

CURE-NY *Newsletter*

To Reduce Crime and Uplift Society

Summer 2006

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UNHEALTHY PRISONS

Excerpts from "The Prison Environment and its Effect on Society", by Cheryl L. Kates, Esq., May 14, 2006

Prisons are institutions with unhealthy environments that affect society. There is an enormous disparity in the incidence of communicable diseases such as HIV, tuberculosis, and hepatitis among inmates. This factor is blamed on individual behaviors. The environment is the factor fostering the problem. This problem affects the health of the community as incarcerated individuals are eventually released.

The HIV/AIDS rate is six times higher in state and federal prisons than it is in the general population.¹

In New York State, 10,000 inmates are infected with the HIV virus.² Twenty-five percent of all U.S. inmates infected with AIDS were incarcerated in New York State.¹

In 1999, active tuberculosis was detected in 12,000 U.S. inmates, which accounted for 35% of the total cases, and was 50 times that of non-incarcerated individuals.³

In New York State, during the years 1976-86, the increase in the prevalence of inmate tuberculosis was six-fold. At this time 50% of the inmates who were infected with tuberculosis were also infected with HIV.¹

Hepatitis infection is 9-10 times higher in the prison population than that of the general public.⁴

In New York State, it is estimated of the 70,000 inmates, 10,000 are infected with Hepatitis C.⁵

The prison environment detrimentally affects the administration of medical care and treatment for these communicable diseases.¹

¹ <http://hivinsite.ucsf.edu/InSite?page=kb-07&doc=kb-07-04-13> "HIV transmission and prevention in prisons," *HIV Insite.*, Univ. of CA, S.F. Feb. 2003,

² CDC, "Decrease in AIDS related mortality in a state correctional system. New York, 1995-1998, *MMWR Weekly* 47(51) p. 1115-1117, Jan 18, 1999.

³ CDC, "Morbidity among U.S. born and foreign born populations," *U.S. MMWR* 51 (05), 2002.

⁴ Davis, Lois, et al, "Prisoner Reentry," *RAND Research Brief*, Santa Monica, CA. 2003.

⁵ Prison Committee of ACTUP of NY, "No Time to Lose. HIV/AIDS and Hepatitis C in NYS Prisons Study," www.actupny.org/reports/prisons.html 2006.

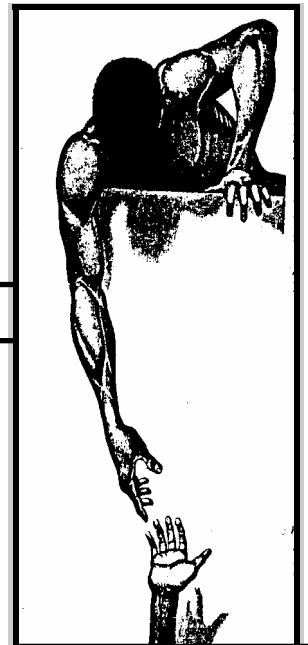
Sentencing Project Recommendations

The Sentencing Project, in conjunction with a broad coalition of human rights organizations, has submitted two issue reports to the United Nations' Human Rights Committee in preparation for hearings regarding the United States' compliance with dictates specified in the International Covenant on Civil and Political Rights .

The Sentencing Project prepared a statement describing widespread problems in the implementation of **felony disenfranchisement laws** by state governments, resulting in confusion among the electorate and preventing a substantial number of eligible voters from registering.

The Sentencing Project also coordinated the development of a domestic criminal justice section. The Criminal Justice Policy Foundation, Open Society Policy Center, Penal Reform International, and The Sentencing Project contributed statements for the section, and other national organizations endorsed its recommendations. Key findings in this section include:

- ◇ The United States fails to adequately fund a viable **public defense system**, which jeopardizes the fairness of criminal court proceedings and increases the likelihood of erroneous convictions;
- ◇ Mandatory minimum sentences exacerbate **racial inequality** in the criminal justice system and have devastating consequences for the African American community;
- ◇ The American correctional system fails to protect basic human rights in prison, primarily through **overcrowding, violence, inadequate programming, and confinement in "supermax" prison facilities**;
- ◇ The practice of routinely prosecuting **juveniles in adult criminal court**, in some cases subjecting children to sentences of life without parole, continues in the U.S. despite guarantees in the ICCPR for its occurrence to be limited to "exceptional circumstances."



"He Ain't Heavy"
by Gilbert Young

Commission on Safety and Abuse in America's Prisons

On June 8, 2006, the Commission released *Confronting Confinement*, a report on violence and abuse in U.S. jails and prisons, the broad impact of those problems on public safety and public health, and how correctional facilities nationwide can become safer and more effective. The report reflects the Commission's work over more than a year — an inquiry that featured four public hearings, visits to jails and prisons, conversations with people about their experience of life behind bars, discussions with current and former corrections officials and experts working outside the profession, and a thorough review of available research and data. Their recommendations included the following:

- **A re-investment in programming for prisoners to prevent violence inside facilities and reduce recidivism after release.**
- **Changing federal law to extend Medicaid and Medicare reimbursement to correctional facilities and ending prisoner co-pays for medical care, reforms necessary to protect the public health. Partnering with health providers in the community.**
- **Reducing the use of high-security segregation and ending the release of prisoners directly from these units to the streets, which contributes to recidivism.**
- **Creating an independent agency in every state to oversee prisons and jails and changing federal law to narrow the scope of the Prison Litigation Reform Act.**
- **Supporting community and family bonds. Reexamining where prisons are located and where prisoners are assigned, encouraging visitation, and implementing phone call reform.**
- **Promoting a culture of mutual respect and interpersonal communication that benefits prisoners and staff.**
- **Recruiting and retaining a qualified corps of officers, and otherwise furthering the professionalism of the workforce.**
- **Developing meaningful internal complaint systems, and reinvigorating investigation and enforcement.**

LICENSING BARRIERS REDUCED ?

June 21, 2006 (Albany, NY): New Yorkers who spent time in prison will no longer be automatically denied a license to barber or practice cosmetology *if legislation, approved by the NY State Senate and Assembly (S.5934-A/A.6179-A), is signed into law by the Governor.*

This change to New York's licensing guidelines is made possible under legislation sponsored by Senator Velmanette Montgomery and Assemblyman Michael Benjamin. The bill prohibits licensing agencies from disqualifying someone from licensure as a barber or cosmetologist solely on the basis of a criminal conviction.

"Inmates in New York correctional facilities are encouraged to participate in and successfully complete vocational/occupational training programs so they may have a chance to compete for real wage jobs when they get out of prison," said Senator Montgomery.

"Ex-offenders face a myriad of mandatory exclusions from housing, social programs, employment and other necessary transitional services. My bill is an important step to making job security accessible to people who endeavor to be a success in the free world," the Senator said.

Having passed both the Senate and Assembly, the bill now goes to the Governor for consideration.

Cosmetology training is offered to women incarcerated at Taconic, Bedford Hills and Albion correctional facilities. Barbering training is available to male inmates at Hudson, Green Haven, Auburn and Mid-State correctional facilities.

Contact: Sandy Stewart, Office of Senator Velmanette Montgomery, Room 306, Legislative Office Building, Albany, NY 12247.

Ed. Note: Please convey your views to the Governor.

Zogby Poll on Rehab

February 2006; 1039 respondents

- 87% favor rehabilitation; not only-punishment.
- 70% favor rehab both during and after incarceration.
- 82% say lack of job training and job opportunities are significant barriers.
- 78% support Second Chance Act (40% strongly)

Limiting Disciplinary Segregation

Excerpts from NYS Senate Press Release June 23, 2006
<http://www.senate.state.ny.us/pressreleases.nsf/2e0e86fa9105ed5a85256ec30061c0be/2daa217fe77bc8b98525719600708609?OpenDocument>

The New York State Senate gave final legislative passage to legislation that would prohibit mentally ill inmates from being placed in solitary confinement "SHUs" and would establish residential treatment programs for these inmates.

"With this bill, New York is recognizing that there are certain forms of punishment for inmates with serious mental illness that are inhumane and counterproductive," Senator Nozzolio, Chairman of the Senate Committee on Crime Victims, Crime and Corrections, said. "In addition, this bill will help ensure lower rates of recidivism and relapse when such prisoners are released from prison and it will make our prisons easier to manage and safer for staff and inmates."

Currently, approximately 12 percent of the prison population, (approximately 8,000 inmates) are affected by serious mental illness. In addition, studies have shown that when this population is disciplined using solitary confinement, inmates engage in acts of self-mutilation and commit suicide at a rate three times higher than inmates in the general prison population.

Under the provisions of the bill (S.2207C), inmates who meet the criteria for serious mental illness, will be removed and placed in a residential mental health treatment program or any other clinically appropriate program. In addition, the superintendent is required to report to the Commissioner on the mental health treatment or confinement of such inmates.

In addition to excluding inmates with serious mental illness from isolated confinement, the bill would require that residential mental health treatment programs be established by the Commissioner of Corrections.

In addition, the Department shall conduct forty hours of initial training for all correctional staff working in the residential mental health treatment programs. Eight hours of annual training will also be given to all correctional staff department-wide.

The bill will be sent to the Governor.

Ed. Note: The bill was originally introduced several years ago by Assemblyman Jeffrion Aubry (D - Queens), chairman of the Assembly Corrections Committee. It was passed in June, 2005 and was repassed June 20, 2006

Please convey your views to the Governor, (Executive Chamber, Albany, NY 12224.)

Justice Charter Updated

CURE-NY's *Justice Charter* has been completely updated and is now available on the CURE-NY website, www.bestweb.net/~cureny. It contains three parts: Chilling Facts About our Present System; Faith Communities Call for Justice; and Eighteen Steps towards fair and restorative justice, a comprehensive program for NYS criminal justice reform. A very limited number of hard copies; and (for group presentations) a power-point-based slide show on a CD, are also available from CURE-NY.

Steps in the *Justice Charter* include: New Directions, Judicial Discretion, Competent Defense, Fair Sentencing, Retroactivity, Racial Justice, The Death Penalty, The Sick and Elderly, Special Housing Units, The Mentally Ill, Staff Misconduct, Community-Based Solutions, Alcohol and Drug Treatment, Education, Prisoner Work, Family Preservation, Parole Justice, and Transitional Reintegration

Western Hemisphere Prisons

International CURE has produced a new book, *Dignity of the Individual*, which contains evaluations of prisons in 35 western hemisphere countries, along with key excerpts from a number of relevant human rights documents. The entire document is now available on the National CURE website, www.curenational.org under "Resources; A Report on Justice, Organization of American States." Topics include: Indigents, Juveniles, Death Penalty, Prison Systems, Grievances, Prisoner Abuse, Health Care, Rehabilitation, Reentry, Voting, and Visitation. Prison photos provided by Alan Pogue augment the presentations.

This book was presented to and discussed with representatives of the Organization of American States, as part of the National CURE conference in Washington D.C., on June 26. The editors of this CURE-NY Newsletter contributed the packaging and production of this new International CURE book, using inputs from about 100 volunteers in the diverse countries.

A Reentry Plan for NYS

Also now available on the same CURE-NY website, www.bestweb.net/~cureny is a set of recommendations regarding re-entry of prisoners in New York State. These 23 steps have been largely inspired by the "Second Chance Act," H.R. 1704, now pending in the U.S. Congress and the "Re-Entry Policy Council Report" of the Council of State Governments. We suggest that this outline provides a sound guide for developing a comprehensive New York State approach to the re-entry problem.

Prison Release: Wilderness or Promised Land

By Aaron Talley and Don Mason

A man is released from prison after serving 25 years. He was denied the opportunity to transition back into the reality of the work world; our high tech society was confusing to him; he did not have the resources to make a successful transition back into society because there was no temporary release program (education or work release). Within six months he was back in prison. Freedom to him had been the Wilderness not the Promised Land.

Another man came out of prison after serving 25 years. For him freedom was the Promised Land because he made a successful transition and was immediately contributing to society and his family again. He had worked the last two years of his sentence out in society, going back to a facility each evening of the week; and after six months of successful work release, he had his weekends at home. He had saved enough money to help his family move out of public housing; and he had enough to pay off his family's debts, which they had accrued during his long incarceration. And he gained back his self respect and that of his family.

CURE-NY

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At present, people in prison in NYS with violent crimes are ineligible for participation in any temporary release program solely as a result of Governor Pataki's Executive Order No. 5.1 (9NYCRR 5.5), issued pursuant to a 1995 amendment to Correction Law §851 (2). In one stroke of his pen he eliminated all violent offenders from a program that had been running well since 1969. Not long before Governor Pataki issued his Executive Order, former Commissioner of the NYS Dept. of Corrections, Coughlin, testified at a legislative hearing. He stated that violent offenders were among the best prisoners to be released on temporary release. He went on to state that it was because by the time they were eligible they had been incarcerated for many years and were older and more mature than most non-violent offenders.

A number of studies have examined the recidivism rate of those released with violent crimes, particularly those imprisoned for homicide. Generally, it has been found that those with violent crimes and long periods of incarceration have very low rates of recidivism.

The Governmental Education Organization (GEO) work release subcommittee at Mid-Orange Correctional Facility believes that it's time for us to include violent offenders in this valuable program, which was intended to reduce recidivism by helping formerly incarcerated individuals to return to a normal and productive life. The program reintegrates ex-offenders back into society as law abiding and tax paying citizens.

Temporary release programs include work release programs, furlough programs, community service programs, and educational leaves. People in these programs still reside in correctional facilities, but they are allowed to leave the premises for a certain amount of hours during the day to work or for educational purposes. Our organization believes that work release is a powerful incentive, and should be offered to a majority of people in prison, conditioned on their completion of major rehabilitation programs, education, and a demonstration of evident rehabilitation.

Our members are aware that temporary release programs are a privilege and that only women and men that fulfilled all of their prison program requirements (e.g., AA, NA, Alternatives to Violence, etc.) should be eligible. The growing interest in prisoner re-entry has focused attention on the importance of providing programming in prisons that can prepare prisoners for release to the community. What better program than the work release program could prepare an individual that is incarcerated for their return to the community after a long incarceration?

Based on the above information we are requesting your assistance and support in having the Temporary Release Program (TRP) restored for those of us who have violent crimes and long periods of incarceration. Help us return in the Promised Land not the Wilderness. **Please write your state representatives and Governor Pataki concerning this vital issue.**

