

Merit Time Amendments

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The new bills eliminate from merit time about half the incarcerated, particularly the many first-time offenders, who were convicted of a one-time violent offense, all those convicted of the less violent offenses, and all those who have truly rehabilitated themselves. The bills now take away the important incentive for rehabilitation from thousands of recoverable persons.

This is contrary to the widely held beliefs illustrated in our first paragraph, that "it is essential to the safety of society that offenders be given every opportunity to restore themselves to wholeness, and re-integrate themselves as productive, law-abiding members of the community."

Withholding Merit Time from only the most serious and habitual offenders would be more logical and fair.

Interstate Calls from Prisons

(continued from page 1)

These customers are forced to pay in advance for calls; receive no accounting of the calls in many cases, and may discover the account is empty when the calls are blocked.

"H.R. 4466 addresses all of these concerns. It authorizes the Federal Communication Commission to:

- Prescribe maximum rates.
- Require both collect and debit calling.
- Prohibit commissions.
- Require competition.
- Prohibit call blocking solely because there is no billing agreement in place.

23 Steps of a NYS Reentry Plan

A comprehensive plan, inspired by the *Second Chance Act*, H.R. 1704, now pending in the U.S. Congress¹ and the *Re-Entry Policy Council Report of the Council of State Governments*² provides a sound guide for developing a comprehensive New York State re-entry program. It is available at our website, www.bestweb.net/~cureny

Older and Sick Prisoners

A 2001 Virginia law allows prisoners who are at least 65 years old and have served at least 5 years in prison to apply for parole on the basis of their age. Prisoners who are at least 60 years old and have served 10 years in prison may also apply.

Washington State will release individuals with serious medical conditions if there is a cost savings to the prison system and it is safe to release them.

The cost of housing older inmates has been found to be approximately twice the cost of housing younger inmates. Enactment of this legislation will allow New York State to address the older inmate population, and to achieve significant cost savings.

POPS in other states has resulted in significant cost savings. The savings have been achieved by freeing up prison space for violent offenders, and by reducing medical costs normally incurred by older inmates (inmates over the age of 55 have been found to suffer an average of three chronic illnesses and, due to their incarceration, they are physiologically about seven years older than their chronological age).

Moreover, the likelihood of committing a new offense decreases as people age. Thus, the risk to public safety is significantly diminished. According to Professor Jonathan Turley, founder of the Project for Older Prisoners, "As we get older, we become less dangerous. After age 35, the inclination or ability to commit major crime decreases. Between 55 and 80, the recidivist inclination is very low."

In New York State, Bills A.01513, S.104 enact the Geriatric and Older Prisoner Act of 2005 to provide for the geriatric parole, electronic detention and correctional nursing care of elderly inmates who no longer pose a threat to society; and bans prisoners convicted of sex offenses from participation in the program. **Similar POPS bills have languished in the NYS Codes or Corrections Committees since 1994. LET'S GO, NEW YORK!**

SAVE the DATE!

May 9, 2006

CURE-NY Annual Meeting

In the Knickerbocker Room,
Capitol Hill Deli, 42 Eagle St., Albany, NY
9:00 AM to 4:00 PM

for all the friends of justice and CURE-NY

Advocates' education on key criminal justice issues.
Comradeship in the struggles for reform.
Legislative visits to educate and learn.

Continental breakfast and lunch provided
Suggested donation of \$20; ex-offenders and families free
Reserve your space now; Contact CURE-NY
Box 102, Katonah NY 10536; or cureny@bestweb.net;

¹ <http://www.reentry.net/>

² <http://www.reentrypolicy.org>

Sex Offender Laws Irrational ?

*Excerpts from a letter in the Iowa Globe Gazette,
Dec. 19, 2005, by Dr. Gary Swenson.*

<http://www.globegazette.com/articles/2005/12/19/opinion/doc43a6369bac6d8309660661.txt>

One cannot open a newspaper in Iowa without seeing an article pertaining to the recently enforced law prohibiting convicted sex offenders from living within 2,000 feet of schools and daycare facilities.

The great tragedy is that our children are less safe than they were before the ordinance was enacted. Because of this law, more children will be molested, abducted and possibly even killed than would have been the case had we left well enough alone. This seems counterintuitive, but a bit of research into the situation may help clarify the facts.

We must remember that not all sex offenders are the same. In actuality, very few are the pathologic predators that have become the stereotype. *Most individuals who have been convicted of a sexual crime are persons who simply made a serious mistake. These individuals feel a deep sense of remorse for their actions, and during their time of incarceration actively cooperate in intensive therapy regimens.*

High-risk individuals are readily identifiable as they do not cooperate in prison, refuse any attempts at therapy and usually serve their entire sentence without parole or probation. Unfortunately, once their prison term has been completed, their only requirement is to register with the local police department when they find a place to live. Because they are not on parole or probation, they cannot be mandated to attend therapy sessions, take polygraph tests or subject themselves to any monitoring.

These individuals often quickly become fugitives from justice, usually fleeing to another state where they somehow forget to register with the local law enforcement agency.

Before we feel all safe and cozy about our cities' new ordinance banning sex offenders, we should remember that the most violent sexual crimes against children, those that are most feared by parents, are rarely perpetrated by someone who is registered in the city where the child lives. No law, no matter how stringent, will save these unfortunate children.

What the new restrictions have done, however, is to take the low- and intermediate-risk offenders and totally turn their lives upside down. Forced to move, many of these individuals can no longer find transportation to work, or even affordable housing.

Some, despairing of finding a place to live, have simply sought to return to jail. Unfortunately, you cannot just check in at the local penitentiary as you would a hotel. You have to commit a crime. Good plan, eh?

Probation officers have noted that low-risk individuals who were doing exceptionally well before the law was enforced have now regressed, many to their initial states of psychological disarray. As a direct result of the stresses associated with the 2,000-foot rule, intermediate-risk individuals are returning to thoughts that may transform them into high-risk persons.

Suicidal thoughts have surged in the sex-offender population in the weeks since the law was enforced. This puts everyone at risk. When a desperate man contemplates suicide, there is no reason to hold himself in check. "If I'm going to die anyway," he may think, "I might as well act one last time on these impulses." Children are going to be harmed.

Let's look at the logical conclusion to this mess. Once every community in Iowa passes restrictions that prohibit sex offenders from living in the city limits, the only places they will be able to live are rural, isolated and poorly monitored areas — not the places we want sex offenders to spend their time. Once the counties become alarmed by the rural migration of sex offenders and start passing ordinances to prevent them from living anywhere in the county, the offenders will either go underground, flee the state or commit a crime so they can go back to jail.

In any case, Iowa's children will be less safe.

We must remember that most sexual offenses against children are perpetrated by individuals who have no prior record of sexual crimes. These individuals frequently live in the same home as the children. Stranger abductions, while sensational and frightening, are rare. *Our children are in more danger from step-parents, uncles and aunts than they are from a registered sex offender who lives next door.*

The greatest irony of this situation is that we claim to be doing all this for the children.

As is typical for our society, we pick a minority demon, blame all our ills on him and then chase after him with our pitchforks and fire-irons crying, "Kill the beast!"

Well done, Iowa! We have placed the salve of irrational hysteria on our wounded conscience. The adults feel better and have news conferences and get re-elected. The children, whom we are supposed to nurture and cherish, pay the horrifying price of these emotion riddled decisions.

— Dr. Swenson is a Mason City radiologist

ACTION ALERT! Dare to Care!

Write to your NYS politicians, and tell what you think about **Merit Time** allowance for some (or most) violent offenders, the **sick and elderly in prison, unfair parole practices, and post-secondary education in prisons.**

Write to Senator Joseph L. Bruno, Senate Majority Leader, 909 LOB, Albany, NY 12247, and to Assembly Speaker Sheldon Silver, 932 LOB, Albany, NY 12248, and to your district legislators, and tell them how you feel about **restorative justice, a real re-entry program for NYS, unjust telephone practices, and mentally ill prisoners in SHUs.**

Write also to your U.S.Congressperson to restore educational grants for incarcerated persons.

Have friends write, too, stating their views (whatever they may be) also on NYS merit time, and NYS drug laws.

PLEASE DO IT NOW!

* * *

Oblivion

By E. Chico Cuadrado, Sing Sing CF

Fearing what the day may bring,
Nights aren't safe locked-in;
What strangeness, what violence!

Predators and prey all around;
Desolate subcultures abound
Similarly, the rulers transgress.

Existence is but a little death,
Handcuffs the only wreath;
A new significance of being in limbo.

Persecution is a constant affliction,
Implicit in the subjugation;
The price returned for a crime committed.

Cutoff from the world at large,
Now the State is in your charge.
Otherwise known as being forgotten.

Nestled in out-of-the-way places,
Filled mostly with black and Latino races.
The somber reality of prison spaces.

**IN HONOR OF ANOTHER FALLEN SOLDIER:
SURAJ "BOMBAY" NARAYAN**

By R. Gonzalez, Otisville CF

There are times in prison when bonds are formed. Fragile friendships started. During these times you get to know someone. You are encouraged by his strength and the personal adversity he faces day in and day out. Then he is gone.

Here is to a man who served his country and fought for someone else's principles and ideologies. A man who was strong in will but due to lung cancer, emphysema, diabetes and poor blood circulation was frail in health. A man denied parole numerous times because the board said: "he was a threat to society", but he was determined to die a free man.

Here is to a man who died one day short of his 70th birthday. He died not as a veteran, a criminal or a sickly man. He died as another victim of callous, broad parole policies. But he died strong, determined and remembered.

I bid you shalom, Suraj "Bombay" Narayan, on your sojourn. All who knew you pray for you, all who will greet you, do so because, you died with rank, dignity and honor. You Died A Free Man.

Respond to the Call

Merit Time, Interstate Calls from Prisoners, Effects of Prison on Crime, Parole Board Injustice, Sealing Criminal Records, Modern Slavery, Reentry Plans, Older and Sick Prisoners, Sex Offender Laws, Prisoner Abuse, and other inmate views - these are the burning topics aired in this issue of the CURE-NY Newsletter.. Every issue, in fact, performs the vital function of awakening us all to the urgent need of action to rectify weaknesses in the system and to improve justice. **You are needed in this process!** Respond to the *Action Alert* above! If you're not already a member, or if your membership has expired (see the expiration date on the addressing label), take a minute now to join (or rejoin) CURE-NY.

Please fill in and mail this membership application to:

CURE-NY, PO Box 102, Katonah, NY 10536

Name _____
Address _____
City State & Zip Code _____
Phone _____ email _____
Fax _____

Please check type of membership and Annual Dues

- Prisoner \$ 2.00 Sustaining \$ 50.00
- Basic \$ 10.00 Life \$100.00
- Family \$ 20.00 Benefactor \$500.00

And send us your email address, so you can receive the CURE-NY Newsletter by email!

Many Thanks

To the steady band of CURE-NY Members who are the financial rock on which this newsletter depends; and especially to the Hudson River Presbytery for their collaboration and financial aid in this and other prison ministry. - *The CURE-NY Editors*

ABUSE

by Stephen Matthews

Some images stay with us. Some change the way we look at our institutions and the world. There are images that challenge our beliefs. There are images that inspire. There are images we learn from. And, there are even those images that shock and shame us.

Presently, there are those images of prisoners, stripped bare; paraded around like animals and humiliated by American soldiers. Soldiers who, as told by the Bush administration, are supposed to be the harbingers of Democracy and freedom.

This type of behavior, as abhorrent as it may be, is endemic to the prison guard culture; it is only because of the exposure of these abuses - by aid of recording devices - that the world has come to know what did happen behind the walls of Abu Ghraib prison. And it is important to emphasize that what was seen in those images are not specific to a prison west of Baghdad. It can be and is any prison, including the prison where this letter was written.

What we saw in the images of a young female private, smiling and pointing to the genitals of Iraqi prisoners stripped bare, is not, sadly, an aberration. It is not just a few guards involved in momentary instances of repugnant conduct. This is systemic. It is particular to the type of environment that is arranged, where there are cells; people kept in cells (for whatever reason); and people charged with the care, control and custody of those "other" people kept in the cells. It is particular to an arrangement such as this, where, also, the threat of exposure is virtually nonexistent.

The abuse of detainees is a product of a systemic failure, the influence of permissiveness, as it pertains to inmate-abuse. It is no mistake that some of the soldiers seen in the photos are former and current prison guards.

There are roughly three types of prison guards: those that do mistreat prisoners in the manner seen in the photos from Abu Ghraib prison; those that turn their heads to such mistreatment and say nothing; and those who do something about it, by reporting and exposing such abuses. There is little distinction that can be made between the first and second group. And, unfortunately, the third group is outnumbered and even ostracized, and are labeled as snitches by

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some and - traitors by others. But, the permissiveness goes beyond those groups who mistreat prisoners and those who do nothing to stop it. It resonates up through the chain of command, the administrators: whose instructions are to be a guiding point, and who have ultimate authority over the prison.

There is a "morality deficit" within the prison guard culture, if it can be called that. In many prisons and holding centers, it occurs when there is the feeling that anything can be done to prisoners on a whim, because there are no cameras or recording devices allowed, making any claim of abuse virtually impossible to investigate. Exposure is low; thereby the possibility of inmate-abuse is high.

And what was seen in the Abu Ghraib images is not the disease. Rather, it is a symptom of a much greater ailment than perhaps many honest, freedom loving citizens are willing to face.

In two ways, inmate-abuse can be minimized: 1) Supervision: there must be those who will be vigilant in the superintendence of prisons, and who will be willing and able to manage, remove, report and turn over to the proper authorities any under their command who violate the rights of prisoners and the letter of the law, and 2) Exposure: revelations of wrong-doing must be divulged to the people. There must be transparency if any government is to govern with the confidence of the people. And what must be revealed to the people or society as a whole - however ugly or disdainful - is the true nature of its prisons - which are the very microcosm of society itself. And if there is a constant threat of exposure of any abuse and violation; then the "rule of law" will naturally flow from that.