

# Coalition For Prisoners' Rights Newsletter

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PO Box 1911, Santa Fe NM 87504

December 2012

## \$ CRUEL AND SENSELESS \$ Some But: So Little, So Late

The federal Bureau of Prisons (BOP) currently cages more than 200,000 people. In 2011, it granted a total of 25 "compassionate releases" for the aged, sick and dying. Current US law does not permit prisoners, however elderly, ill or incapacitated, to apply themselves for compassionate release on their own behalf.

Between 1940 and 1980, the number of people incarcerated in the BOP averaged about 24,000 a year. This all changed after 1984, with the Sentencing Reform Act, which eliminated parole in the federal prison system, did away with time-off for good behavior and began determinate sentencing. This legislation, along with some later follow-up acts, has led to a tenfold increase in the number of federal prisoners today--approximately 218,000.

In 2011, the BOP filed only 30 motions on behalf of prisoners, most of whom were terminally ill. Of those motions, 25 were granted. The numbers have been similar since 1992. Generally speaking, the BOP rarely files motions for compassionate release of prisoners unless their death is imminent. And even then, many prisoners are left in prison, often incapacitated to the state of paralysis and incapable of getting out of bed. This is despite guidelines which allow for early release if terminally ill, suffering from a permanent physical or medical condition, or a deteriorating condition because of aging, or even in the case of the death or incapacitation of the prisoner's only family member capable of caring for their minor children.

As we know, the number of older prisoners in the federal prison system is growing at an astronomical rate. In 2011, the number of prisoners 55 and older increased at six times the rate of the overall prison population between 1995 and 2010. The medical costs for this group are three to nine times higher than those of younger prisoners. Resource: Human Rights Watch & Families Against Mandatory Minimums 2012 report.

In 2012, at least six states have closed 20 prisons or are contemplating doing so, potentially reducing prison capacity by over 14,100 (and resulting in an estimated \$337 million in savings). During 2012, Florida led the country in prison closings with its closure of 10 prisons; its estimated cost savings totals over \$65 million. This year's prison closures follow closures in 2011 when at least 13 states reported prison closures and reduced prison capacity by an estimated 15,500.

The other states closing or considering closing prisons in 2012 are: California, Colorado, Illinois, Kentucky, and Louisiana. And states have been able to close prisons without compromising public safety. We will all benefit from moving toward strengthening resources and communities rather than continuing and expanding punishment by caging.

The California prison system continues to be rocked by the impact of the state's economic crisis, the Supreme Court mandate to reduce overcrowding, and its realignment policy which is trying to put a band-aid over the gaping wound of mass incarceration. The state prison population has gone down by 25,000 during 2012, but counties have expanded their jail capacities by 7,000 and are planning space for 10,000 more people. This is despite a recent poll which showed that 75% of California voters favored investment in prevention and alternatives to incarceration for people convicted of nonviolent crimes.

In addition, California's Riverside County, in the Los Angeles area, is planning to bill those incarcerated in its jails up to \$142/day, starting in December. This is presented as an effort to deal with an \$80 million budget shortfall.

Resource: The Fire Inside Newsletter of the CCWP, 1540 Market St, Rm 540, San Francisco CA 94102, www.womenprisoners.org & On the Chopping Block 2012: State Prison Closings, The Sentencing Project, 1705 DeSales St NW, Washington DC 20036

## La realineación debería significar clausura de las prisiones

El sistema carcelario de California continúa siendo golpeado por el impacto de la crisis económica del estado, la Corte suprema ordenó la reducción de la sobre población y su política de realineación, la cual pretende utilizar un curita para cubrir la profunda herida de la encarcelación masiva. La población en las prisiones del estado disminuyó a 25.000 el año pasado, pero los condados han expandido su capacidad con 7.000 espacios mas y estan planeando tener 10.000 más en los meses que vienen. Una encuesta reciente, muestra que 75% de los votantes en el estado favorecen la inversión en prevención y alternativas a la encarcelación de personas condenadas por crímenes no violentos.

En las prisiones de mujeres in Chowchilla (VSPW), prisioneras y activistas continúan con la lucha para que la VSPW sea cerrada completamente en vez de que se convierta en una prisión para hombres, también luchan por la necesidad de mantener programas críticos como salud y otros, para quienes queden en prisión. El 2 de octubre, un juez dictaminó que el CDCR (prisiones estatales) podría continuar con la conversión, terminando así con la Orden Temporal de Restricción. Mientras tanto, la demanda de la ciudad de Chowchilla contra la conversión está programada para tener audiencia el 7 de diciembre. --por *The Fire Inside*, boletín de la CCWP, 1540 Market St, San Francisco CA 94102  
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To receive the Newsletter each month, send us self-addressed, stamped envelopes (with the CPR return address) --up to 12 at one time.

Please continue to send us address changes and renewal requests, in order to receive the yearly holiday card/ new calendar.

Also, please note that the only address to use to be sure to reach us continues to be: PO Box 1911, Santa Fe NM 87504. And remember: NONE OF US ARE LAWYERS OR LEGAL WORKERS.

Unfortunately we are chronically behind in replying to your valued correspondence. We are currently answering August 2012 letters.

Many, many thanks to the Real Cost of Prisons Project for making our Newsletter available on-line for free downloading and distribution. It is at: <http://www.realcostofprisonsproject.org/coalition.html> This is a GREAT site!

We continue to appreciate and depend on your contributions.

## VOICES FROM INSIDE

Beeville TX

June 4, 2012

I won the *Garner v. Morales*, C.A.No.C-06-218 lawsuit on May 19, 2011. I challenged as unconstitutional and in violation of other federal laws prison policies that prohibited me from wearing a beard/kufi. The case proceeded to a bench trial on my Religious Land Use & Institutionalized Persons Act (RLUIPA) claim, and by judgment, I was granted injunctive relief to wear a quarter inch beard as a religious exercise, as a Muslim inmate in a Texas prison. My case opens the door for all inmates seeking their religious exercise under the RLUIPA.

Mt Olive WV

December 2, 2012

The key to helping the Human Rights Fight is knowledge! Remember: one prisoner's win is a victory for all. Together we can move mountains.

## Voices in Solidarity

With the passage of Proposition 36 in California it will now be possible to prepare and argue re-sentencing motions for many of California's 3 strikers who are now doing 25 years to life in prison under the 3-strikes law. Some of the 3-strikers whose release dates were projected to be decades away are going to be eligible for immediate release from prison, upon the court's granting of the re-sentencing motions.

## National Religious Campaign Against Torture

It was begun in 2006 by 150 leaders of the country's diverse faiths with the mission of mobilizing people of faith to end torture in U.S. policy, practice, and culture. At: 110 Maryland Ave NE, Suite 502, Washington DC 20002.



"Transfiguration". By the Brazilian artist Sócrates Magno Torres