

Coalition For Prisoners' Rights Newsletter

Vol. 34, No. 1 PO Box 1911, Santa Fe NM 87504-1911 January 2009

WHEN'S THE CHANGE?

The Good

I. A policy that has allowed many Washington state prisoners to get out of prison after serving half of their sentences may be extended by a cash-strapped state legislature because the program saves money and doesn't increase criminal arrests or convictions. This policy has been favorably discussed in a recent study by the Washington State Institute for Public Policy.

As a result, two state legislators are planning to introduce a bill to extend the 50% good time policy--which saves the state over \$10,000 for every person who is let out early. This is both because the early releasees spend fewer days in prison and are less likely to be convicted of new crimes. It costs an average of \$98/day to keep someone in a Washington state

prison.

D.A.s will continue to oppose the longer good time policy.

II. A recent University of Kentucky report attributes much of the responsibility for Kentucky's overcrowded prisons to its current sentence enhancement law for those with repeat convictions, which is not limited to convictions for "violent" or "serious" crimes. The recommendation will be to eliminate that part of the law which currently provides enhanced sentences for those with only one previous felony conviction.

Earlier this year, lawmakers there authorized releasing some prisoners early as a cost-saving measure aimed at relieving some of the mounting financial pressure on the state's budget caused by the prison system. The Kentucky Attorney General has pointed out that an effective way

(continued on next page)

WHEN'S THE CHANGE?, cont.

to slow the growing prison population would be to refer those with nonviolent drug convictions for treatment and to set a sliding scale of sentences for theft.

III. A prisoner in Pennsylvania, Andre Jabos at SCI Fayette, was awarded \$185,000 in compensatory damages by a jury on December 13, 2008, for violations of his constitutional rights while being held in the Long Term Segregation Unit in SCI Pittsburgh in 2003.

Jacobs represented himself, despite being forced to wear a remote-controlled electro-shock stun belt. Two of his prisoner witnesses testified that SMU guards in Camp Hill threatened them for their participation in the case and that one guard had assaulted a witness.

(for more information contact:
Human Rights Coalition-FedUp!
Chapter, 5125 Penn Ave,
Pittsburgh PA 15224.)

The Bad

I. The state of Florida is preparing to follow the examples of Arizona, and of Texas border internment camps and house prisoners in tents. The state's current prison population is now nearing 100,000.

As of mid-December, 26 tents, each with a capacity of 22 people, have been set up at prisons around the state at a cost of \$9,000 each. They are not yet being used.

Florida's prison population grew by 5,250 in 2007, more than twice the number of the next closest state, Kentucky.

II. The number of incarcerated Native Americans has risen sharply over the last five years according to a federal Department of Justice study that found that in Indian Country jails, as of mid-2007, there were 2,163 prisoners, up from 1,745 in 2004, an increase of 24%.

Native Americans held in tribal, federal and state facilities jumped from 68,177 in 2004 to 71,274 in 2007, an increase of 4.5%.

Even worse, poor conditions in the prisons contributed to a large number of suicides, attempted suicides, and deaths.

III. An estimated 809,800 prisoners were parents to 1,706,600 minor children at mid-year 2007. This is according to a report ("Parents in Prison and Their Minor Children," [NCJ 222984]) by the Justice Department's Bureau of Justice Statistics which states that 52% of state prisoners and 63% of federal prisoners are parents.

This means that about 2.3% of the 74 million children under the age of 18, as of July 1, 2007, had a parent in prison. African American and Hispanic children were about eight and three times respectively, more likely than white children to have a parent in prison.

About two-thirds of mothers held in state prison and nearly half of fathers reported living with their minor children either in the month before arrest or just prior to incarceration. Of mothers, 85% reported having contact with a child, while 78% of fathers reported such contact.

....and the Ugly

There is no doubt that executions are barbaric and indefensible, not to mention racist actions, incapable of achieving anything positive for society. There is, however, a great deal of confusion about what the sentence of Life Without the Possibility of Parole (LWOP) is and does.

It is the position of the Coalition for Prisoner' Rights that, in fact, LWOP is another form of the death penalty--death by imprisonment. Thus it both saddens and angers us that so many--though by no means all--individuals and organizations that consider themselves "anti-death penalty" actively support LWOP. This is true all over the country, including New Mexico.

Another example is found, albeit a bit indirectly, in the report of the Maryland Commission on Capital Punishment, which released its report on December 12. It voted 13 to 9 to recommend repealing the death penalty by execution. And it made a number of true and important findings, including the ones listed below. However, it slips in, without discussion, LWOP as an assumed and acceptable "alternative."

- 1] Racial disparities exist in Maryland's capital sentencing system
- 2] Jurisdictional disparities exist in Maryland's capital sentencing system.
- 3] The costs associated with cases in which a death sentence is sought are substantially higher than the costs associated with cases in which a sentence of **life without the possibility of parole** is sought.
- 4] While both **life without the possibility of parole** and death

penalty cases are extremely hard on families of victims, the Commission finds that the effects of capital cases are more detrimental to families than are **life without the possibility of parole** cases.

5] Despite the advance of forensic sciences, particularly DNA testing, the risk of execution of an innocent person is a real possibility.

6] While DNA testing has become a widely accepted method for determining guilt or innocence, it does not eliminate the risk of sentencing innocent persons to death since, in many cases, DNA evidence is not available and, even when it is available, is subject to contamination or error...

7] The Commission finds that there is no persuasive evidence that the death penalty deters homicides in Maryland.

Deportan a unos 350.000 inmigrantes indocumentados en el 2008

El Servicio de Inmigración y Control de Aduanas (ICE) deportó 349.041 inmigrantes durante el año fiscal del 2008, que terminó el 30 de septiembre. En el 2007, 288.663 inmigrantes fueron deportados y en el 2004 unos 174.000, de acuerdo con las cifras que dio a conocer el organismo federal el 6 de noviembre.

Recientemente, un informe de El Centro Hispano Pew reportó que la presencia de inmigrantes indocumentados en EE. UU. disminuyó en el 2005 y el 2008. Mientras que no se identificó una razón por el descenso, se apuntó que aumentó la implementación de leyes migratorias por agentes federales por toda la nación.

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**VOICES
FROM
INSIDE
since 1976**

FORMS

Oshkosh WI

November 13, 2008

Lawsuit forms are FREE from every U.S. District Court. Find the address in your law library, or write me and I'll send it to you. Larry George, 88022, PO Box 3310, Oshkosh WI 54903. Inmate mail O.K.

FILLING FEDERAL JUDGE SEATS

Lawton OK

November 16, 2008

Write President Obama (1600 Pennsylvania Ave, Washington DC 20510, after January 20, 2009) and Senator Tom Coburn ([R-OK] 127 Russell Senate Office Building, Washington DC 20510) and ask them to make a priority of filling those 150+ empty federal judge seats with people who know oppression instead of the usual judges who cause oppression. These federal judge-seats have been empty since before the Clinton Administration deadlock.

PRISONER WRITS

Susanville CA

November 18, 2008

The Lassen County Superior Court assigns all prisoner writs to a commissioner. The court needs your written stipulation [to do this]-- which states that you agreed to have your case heard before a commissioner. If no stipulation was entered, then the commissioner had no authority to rule on your case and an adverse ruling can be appealed on the ground that the commissioner lacked jurisdiction to rule on your case. See: *People v. Tijerina*, (1969) 1 Cal.3d 41; *Rooney v. Vermont Investment Corp.* (1973) 10 Cal.3d 351; and, *Settemire v. Superior Court* (2002) 103 Cal. App.4th 1150. CPR DISCLAIMER: None of us are lawyers.

CIVIL PLEADING

Tennessee Colony TX

November 22, 2008

In May 2008, the Texas highest court for criminal appeals finally determined a civil pleading was a court pleading for purposes of tampering with a government record. In *State v. Vasilas* 253 SW 2d 268 (Tex. Crim. App. 2008), Vasilas, an attorney, submitted a petition to expunge his client's minor conviction. The petition contained false statements and the state prosecuted. The Texas grievance process is a governmental record: Texas penal code 37.10(a)(5) intending to defraud and harm--in this case, the state of Texas. So, when submitting grievances, stick to the facts or else, where they do not now, they may prosecute. CPR DISCLAIMER: None of us are lawyers.

Mailing list additions and address changes should go into effect within two months from their postmarked date. Our goal is to answer requests for referrals and other correspondence within six weeks. Letters intended for publication must say "Do Print." If requesting response, state if you can receive mail directly from those imprisoned. The Coalition makes information available on resources and services for prisoners. We strongly urge readers to keep copies of all papers, especially legal papers, sent to those offering assistance, and be careful about sending money. In most cases we do not have direct experience with the quality or reliability of the services provided by the groups mentioned. NONE OF US ARE LAWYERS.

LITTLE RIGHTS

Grovetown GA

November 19, 2008

To all inmates and family members who have a loved one imprisoned in the Georgia Department of Corrections: Prisoner abuses are up. Call and harass all of our duely elected officials to help us keep all of our health, safety, federal and state rights protected.

SURCHARGE

Coldwater MI

Novemaber 25, 2008

Michigan prisoners and their families and friends must continue to write and e-mail Senator Mark Schauer, Minority Leader, State Capitol, S-105, PO Box 30036, Lansing MI 48909, to protest the 10% surcharge the legislature has imposed on our prisoner store items to pay for state police training. I have copies of letters available we at LCF wrote. Fred C. Proctor, 178602, L.C.F., 141 First St, Coldwater MI 49036.

TO MAKE THINGS WORK

Livingston TX

November 25, 2008

A friend and I have started an organization to help inmates on Death Row, but we haven't found the outside support to make things work. Right now we are simply looking for dedicated people to run e-mails and type legal motions for inmates on Texas' Death Row. Gerald Marshall, 999489, Polunsky Unit--Death Row, 3872 FM 350 South, Livingston TX 77351. [No inmate mail.]

T.V. CONVERSION

Norfolk MA

November 29, 2008

Thanks to everyone who sent information about the analog-to-digital conversion in their states. Your responses were overwhelming and I am in the process of responding. Are there other states which have/had Inmate Councils and would be willing to share information? In Massachusetts, we have an Inmate Council which represents the inmate population on a number of issues. There is a Constitution which is for the most part recognized. The Council, established in the 1930s, has lost strength and effectiveness in the last couple of years. We are looking at issues surrounding standing and would appreciate any information, and vice-versa. Daniel L. Holland, MCI-Norfolk, PO Box 43, Norfolk MA 02056. Out of state inmate to inmate mail okay.



AN INSIDE REPORT

Ft. Worth TX

November 30, 2008

The way e-mail works for the female population at FMC Carswell in Ft. Worth TX: It is a very simple process. One must simply have anyone they wish to correspond with via e-mail accept the terms and conditions of the BOP e-mail TRULINCS system. This is done by e-mailing the party and then hitting the "accept" button. From that point on, e-mail is accessible by both parties. There is a limited number of contacts per prisoner--50 at this time. There is a 2 hour delay on e-mails due to the security of information being sent and received. E-mails can be printed out on this end for extra e-mail minutes, depending on their length. E-mail minutes are 5 cents per minute. Blocks of minutes are sold at 40,100,200,500 and are charged to the inmates' commissary account. Also available on TRULINCS are access to ordering books/magazines, checking balances, phone list, and other BOP services. It has been an easy transition even for those who have little or no experience with computers. No pictures or attachments can be added onto e-mails coming to inmates.

NEW YEARS MESSAGE

Corcoran CA

December 1, 2008

While our federal government continues to violate the human rights of those detained at Guantanamo Bay, the government of the state of California is also carrying out its warped idea of justice by violating the rights of its citizens in state prisons. With so much focus on terrorism, the war[s], the slumping economy, along with the budget crisis in California and the legislature's failure to pass a timely budget, it is no wonder prison issues are on the back burner. Fourteen years ago, voters were deceived into passing the Three Strikes Law. Several attempts have been made to rectify/amend this law, but fear tactics have been used by those unions and politicians who benefit from the Prison Industrial Complex. Yet there is still a strong grass roots movement to modify this law and rein in the out-of-control prison system in California. Groups such as Taxpayers for Improving Public Safety (TIPS), Families Against California's Three Strikes (FACTS), and Critical Resistance. Until the voters understand how the Prison Industrial Complex has distorted what they know about the California Department of Corrections and Rehabilitation, injustice will continue to be the order of the day.

TO PRACTICE AND BELIEVE

McAlester OK

November 17, 2008

My belief, Rastafarian, is being repressed. If anyone has Rasta services at their facility, please have your people forward to me guidelines and specific practices. Marcus Woodson, 527852, Oklahoma State Penitentiary, PO Box 97, McAlester OK 74502. No inmate mail.

CORRECTION: FACTS ADDRESS

FAMILIES TO AMEND CALIFORNIA'S THREE STRIKES (FACTS)
3982 S Figueroa Street, Suite 209, Los Angeles CA 90037

ARE THESE 33 PRISONS UNCONSTITUTIONAL?

A three-judge Federal Court panel is deciding whether the overcrowding in California's state prisons, currently holding almost double the number they were designed for, results in unconstitutional treatment. If so, the state could be ordered to release tens of thousands of prisoners. Lawyers for the prisoners asked the judges to order the release of 52,000 prisoners over two years. One of the judges commented: "We should start from the premise that there's not going to be any more money spent on this problem." The state is currently facing a severe budget crisis. Its prison health system is under the control of a federal receiver, who announced in August that the state would need to spend \$8 billion to fix its prisons and build facilities. The panel is expected to rule early in 2009, but an order to release prisoners would most likely face an appeal to the U.S. Supreme Court.

UPDATE ON PAROLE POLICY

Gov. Ed Rendell of Pennsylvania lifted a moratorium on paroling those with convictions involving violence on December 8, 2008, after accepting recommendations from a Temple University (Philadelphia) report. Rendell halted parole of state prisoners in September after a police officer was killed by a parolee. Rendell lifted the moratorium on paroles for those doing time for nonviolent crimes. Those eligible are now being paroled under stricter supervision policies.

PUBLIC HEARING ON PRISON PHONE RATES

The Public Regulations Commission (PRC) of the state of New Mexico has scheduled a public hearing regarding state prison phone rates for March 31, 2009 (case no. 07-00316). The only provider of phone services now allowed is Correctional Billing Services (CBS), a division of Evercom Corp. The Attorney General's office is being requested to represent the New Mexico families affected by these phone rates. (For more information regarding the prison phone situation across the country, contact: eTc Campaign, c/o MI-CURE, PO Box 2736, Kalamazoo MI 49003.)

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Crime of the Month

aka Crimetoppers

Imagine 1.5 million people, more than half of them children under age 15, imprisoned within a 140 square mile area. No one is allowed to enter or to leave. Little or no food, medicine or fuel is allowed to enter. The power plant supplying most of the electricity for water and sewage treatment is bombed. Fighter jets fly low over the area creating massive sonic booms terrorizing the population. Civilians are randomly attacked and killed using helicopter gun ships and tanks. Orchards and agricultural lands are bulldozed so people can't grow food. Medical treatment is denied to hundreds of critically ill people. Entry is denied to international relief agencies, doctors and journalists.

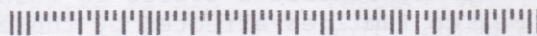
This must be the work of some

Islamic terrorist state or backward third world nation: "Those" people don't value life the way "we" do. The whole world should condemn these barbaric acts and rush to the aid of the innocent victims. And they probably would, except for the fact that the country which is orchestrating this collective punishment is Israel.

In response to the firing of crude home-made and largely ineffective rockets into Israel by a small group of militant resistance fighters, the world's fourth largest military machine is brutalizing a million and a half innocent men, women and children in Gaza. The U.S. and other nations support and condone these actions. This immoral collective punishment is our Crime of the Month.



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