same drug problem. And, with budget cuts, the actual amount of substance abuse treatment in prison has been declining over the past two decades. Prisoners who are not provided intensive substance abuse treatment will not transcend their drug habit while incarcerated, but as many as 60% to 80% of those who complete an intensive drug treatment program in the community will be "clean and sober" after three years. (Mumola, 1997). What sense does it make to "violate" a drug-user's parole and send him or her back to prison because of a "dirty" urine on an unscheduled test? A reasonable alternative to incarceration, a drug treatment program in the community, would require a fraction of

the expense to the state, and the diversion of people who commit low-level, drug-related crimes would vastly improve the crowding problem in the prisons. Yet, from the 1980's until the present, the sentences have grown longer, drug treatment programs have been cut, the rate of parole violation has climbed precipitously, and the recidivism rate has been rising.

The next miss-step was the dismantling of rehabilitation and education programs inside the prisons. A turning point occurred with the publication of Robert Martinson's 1974 essay, "What Works? Questions and Answers About Prison Reform." (Martinson, 1974) Martinson ran some numbers and announced that rehabilitation programs have no positive effect on recidivism rates. This was the research that conservative pundits and politicians had been waiting for, and they made Martinson famous as they legislated a drastic turn from rehabilitation to harsher punishments. The article Martinson published in 1979 qualifying and recanting his rash over-generalization never received the media attention that had been showered on his earlier castigation of rehabilitation. (Martinson, 1979)

In the 1979 article Martinson confessed there had been serious flaws in his 1974 methodology. He had tried correlating the presence of any kind of rehabilitation program in a prison with the overall recidivism rate, and found no significant correlation. In 1979 he argued that a better method would have been to correlate the availability of specific programs with the recidivism rates of prisoners whose needs were matched by those programs, and that this more nuanced research would clearly show that rehabilitation programs are effective to the extent they are directed at appropriately motivated and capable subpopulations of prisoners. But it was too late. The argument for longer sentences and harsher punishments had already come to dominate the public discussion about crime, and consequently very little notice was given to Martinson's recantation. With calls to "stop coddling" prisoners, prison education programs were slashed, weights were removed from the yards, the quality of prison food declined, prisoners were deprived of materials for arts and crafts, and so forth. Later in 1979, a dismayed Martinson took his own life. (Hallinan, 2001)

With crowding and the dismantling of rehabilitation and education programs, a wrong turn was taken in American penology, a tragic miss-step that has yet to be corrected and is causing irreparable harm. Frank Wood, the former Minnesota Commissioner of Corrections, commented: "When you take away television, when you take away weights, when you take away all forms of recreation, inmates react as normal people would. They become

irritable. They become hostile. Hostility breeds violence, and violence breeds fear. And fear is the enemy of rehabilitation." (Hallinan, 2001) There was a moment in the mid-1980s, when prison violence was totally out of control, when it would have been possible for corrections departments to admit they had made a mistake and to reverse the crowding while reinstating rehabilitation and education programs. But instead of taking the advice offered by Wood and many other experienced penologists, legislators and correctional administrators decided instead to "lock up" the prisoners they deemed troublemakers ("the worst of the worst"), and proceeded with increasingly shrill demands for absolute control inside the prison walls. The super-maximum security unit was born. Before exploring that development, I will turn to another disastrous miss-step in late twentieth century penology: the incarceration of a growing number of people suffering from serious mental illness.

The Federal Bureau of Prisons estimates that at least 283,000 prisoners have significant emotional problems and are in need of treatment. (Ditton, 1999) Reasons for the expanding prevalence of mental illness in correctional settings include the shortcomings of public mental health systems, the tendency for post-Hinckley (the man who attempted to assassinate President Reagan) criminal courts to give less weight to psychiatric testimony, harsher policies toward drug offenders including those with dual diagnoses (mental illness plus substance abuse), and the growing tendency for local governments to incarcerate homeless people for a variety of minor crimes.

ADEQUATE MEDICAL (Cont'd from Page 4)

15 months after a simple broken finger, the joint had to be amputated, because it had progressed to the point in which that was the only viable option left in order for the inmate to have normal use of that hand.

These are just average examples, of the difficulties that inmates have in receiving health care on a daily basis. Can you imagine if this was the type of care you received from your provider and you had no alternative? What if this was the standard of care being provided to your son, daughter, or loved ones?

CDCR's claim that they spend more money on inmate health care than any other state, so that should be enough, is laughable. Just because you spent \$ 10,000.00 on a '72 pinto doesn't mean you got a better car. Regardless of what you spent, you got a '72 pinto!

Part of the problem is the public disassociating themselves from this neglect. It is understandable, when they have so many troubles of their own to worry about on a daily basis. But eventually Californians have to wake up, because when all of this is being done in your name, then it's as good as being done by your hand.

If you could only see the true reality of the situation, you would be so ashamed.

Inside HDSP

Cont'd from Page 1

is located in the high California desert, 76 miles north of Reno. It houses maximum security prisoners, as well as sensitive needs prisoners and some prisoners who have very recently been convicted. PARC's July investigative visit was with prisoners in C, D and Z Units, which includes men in General Population, men in Administrative Segregation who are in isolation as a result of disciplinary infractions or awaiting gang validation hearings, and men in the Security Housing Unit (SHU). We saw 18 men during the July visit. The primary complaints, which we outline in more detail below, include violent beatings by guards, racially disparate treatment, extended lockdowns, a law library with limited access and arbitrary deprivation of the few rights that prisoners are entitled to, such as appropriate medical care and regular access to the yard.

Abusive language by guards directed toward prisoners is constant. We heard of unreasonably violent reactions by guards to prisoner behavior. Cell extractions, where unarmed prisoners are forcibly removed from their cells by guards in riot gear, have not been investigated or regulated. Deaths of prisoners from beatings or guard abuse are occasionally reported in the news but practices continue unopposed.

At one point, High Desert had a Behavior Modification Unit (BMU) which was closed down in 2007 due to extreme violence by guards. The practices of that unit are currently under investigation by the Senate Deputy Director of Investigations for the State of California. There's reason to believe that the guards who committed the torturous acts were not fired but have been relocated elsewhere in the prison.

On Sept. 25th 2010, Ivory Morton, a prisoner on D Yard, was shot and killed by a guard from a distance while fist fighting another prisoner. He was not armed. Guards are given pepper spray, rubber bullets, and other less violent means of restraining prisoners who fight while on the yard. Prisoners report that more violent tools of repression are systematically used against Black prisoners who engage in fights, while white and Hispanic prisoners are often subjected to less dangerous methods. The killing was reported in short articles in local papers but there has not been sufficient reporting about whether the guard was disciplined or put on trial.

We were told that the Law Library access is minimal for prisoners, with staff reduced to one officer, old and ripped law books, and limited computer access with outdated case law. As a result, prisoners appear in court, file appeals, or go to administrative hearings ill-prepared and unable to cite important decisions they have a right to research. They are not allowed to make copies of any legal material, even those who are representing themselves *pro se* in court, but must hand copy all legal materials within hour-long sessions in the li-

brary; with access sometimes less than once a month. There used to be additional legal assistance in the law libraries, but they have disappeared in recent months.

High Desert does not issue adequate winter clothing, in consideration of the harsh desert conditions. Men are only given thin, musty coats with broken zippers, canvas shoes, and cotton clothing for weather that is sub-freezing for much of the winter. They are not issued hats or gloves, but must rely on outside support in order to purchase these items through the commissary.

During both visits, inmates told us of constant lockdowns in 2009, which have continued into 2010. The number one complaint was the extensive lockdowns in some sections of the prison which last for weeks and sometimes months at a time. During these lockdowns, there is no access to the yard, no contact visits with family, no telephone use, and no access to the commissary. Inmates reported not even receiving the bare necessities such as toothpaste, and no showers or laundry pick up for as long as 6 weeks.

During and since this visit, PARC has received letters and heard accounts of Northern Hispanics who have been locked down for over a year, with no stated release date from these conditions. PARC volunteers have sent letters protesting this practice to the Warden and copies to offices of the CDCR and State Legislators. We are continuing the pressure in order to have High Desert State Prison administrators comply with State laws and Regulations such as Title 15 and all relevant Department Operations Memoranda (DOM).

There is no regular library where prisoners can check out non-legal materials for their own educational development; a few prisoners reported that there used to be a book cart that circulated, but no one we spoke with had seen it lately.

Food has not improved: it is usually old, under-cooked, and often unrecognizable from being constantly re-heated and diluted. Prisoners say that that they are constantly hungry, their meals are kid-sized, and designed to barely meet the minimum calorie requirements. We noticed that prisoners appeared undernourished and noticeably thin. Vegetables and fruit are regularly served but usually have little nutritional value due to lengthy storage. Some reported getting sick from the hot meals, which are served only once a day.

Medical services are woefully understaffed, and it is unclear if there is an actual doctor on the grounds. There is a staff member who calls himself doctor, but some report that he is only a nurse practitioner. It is questionable whether a prisoner receives rapid attention when there is an emergency. Requests for medical care often wait a long time before response from clinicians. For diabetics, constant medication and monitoring are essential. Many in prison suffer from debilitating pain from previous injuries or lifelong diseases and are left without regular checkups. In the

last year, the State has removed prisoners from habit-forming medicines, which has resulted in shock and disruptive behavior because prisoners are not given proper treatment or remedies to supplant these needs. We spoke with men who have suffered a lot from this cruel and uneven treatment by staff.

Mail is a problem for many of the men in Ad Seg, SHU and Z units. It has been suggested that only prisoners who have been red-flagged have their mail reviewed before delivery but this does not explain uneven delivery, seemingly due to guard disinterest. Confidential legal mail is opened whenever administrators arbitrarily deem it necessary. This violates attorney-client privilege and makes it difficult for prisoners to report abusive behavior by guards without fearing retaliation.

Because Administrative Segregation has the highest rate of suicide of any of the units in prisons, the State mandated a few years ago that the Ad Seg prisoners be allowed TVs and radios. However, still today at High Desert Ad Seg, SHU and Z units are not fitted with TV cables. According to prisoners, there are Department of Corrections memos which state it would cost the prison approximately \$37,000 to retrofit for TV cables, a small consideration in order to comply with State regulations. Recently it has been rumored that shelves and wiring will be installed in some of the Ad Seg cells.

In our Feb. and July visits we heard that yard time was routinely cut by prison staff, regularly and illegally. Another recent letter from a prisoner states that his section is finally getting their guaranteed 10 hours per week. When PARC investigators visited in July, not a single prisoner reported getting 10 hours per week of yard time on a regular schedule.

Body searches before and after yard time are performed even in extremely cold or hot weather, and in front of female guards, who have been known to laugh and use sarcasm in front of the prisoners. Using female guards for body searches is against State regulations.

A significant change that has occurred since our February visit is that the contraband watches are not as prevalent in recent months. Contraband watch is a practice where prisoners are made to wear diapers for days at a time, in order for their stools to be examined for contraband. They are chained at the wrist and ankles. In some instances, the wrists are bound to waist chains, in others they are bound to their ankles. Prisoners are not allowed any hygiene for up to 8 days, sweat pours down their faces, burning their eyes. They are made to eat with their fingers, never being allowed to wash their hands, and often sit in feces or urine soaked diapers because guards refuse to care for them. Often when diapers are removed pubic hairs are painfully pulled out and guards are known to laugh at prisoners discomfort. In one particular instance a young man had a full bottle of pepper spray unloaded on him by a guard; while in no position to even cover his face. We heard of several (Cont'd Page 15)

POLL SHOWS 61% OF VOTERS WOULD CHOOSE PUNISHMENT OTHER THAN DEATH

By William Fisher

NEW YORK, Nov 16, 2010 (IPS) - A clear majority of U.S. voters - 61 percent - would choose a punishment other than death for murder if given a choice, the Death Penalty Information Centre said Tuesday as it released the results of "one of the most comprehensive studies ever conducted" of U.S. citizens' views on capital punishment.

In a national poll of 1,500 registered voters conducted by Lake Research Partners, alternative punishments to execution included life with no possibility of parole and with restitution to the victim's family (39 percent), life with no possibility of parole (13 percent), or life with the possibility of parole (nine percent).

The researchers said the survey "shows growing support for alternatives to the death penalty compared with previous polls."

The research shows that in states with the death penalty, a plurality of voters said it would make no difference in their vote if a representative supported repeal of the death penalty; and a majority (62 percent) said either it would make no difference (38 percent) or they would be more likely to vote for such a representative (24 percent).

"For decades, politicians have equated being tough on crime with support for the death penalty, but this research suggests voters want their elected officials to be smart on crime, use tax dollars wisely, and fund the services they care about the most," Richard Dieter, executive director of Death Penalty Information Centre, told IPS during a telephone news conference.

"We see a real openness to considering life with no possibility for parole as a punishment for murder and a real awareness among Americans of the many problems with the death penalty," said pollster Celinda Lake. "It is likely we will see Americans moving away from support for the death penalty as states and local governments grapple with tight budgets and as today's younger voters and Latinos move into the core of the electorate,"

Since the start of 2009, many states, such as Maryland, Colorado, Connecticut, Montana, Kansas, and New Mexico considered legislation to repeal the death penalty, and it is expected that trend will continue in 2011.

Voters ranked the death penalty the lowest on a list of budget priorities and expressed strong support for replacing the death penalty with life without parole, if the money saved was used to fund crime prevention programs.

In states with the death penalty, a plurality of voters said it would make no difference in their vote if a representative supported repeal of the death penalty, and a majority said either it would make no difference or they would be more likely to vote for such a representative. In 2011, about five states are expected to consider repeal legislation.

The poll dug deeply into citizens' thinking about the death penalty and the problems they see in this punishment. For decades, elected officials have equated being tough on crime with support for the death penalty, but this research shows that capital punishment may no longer be a "third rail" of politics.

Additional key findings from the polling research include:

Cost emerged as an important concern for a strong majority of respondents. Sixty-eight percent said cost was a very or somewhat convincing argument against the death penalty. Voters ranked emergency services, creating jobs, police and crime prevention, schools and libraries, public health care services, and roads and transportation as more important budget priorities than the death penalty. Hispanic voters were among those most willing to replace the death penalty with an alternative punishment. They responded most strongly to moral objections to the death penalty rooted in faith, as well as the argument that the death penalty is particularly unfair along racial lines.

The poll explored the information that the public uses to make up its mind about the death penalty and the problems they see with this punishment.

Some of the public's top concerns about the death penalty were that it is applied unevenly and unfairly; it subjects victims' families to lengthy trials and years of appeals that interfere with the healing process; and it risks executing the innocent.

Spending millions of dollars on the death penalty, at a time when states are cutting back on services such as police forces, schools, and public health, and when life in prison would cost less, was also of concern to voters.

Moral and religious objections to the death penalty were strong among Latino and Catholic voters.

The nationwide poll was conducted in May 2010 with a margin of error of +/- 2.5 percent.

The Death Penalty Information Centre, founded in 1990, is a non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment.

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION
SAN QUENTIN STATE PRISON
 MEDICAL ADMINISTRATION
 1 Main Street
 San Quentin, CA 94964

ARNOLD SCHWARZENEGGER, GOVERNOR

To: San Quentin Inmates
 From: Jackie Clark, CEO, Health Care
 Re: Executions at San Quentin
 Date: September 23, 2010

In preparation for the upcoming execution at San Quentin, I want to make clear the role of Health Care at San Quentin. No staff member of San Quentin Health Care (including doctors, nurses and mental health clinicians) will participate in any aspect of execution. Although this may have occurred in past executions, this is no longer the case.

Jackie Clark
 Jackie Clark, RN, MBA
 Chief Executive Officer — Health Care
 California State Prison — San Quentin

Kevin Cooper case

Joshua Ryen, the sole surviving victim of the June 1983 Ryen family murders, told authorities that the killers were 'three white men.' Other witnesses saw three white men leaving the area near the Ryen's house in what may have been the Ryens' station wagon. If you have any information regarding the Ryen murders, please contact:

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California Does Not Need A New Death Row

By Paul W. Comiskey, Attorney at Law

The CDCR is poised to build a new death row at San Quentin that will cost between five hundred million and a billion dollars to build. It will hold 1125 prisoners if double ceiling is permitted by the courts and about half that if not. It will probably be close to capacity by the time it is built. This is money needlessly spent in a state that is severely challenged to meet the basic needs of its citizens.

Death Rows were traditionally places to house prisoners who were condemned by the courts and soon to be executed. They were designed to be close to courts, attorneys, ministers and the method of execution being used by the state. They were usually the most secure parts of a prison system.

Texas and Missouri abolished their death rows years ago. They simply put condemned prisoners into the general population of their prison system in a classification that best meets the security needs based on the individual inmate. They have not found a need to return to a death row.

California is uniquely situated to abolish its death row. It has the third largest prison system in the world, the largest death row in the world (706) and the longest appeal process in the world. (30 years) Let's consider these factors.

California has thirty nine prisons located between Mexico and the Oregon border. They offer every possible level of security and many prisons have special programs to meet special needs. They range from super max to housing for prisoners who are mentally ill, hospice for dying prisoners, prisons for disabled prisoners as well as plenty of maximum security space for prisoners who want to work, learn, or receive therapy.

California runs an extremely sophisticated prison system and escapes are rare. Thousands of prisoners are serving life without parole. Thousands of others are serving longer terms than their lives. Since 1977, only seven LWOP's have left prison and they had to prove they were innocent to do it.

California death row prisoners range in age from relatively youthful to eighty. Many are ill and aging. Since 1977, 67 have died from natural causes, seventeen have committed suicide, five from prison violence and only thirteen have been executed. Between seventy and eighty percent of the prisoners on the row will have their sentences reversed. Many will be retried but most will receive a lesser sentence than death. Those who are retried will have a longer appeal process than they will live.

Death Rows are expensive to operate. The CDCR reports that it costs 95 thousand

dollars a year to house a death row prisoners compared to an average of thirty five thousand dollars a year for others.

California is spending large sums of money to house condemned prisoners in an ultra secure setting when much lower levels of security would serve very well for many of them.

Some would argue that a prisoner's condemned status automatically requires the extra security of death row. A prisoner on the row has many times greater odds of having his sentences reversed by the courts when compared to other prisoners. They consider old age to be a far greater threat to their lives than execution and it is five times more likely to be the cause of their death.

Moving some or all the prisoners off death row would have numerous advantages. It would save the expense of building a new death row. It would save the costs involved in putting prisoners in housing that exceeds their security needs. It would offer an opportunity to put a prisoner in a much more humane place where there would be greater access to work, recreation and therapy. Prisoners could be placed close to home or close to their attorneys. The prison system would be able to reward good behavior by placing the prisoner in a less restrictive setting. The greatest saving might be to avoid the psychological damages that death rows do to prisoners when most of them are not going to be executed.

How do we get there from here? Penal Codes Section 1202 a says that condemned prisoners are to be taken to San Quentin. It needs to be amended to say that the Director of the CDCR has the discretion to place prisoners in any other institution that best meets their security needs and allows them greater opportunities to visit attorneys and/or family. The language could also allow special housing for mentally ill, physically ill, disabled and aging prisoners. These settings are multiplying since the CDCR's medical care system has been placed under federal receivership.

This letter intended to provoke thought and discussion. Death rows may have made sense in small prison systems when a person was going to be executed in a year or two. They do not make sense now. Please send me an email and share your thoughts.

Paul W. Comiskey
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ACLU v CDCR

November 17, 2010

On November 17, 2010, the ACLU-NC filed a suit under the California Public Records Act to demand records from the California Department of Corrections and Rehabilitation (CDCR) about its recent acquisition of sodium thiopental, a controlled substance used as part of California's lethal injection protocol for executing death row inmates. In late September, the CDCR asked the courts to allow it to conduct an execution before the end of the month because its supply of sodium thiopental was about to expire and it would be unable to obtain any more of the drug before 2011. Then, on October 6, the CDCR suddenly announced it had obtained a new supply but did not explain how it had done so. On October 7, 2010, the ACLU-NC submitted a California Public Records Act (PRA) request to obtain records relating to this surprising development. The request asks for basic records relating to the CDCR's acquisition, use, and destruction of sodium thiopental, including copies of the packaging and inserts and instructions for use that came with the drug. The CDCR failed to produce any of the records, even though the Department admits the public has a right to examine at least some of the records about its new supply of the potentially lethal drug.

The initial hearing in the case is set for November 30 in San Francisco Superior Court.

ATTN ALL PRISONERS

The Publisher of the Advocate
has been working to get your messages out. . .
WILL YOU HELP ME WITH THIS MESSAGE?

All Stamps from PRISONERS, Donated to the Initiative Fund,
and sent to SJRA

DURING THE MONTH OF DECEMBER 2010

WILL BE MATCHED IN \$\$\$ VALUE

by

Returning Home Foundation

A Public 501 (c)3 Non-Profit Corporation
303 Magnolia Drive, Laguna Beach, CA
92651 phone 800.573.8876
carolurie@returninghomefoundation.org

This is a GREAT OPPORTUNITY!

STAMPS MUST BE RECEIVED BY DECEMBER 31, 2010

Mail your stamps to:

SJRA
Attn: INITIATIVE FUND
PO Box 71
Olivehurst, CA 95961

Fundraiser complete info is in the
SJRA Advocate, a Monthly Newsletter
Send 3-44cent stamps for each issue

FAITH and ACTIONS

By
Eric Kemp,
R.J.D.

Fellow brother and sisters in this fight to change three strikes. The call has been made to put an initiative on the ballot for 2012. The climate is right with the economic woes of our country and state and the call to cut spending is resonating in our government. They know that the Three Strikes law is costing the state too much money and the prison budget is out of control.

With this climate, we have a viable chance to put an initiative on the ballot and be successful at having it passed by the voters. We have an organization that is fighting for us and we have Mrs. Brooks who is on our team fighting for us. We also have our friends and families behind us. With all of this, we have a good start.

I believe in this. I believe that if we unite and put forth the effort from all angles, we will succeed.

We have asked that you or your families, or you AND your families give twenty dollars to help get this initiative going. Even though it is early in our fund drive, I see some of you are holding back. Do you believe that you can be free...Do you believe that this can be successful? If so, then why are you not donating?

I see you on the yard and you ask me about information on three strikes and you want to know how you and your family can help, and you still do nothing to help yourself obtain freedom. No donation, no asking of family and friends to help. Nothing.

The Qur'an says in 33:4 that "Man is not made with two hearts." With this verse, you cannot be devoted to this campaign if all of your actions show you simply do not care. You cannot have your heart with this campaign, yet continue to spend all of your money and time doing other things. If your heart is truly with getting an initiative passed, then your time and money will be toward it.

The Bible says in James 2:4-24, "Faith without works is dead." Once again we see that if you say you believe in this and do no works to support your faith, your faith is dead. Once again we see that if you say you believe in this and do no works to support your faith, your faith is dead.

These religious verses hold true to our fight. If you believe, then help us help you. It is time for you all to step up and be leaders and donate your time and money to this fight, so that we can all go home. Let the leaders in you emerge and organize, donate and campaign, if you truly believe.

LET THE GAME BEGIN!

ON-GOING TALLY OF PRISON DONATIONS

STAMPS/	\$ VALUE		MONEY	
ASP			ASP	
CAL			CAL	50.00
CCC			CCC	
CCI	5	2.20	CCI	100.00
CCWF	20	8.80	CCWF	35.00
CEN	27	11.88	CEN	
CIM			CIM	
CIW			CIW	
CMC			CMC	65.00
CMF			CMF	25.00
COR	24	10.56	COR	210.00
CRC			CRC	
CTF	196	84.96	CTF	155.00
CVSP			CVSP	
DVI			DVI	
FSP	162	71.28	FSP	100.00
HDSP	40	17.60	HDSP	70.00
ISP	20	20.00	ISP	105.00
KVSP			KVSP	
LAC	6	2.64	LAC	50.00
MCSP	40	17.60	MCSP	25.00
NKSP			NKSP	
PBSP			PBSP	45.00
PVSP	271	119.24	PVSP	275.00
RJD	180	79.20	RJD	238.00
SAC	47	20.68	SAC	
SATF			SATF	
SCC			SCC	
SOL			SOL	10.00
SQ	193	84.92	SQ	80.00
SVSP	20	8.80	SVSP	
VSPW			VSPW	
WSP	80	35.20	WSP	
OUT OF STATE			OUT OF STATE	
AZ			AZ	10.00
OK			OK	
	1331	\$595.56	VALUE	\$ 1648.00
			FREE	116.00
			TOTAL	\$ 1764.00

IMPORTANT CHANGE ON INITIATIVE FUND

Barbara Brooks, SJRA
has acquired a
**NEW AND SEPARATE
CHECKING ACCOUNT**
For the Initiative Fund
Donations.

**MAKE CHECKS TO
THE INITIATIVE FUND
PAYABLE TO:**
**"Sentencing and Justice
Reform Advocacy"**

**You may use this
abbreviation:**
"Sentencing & Just Ref Adv"

**FOR DONATIONS TO THE
INITIATIVE FUND,
DO NOT USE 'SJRA' AS
THE ABBREVIATION**

**DO NOT USE 'BARBARA
BROOKS, SJRA'
FOR THESE DONATIONS,
AS THAT IS OUR
REGULAR ACCOUNT
FOR THE
NEWSLETTER AND
ITS EXPENSES.**

**IF POSSIBLE, PUT A NOTATION
ON THE CHECK,
'INITIATIVE FUND'**

MAIL TO:
Barbara Brooks
Attn: Initiative Fund
P.O. Box 71
Olivehurst, CA 95961

Any donations already sent in and made out to 'Barbara Brooks, SJRA' with 'Initiative Fund' noted will be transferred to new account.

**Returning Home Foundation
A 501(c)3 Non-Profit Organization
Will MATCH in \$\$\$ Value
December Stamps donated
by PRISONERS.**

**Stamps must be in by December 31, 2010
Mail stamps to SJRA, INIT FUND,
P.O. Box 71, Olivehurst, CA 95961**

MESSAGE FROM R.J. DONOVAN THREE-STRIKERS**ATTN: All Prisoners who want 3-Strikes Law AMENDED IN 2012-**

This message is for every prisoner, and especially every non-violent, non-serious third striker in the California department of corrections. The time is at hand to fight and join in to change this law, which has the potential to effect everyone of us. We as inmates can take our destiny into our own hands and bring about change. We cannot sit back like we have been doing and let someone else fight our fight.

For those who want freedom, it is time to come together and gather support from other inmates, thousands of who are at risk of 3-strikes, along with our families and friends. Do not be fooled and think that the Three-Judge Panel or the Parole Board will let you out. You do not see Lifers getting out now by the release plan and do not forget that 3-strikers fall under the same guidelines as the other lifers at the board. They are not going to view you as someone special.

Unless you want to die in prison, you should start campaigning and donating what you can to this cause. Put the soups and chips and the brown down and give for your freedom.

What I am proposing is this: There are roughly 4,000 non-violent, non-serious third strikers. Just counting the non-violent, non-serious strikers, if we each donate \$10 by October 30th, that would be \$40,000. After that, we donate another \$10 by February 15th and that

would be \$80,000 to be used toward the initiative process.

For those who do not have actual money from a job or family member to send you a few dollars, you need to find some way of earning money (sewing, washing, braiding hair, etc). You can have the person who you performed the service for, send the money in for you, or they can give you \$10 in stamps to cover the \$10 that we are asking you to send.

Ms. Barbara Brooks (may God bless her) has agreed to put the money aside, accounting for it separately, and at the right time, the money will be used for what is necessary toward the initiative. Though right now we don't know what the need would be, whether a mass mailing, advertising, a poll or anything else. We are confident it will be used towards the costs to help make the initiative happen. Ms. Brooks strongly hesitated to do this, but after much talking and correspondence, has finally agreed to help in this way. She is not doing this for herself, and is not the one asking for the donations. She is just helping us on our quest to change this law. We at RJD are anxious to be involved in helping ourselves, and we want to ask everyone else to join with us, so we can get this task done for once and for all.

This would be an unprecedented event that inmates could contribute to this project. It would make politicians, the public, everyone take notice and it would make our chances of success greater. If everyone does his/her part and stop

being selfish, we can truly make a difference. Most of us are in here for getting money. Are we going to let ten or twenty dollars stand in our way of freedom? WHAT KIND OF CRIMINALS ARE WE?

I have given you the math and you can see that it adds up to freedom.

Twenty dollars in 7 months. Start sending your donations to Barbara, like we at Donovan are doing. If you want freedom, every prisoner should be doing this. The only ones who should not be rallying to unite and get support and funds are the ones who want to die in prison on this Life sentence. Let each prison challenge the other! Barbara said she would print the names of all those who donate.

THIS PROJECT NOW HAS ITS OWN SEPARATE BANK ACCOUNT. MAKE CHECK/PAYABLE TO:
“Sentencing and Justice Reform Advocacy”
CANNOT USE ‘SJRA’ TO ABBREVIATE
You may use this if you want to abbreviate.
“Sentencing & Just Ref Adv”

Send your donations of \$10 or \$10 value in stamps to:

Barbara Brooks / Attn: Initiative Fund
 PO Box 71
 Olivehurst, CA 95961

This is your fellow Third Striker trying to get us all out of prison. I am doing my part. Will you do yours?

Eric Kemp, and the 3-Strikers at R.J.D.

SJRA ADVOCATE

**A monthly newsletter
everyone is talking about**

For Prisoners, Families, Friends and Organizations

**Available to prisoners for THREE STAMPS PER ISSUE
or \$15/Prisoners \$18/Free Persons
12-MONTH SUBSCRIPTION**

FREE on-line downloads to send your loved ones inside

**MAKE REQUEST by email
YesWeCanChange3X@aol.com**

**MAIL TO:
Barbara Brooks, SJRA
P.O. Box 71
Olivehurst, CA 95961**

**Published by
Barbara Brooks,
Sentencing and Justice Reform Advocacy**

SJRA FAMILY VOLUNTEER

I know it's going to take all of us together to make any changes in laws.

I (represent) OR (I am) _____

CDC# _____ Prison _____

Address _____

P.O. Box _____

City _____

St _____ Zip _____

COUNT ME IN!

My Name: _____

Mailing Address: _____

City _____

St _____ Zip _____

Phone _____ Cell _____

Email: _____

I will commit to a donation toward 3-Strikes Initiative Fund of \$ _____ by Nov. 30, 2010 AND \$ _____ by Feb. 15, 2011, or at least \$20 value in stamps by Feb. 2011. (17th Anniv. of 3-Strikes law is Mar 7, 2011). It is OK to print my name and donation amount in the SJRA Advocate. YES (initials) _____ or NO (initials) _____. **(PLEASE READ MESSAGE FROM R.J.D. STRIKERS)**

I will register people to vote _____ (check if YES)

Should an initiative to amend the 3-Strikes law be on the ballot in 2012, and I am needed, I am committed to collect _____ (amount) of signatures.

Mail to: Barbara Brooks, ATTN: Initiative Fund, PO Box 71, Olivehurst CA 95961

44cent/Forever Stamps

STARTING MONTH-SEPTEMBER 2010

R.J.D. Initiative Fund Challenge

STAMPS-SEPTEMBER 2010

151-TOTAL STAMPS / VALUE=\$66.44

OCTOBER 2010

10-Alonzo Oliver
 40-G. Magyari
 23-Jeffrey Logan
 23-Brian Hogan
 20-William T. Coats
 20-William R. Coats for William T. Coats
 36-Daniel Dent
 40-Charlie Recotta
 24-Luciano Orozco
 50-Jeff Malone
 25-John Beres
 40-Jeffrey Green
 20-Walter Treen
 20-Kalain Hadley
 20-Ricky Ruiz
 25-Brian Hogan
 3-Abraham, John
 20-Kevin Stevens
 20-Michael Daniel Cuero
 20-Radames Bermudez
 20-William Dwain Smith
 20-Kevin Guyton (commits to a book of stamps per month)
 20-John Washington
559-44cent/Forever stamps (Subtotal) OCTOBER=\$245.96
 59-E. Suarez (59/37cent stamps=\$21.83)
 20-Angela Laskodi for Mark Laskodi (20/\$1stamps=\$20)
 27-Jackie Rasberry (24/37cent stamps, 3/44cent stamps=\$10.20)
665 STAMPS, TOTAL VALUE OCT. 2010 = \$364.43

THIS MONTH NOVEMBER 2010

40-Lien Nguyen for Cuong Nguyen (for Oct and Feb)
 20-James Taylor (17/37cents & 3/41cents)
 10-Alonzo Oliver—"Faith without works is dead."
 10-Brian Smith
 91-M.R. Crunch
 20-Gregory Arzuaga
 10-James R. Metters, Jr.
 20-Walter F. Simmons—"I'm not a striker"
 20-Walter Treen
 20-George L. Coats
 58-Raynell Carmichael, Sr.
 4-Gregory Summers
 20-Anthony J. Williams
 7-Roy Beams
 16-Kenneth Keel
 20-Daniel Dent
 20-Joseph M. Anderson
 20-L.Qiyam Pogue
 10-Keith Tribble
 16-John Abraham
 40-Adam Barboza
492 STAMPS, TOTAL VALUE NOV. 2010 = \$215.20
816 STAMPS, BROUGHT FWD
1308 TOTAL STAMPS ON HAND / VALUE = \$579.63

Money Donations

STARTING MONTH-SEPTEMBER 2010

Three-Strikes 16th Anniversary Project (Feb-Mar)

\$ 34-TOTAL 16th Anniversary Project brought forward

R.J.D. Initiative Fund Challenge

\$ 205. SEPTEMBER DONATIONS

OCTOBER 2010

\$ 25-Troalyn Bourgois for Michael T. Simpson
 \$ 10-Toni Pearson for Patrick D. Pearson
 \$ 10-Marie Delfin for J. Lemus
 \$ 10-Eric Kemp
 \$ 50-Camille Salas for Jeff Rico
 \$ 50--Thomas Sherlock
 \$ 25-Zona Gayle Lane for Mike Lane
 \$ 10-Shirley Thomas for Rodney Thomas & Victor Thomas
 \$ 25-Teri Wyatt for Joey Giacomaro
 \$ 10-Henry Kincy
 \$ 50-Mark Ybarra
 \$ 100-Mr. & Mrs. Bob Slakey
 \$ 100-Zona Murray for Mike Lane
 \$ 20-Steven Bradley for Jeffrey Green
 \$ 25-Barbara Brooks for Jeff Brooks
 \$ 5-Rodney Romero
 \$ 10-D & J Tobar for Jerry Tobar
 \$ 10-D & J Tobar for Sunny Prado
 \$ 25-Gary Walker
 \$ 10-Shirley Thomas for Rodney Thomas & Victor Thomas
 \$ 50-Allen Arnbrister
 \$ 20-Clara K. Cox for Donald R. Hill
 \$ 10-Herbert Shedd
 \$ 50-Curtis Hawkins
 \$ 100-Jim Smith for Scott Smith
 \$ 100-David S. Mowatt
\$ 910-OCTOBER MONEY DONATIONS

\$1149-TOTAL-BROUGHT FORWARD TO NOV 2010

NOVEMBER 2010

\$ 20-Jon Kubicsek
 100-Lien Nguyen for Cuong Nguyen (for Oct and Feb)
 20-David & Marie Delfin for J. Lemus
 \$ 20-Mike Robertson
 \$ 10-Shirley Thomas for Rodney E. & Victor R. Thomas
 \$ 75-Alison McDaniel for Mark Barrera
 \$ 100-Muslim Community-PVSP-C YARD
 \$ 10-Bernice Cubie
 \$ 5-Richard Risher
 \$ 10-Jeffrey Green
 \$ 10-Chris Osumi
 \$ 10-Howard Perry
 \$ 50-Jeanine Velasquez for Jeff Malone
 \$ 10-Alex Martinez
 \$ 10-Johnnie Echols
 \$ 20-Julie Newman for Paul Martin
 \$ 10-Joseph M. Anderson
 \$ 25-Darlene Wallace for Roosevelt Wallace
 \$ 50-Ralph Bryan Romero
 \$ 25-Monique Hamilton
 \$ 10-Shirley Thomas for Rodney E. & Victor R. Thomas
 \$ 25-Barbara Brooks for Jeff Brooks
\$ 625-NOVEMBER MONEY DONATIONS
\$ 1149-CASH BROUGHT FWD
\$ 1774-TOTAL BROUGHT FWD TO DEC 2010

OPINION

WASTED TIME -- WASTED MONEY

R.F. Gilliam

San Quentin Journalism Guild Writer

I watched Jared Anderson * parole this morning. He left after serving 32 or 36 months; the average amount of time most men that commit non-violent crimes serve. I've known Jared for several months; we lived in the same dormitory, ate meals at the same dining room tables, and watched television side by side in the same dayroom. He was eager to leave, as are most men; yearning to be free of the pervasive indifference of prison: an indifference that all too often takes the form of outright contempt and hostility by those charged with our keep. I watched him leave, envious that my time hadn't yet arrived. But, even as he walked into the still dark early-morning quiet, I was troubled. Not because it was him and not me finally getting a second chance; I've accepted the fact the my date is set and will come in due course, but because I'm certain he will be back. Jared will be one of the 70+ percent of California inmates who will return to prison within two years of release-due either to a parole violation or a new term of imprisonment. How do I know this? Because I observed him every day. I watched him spend his days strengthening his addictive behavior; exercising the monkey on his back until it must have felt as if he was struggling with King Kong. I sat by and witnessed as he sold his canteen and the package items he received from loved-ones. I watched him beg his mother for money month after month, and hustle anyway he could, day in and day out to obtain tobacco and drugs to feed the cravings. In a place where smoking cigarettes has been banned, a flourishing black-market exists. It fuels the flames of many an inmate's addictions until the day comes when he will be released and obtain what he wants elsewhere. Then he will focus his behavior on other, more destructive substances.

In 2007, Governor Arnold Schwarzenegger signed a bill adding Rehabilitation to the California Department of Corrections' moniker. Rolled out with much fanfare and enthusiasm, that dangling R behind the CDC is now literally just an afterthought. There is very little substance abuse or behavioral counseling offered within the prison system; and none of it is mandated. Recent budget cuts have eviscerated what could have been a real breakthrough in the ideology of California penology. There are groups like NA and AA that come inside the walls to help the men and women there, but these programs are voluntary; both for the facilitators and the inmates. With no incentives like sentence reductions there is little motivation for most prisoners to attend these programs: they only help those that already want to change, leaving men like Jared to continue the destructive

behavior that landed them in prison in the first place.

What good is it to place someone in prison for misconduct, then make no attempt to address that behavior? To me, that's just a waste of finite taxpayer dollars. The prison guards' union and the politicians they helped into office by contributing financially, will tell you they don't have enough manpower or money to address such a daunting task. They say that if anything, they need even more guards to protect public safety. But that old song doesn't play anymore. The current economic downturn has spurred cuts to everything from K-12 education and social services to the disabled, to the downsizing of police departments and college admittance rolls, and it has forced many of California's politicians to seek new ways of cutting costs. One solution has been to ship some prisoners out of state where it costs less to house and maintain them; a cost attributable to the exorbitant salaries paid to prison guards.

What do you think will happen if you place a dog that is prone to biting into a cage? Say you feed and bathe him as needed, but offer no positive behavioral reinforcement. Then you release him back to the environment he came from. Do you think that dog will have learned not to bite? While it's true that humans are not dogs, the same principle applies to all sentient beings: they must be shown that certain behaviors are preferable to others. You can't change unwanted behavior with indifference.

Prisons in the U.S. are based on deprivation. As a prisoner, besides surrendering my freedom, I am not allowed many things that others enjoy as a matter of course. I'm not allowed to own a computer, a microwave oven, a cell-phone, a coffee-maker, or a video game system. I can't order takeout pizza, or go to a movie if I like. And I can't have intimate relations with my wife or girlfriend. I am disallowed more things than I can name, I just wanted you to get an idea of the simplest everyday conveniences I am forced to live without because I have committed some offense.

Besides getting almost no incentives for positive behavior, prisoners get punished for the slightest infractions. Decide I don't want to go to work one day-at a job that pays perhaps 15 cents an hour-and I can have thirty days added to my sentence. That's thirty days longer I will have to serve, and thirty more days the taxpayers will have to pay for it. If an inmate refuses a direct order-like disrobing to be searched or exiting a chow line if an officer believes-even mistakenly-that the inmate has already eaten, and he can be sprayed with pepper-spray and taken to the Hole for the infraction. He'll also most likely be assessed more days as punishment for that too. Again, at an added cost to the taxpayers.

I know for a fact that this draconian system of deliberate indifference and retribution does more harm than good. It takes already

dysfunctional individuals and dehumanizes them until they cannot hope to cope in anything but a highly structured environment such as prison. This benefits neither society or public safety, the only people benefiting from the status quo are those people intimately involved with the Prison-Industrial Complex. But who pays for all this failure? Jared Anderson does, and so do you.

*Not his real name.

Inside HDSP

Cont'd from Page 9

incidents but not on the scale reported during our February visit. This practice skyrocketed in the past couple years, conveniently providing guards with overtime pay at a time when Governor Schwarzenegger was cutting overtime for guards across the state.

Prisoners have an administrative process known as the 602 process in order to file grievances within the prison. Courts will not hear prisoner complaints until they have exhausted their administrative remedies, which unfortunately means submitting complaints directly to the Administration of the prison. In exceptional cases, it is possible for prisoners to bypass the regular procedure and submits 602s directly to the Appeals Coordinator outside of the prison. Many prisoners reported that they have given up on the 602 process as ineffective, although other prisoners continue to persist and even have organized themselves to submit group 602s as well as petitions. One such community effort was filing a 602 around the practice of handcuffing behind the backs of entire units of prisoners for hours at a time while their cells are searched. Even though this 602 was technically successful, guards continue to use this practice, seemingly thinking themselves above the law.

Overall, prisoners continue to be ill-fed and ill-treated with little or no medical care. Random beatings and racist attacks by guards, combined with inhumane treatment toward the prison population at large create barely livable conditions. Many prisoners who have spent time in other facilities agreed that this is the worst prison they have ever spent time in. Prisoners expressed hope that our continued presence as well as their efforts via mass 602s will help keep the abuses at a minimal level.

PARC intends to continue our visits and stay aware of conditions at High Desert. It is important that those of us on the outside continue to advocate for better conditions, better food, decent medical care, and basic human rights for all.

Prison Activist Resource Center
PO Box 70447
Oakland CA 94612

EXTRA!

SJRA ADVOCATE

RE: R.J.D. FUNDRAISING CHALLENGE FOR 3-STRIKES INITIATIVE 2012

**All Stamps From PRISONERS, that are Donated to the Initiative Fund, and sent to SJRA
During the Month of December 2010**

Will be MATCHED in \$\$\$ Value

By

Returning Home Foundation

A Public 501(c)(3) Non-Profit Corporation

303 Magnolia Drive, Laguna Beach, CA 92651

phone 800.573.8876 • fax 949.499.8060

caroleurie@returninghomefoundation.org

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Mail your stamps to:

SJRA

Attn: INITIATIVE FUND

P.O. BOX 71

Olivehurst, CA 95961

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INFO ON FUNDRAISER IS IN THE SJRA ADVOCATE MONTHLY NEWSLETTER

Send 3-44cent stamps for an issue. SJRA will not write letters explaining the project. Get the newsletter for info.