

# CURE-NY *Newsletter*

To Reduce Crime and Uplift Society

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## A SECOND CHANCE

Referring to released prisoners, President George W. Bush noted in his State of the Union speech in 2004 that "we know from long experience that if they can't find work, or a home or help, they are much more likely to commit more crimes and return to prison."

The causes are spelled out in legislation now before Congress, **the Second Chance Act** (HR 5075 IH<sup>1</sup>, S 2923 IS, HR 4676 IH, S 2789 IS). Blame for the unacceptably high recidivism rate can be assigned primarily to the minimum preparation given prisoners prior to their release and to the low level of help afforded them after they return to their communities.<sup>2</sup> The Act focuses on four areas: substance abuse, housing, jobs and families. Of particular interest are two sections.

### Section 17: MENTORING GRANTS TO COMMUNITY-BASED ORGANIZATIONS.

- (b) Grant funds awarded may be used for--
- (1) **mentoring** adult and juvenile offenders; and
  - (2) **transitional services** to assist in the re-integration of ex-offenders into the community.

### SEC. 20. FAMILY UNIFICATION IN PUBLIC HOUSING.

- (c) CONSIDERATION OF REHABILITATION- In determining whether to deny admission to the program or federally assisted housing to any household, a public housing agency or **an owner shall, prior to an initial denial of eligibility, consider the following factors:**
- (A) The effect of denial on the applicant's family, particularly minor children.
  - (B) Whether such household member has successfully completed a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol .
  - (C) Whether such household member has otherwise been rehabilitated successfully.

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## Mental Health and Solitary

**Assembly Bill A.8849**, passed last June, defines the problem:

"The incidence of serious mental illness among inmates within the state prison system has increased significantly in recent years. Currently, about 12 percent of the prison population, (about 8,000 inmates) is 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."

The Assembly Bill calls for the creation of psychiatric correctional facilities and transitional services programs for state prison inmates with severe mental illness; provides for an oversight committee by NYS commission on quality care for the mentally disabled; and provides for assessment of inmates subjected to isolated confinement. Two provisions are key:

**1. The Bill excludes inmates with serious mental illness from isolated confinement related to inmate discipline or maintenance of order.**

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

Widely bi-partisan, with 41 members of the Assembly Minority voting in favor of passage, Bill A.8849 easily passed the Assembly last session. The New York State Correctional Officers and Police Benevolent Association has also offered their support for this bill.

Now the NYS Senate Committee on Crime Victims, Crime & Corrections, under the chairmanship of Senator Michael Nozzolio, has been asked to consider a companion bill in the Senate. Only then will passage of the bill be possible. New Yorkers await their response.



"He Ain't Heavy"  
by Gilbert Young

<sup>1</sup> <http://thomas.loc.gov/cgi-bin/query>

<sup>2</sup> Editorial, America Magazine, December 13, 2004

## A SECOND CHANCE

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- (D) Whether such household member is participating in a supervised drug or alcohol rehabilitation program
- (E) Other mitigating circumstances such as--
- (i) the applicant's involvement in the community;
  - (ii) the applicant's enrollment in or completion of a job training program;
  - (iii) the employment status of the applicant;
  - (iv) any other circumstances which reflect the efforts the applicant has made toward rehabilitation; and
  - (v) the availability of other housing options.

(d) **CONDITIONAL ELIGIBILITY-** A public housing agency or owner of such housing may condition an applicant's or a household's eligibility for federally assisted housing on the participation of the applicant, or a member of the applicant's household, in a supervised rehabilitation program, or other appropriate social services.

## Westchester Connections

Following the examples of New York City, Albany, Rochester, and Washington DC, *Westchester Connections* is a reference booklet to assist agencies, persons incarcerated, persons formerly incarcerated, and others similarly in need, in the process of re-entry back into society in Westchester County. It, in effect, identifies and describes players in a Westchester Re-Entry Network. Transitional Services groups in prisons would find it useful for persons returning to Westchester.

Subjects in the booklet range from getting a birth certificate to finding housing or food, financial assistance programs, finding a job, getting education, help with addictions, and parole regulations.

The entire booklet is on line and can be read or downloaded, chapter by chapter, at [www.wccdinc.net](http://www.wccdinc.net) Copies in hard copy, CD or diskette are also available at Westchester Connections, PO Box 102, Katonah, NY 10536 while the supply lasts. Donations would be appreciated (suggest \$10 for hard copy and \$5 for CD or diskette). A CD holding a power-point summary of each chapter is also available.

## Lifers

Nearly 128,000 people, or one of every 11 offenders in state and federal prisons, are serving life sentences, according to the recent study by The Sentencing Project. In 1992, only 70,000 people had life sentences.

**New York had the highest percentage of its state inmates serving life sentences, - 19.4 percent.**

## The Phone Hostage

*Excerpts from a letter by an inmate in Wende C.F.*

It is hard enough for families to keep the family ties strong while their loved ones are incarcerated, some unjustly, without the added stress, strain and pressure of having to pay the exorbitant collect telephone costs MCI and DOCS are charging. They are holding them hostage. If the families do not thus subscribe to MCI telephone services, collect calls from the prisons are blocked stating due to an "MCI Billing Issue." By this, families are being held hostage; and extorted families are forced to subscribe to "their" services and pay "their" outrageous prices, or run the risk of losing touch with family members, especially children (\$3.00 just to connect the call and first minute, and 16 cents for each additional minute). As people are aware there are many telephone companies offering rates as low as 3-5 cents per minute – 1/5 – 1/3 the cost that families must pay. However, because of the monopoly MCI has over the prison system, families of inmates are not permitted to subscribe to them.

Because of the cost of travel today, families cannot regularly visit their loved ones, and must depend on the telephone as the only real means of communication. When family ties suffer and are strained, so are the people they effect, both in and out of the prison. Family ties and values are a necessity to everyone, and sacrificing them not only destroys those families, but increases the risk of spawning future trouble and/or inmates.

## ABA Asked to Adopt Position on Telephones

The American Bar Association is being asked to adopt a position on inmate telephone systems. MI-CURE Director and eTc Campaign Coordinator Kay Perry was among those who contributed to the development of the draft position.

## A Prison Curriculum

*Excerpts from a letter of an inmate in Collins CF*

**If I were to compose a curriculum**, it would be as follows: Psychology 101: coping maturely with the physical, mental, and emotional pains of imprisonment without the use of reality killers (substance abuse); Economics 101: learning how not to employ deception or violence in securing financial security; Sociology 101: focusing on the construction and/or reconstruction of mutual and supportive relationships with family members and others; Sociology 102: tackling moral dilemmas without violating the rights of others to be safe in their person and in their property; World Views and Values 200: treating staff and prisoners alike as fellow human beings that possess dignity and worth; Capping Course, Life 404: the strategic art of eliminating negatives and accentuating positives.

## The Parole Board Denials

*Excerpts from a letter by an inmate in Otisville C.F.*

I am one of 22 individuals with a combined total of 581 years incarcerated, 54 parole denials, totaling an additional 103 years beyond our court imposed minimum sentences.

Just so you can see the parole situation here, from January 2004 to November 2004, 249 have appeared; 205 have been denied [Ed. Note: each denial by a board means at least two more years of imprisonment]. Of those released, 8 were lifers: 2 were released at their 1<sup>st</sup> board, 2 released at their 2<sup>nd</sup> board, 2 released at their 5<sup>th</sup> board, 1 released at his 6<sup>th</sup> board, and one at his 7<sup>th</sup> board.

Yes, by virtue of crime and conviction we are criminals; but most importantly, we are people first. We acknowledge that there is a debt to society that must be paid, but, inherent in that system is the reward of liberty through "rehabilitation." Today that notion is categorically and blatantly neglected by those appointed to uphold it. This unjust, illegal policy weakens the fabric of our society by perpetuating the notion that people cannot be redeemed and rehabilitated.

The fact, true for many classified "violent offenders," is that not knowing when to be able to tell family members they're coming home, and living from denial to denial, crushes the spirit, not just ours but that of our families and loved ones, who are guilty of no crime.

## The Tradeoffs

*Excerpt from a letter by an inmate in Attica C.F.*

When the laws of 1973 were passed, authorizing mandatory minimum sentencing, it essentially stipulated: offenders have from date of sentence to their minimum to get their act together, **to change their behavior**. When the prisoner succeeds in that, and having served the minimum portion of the court imposed sentence, it was expected the prisoner would be released on parole.

[Instead,] as the state leaders have allocated more resources [for prisons] each year, ...keeping people in prison longer; and so, other programs, especially higher education, have suffered. ...[They] would rather continue taxing business, raising tolls and mass transit fares, laying off nurses, teachers, firemen and police. [They] would rather continue raising rent and property taxes, cut welfare programs, Medicare, disability programs, etc.

*Ed. Note:* Very few of the general public are really aware that their loss of health care, education, etc. are the result of a hugely expensive, excessively-punitive criminal justice.

## IT PASSED!

*from MI-CURE News, November, 2004*

CURE-NY members have long been concerned with convictions of innocent persons and inadequate legal counsel for the poor. It's highly gratifying, therefore, to see the passage of the national **Justice For All Act of 2004**, which contains the following provisions (among others):

- Requires a court to order DNA testing in a federal case where the applicant claims under penalty of perjury that s/he is innocent and the proposed DNA test may produce new material evidence
- Prohibits destruction of DNA evidence in a Federal criminal case while a defendant remains incarcerated.
- Authorizes \$5 million per year in grants through 2009 to help states defray the cost of post-conviction DNA testing.
- Expands an existing grant program to permit funds to be used to eliminate a backlog in the analysis of forensic science evidence, including ballistics examination, latent prints, and toxicology, and extends authorization of appropriations through 2009. This section also requires any State applying for funds to certify that it has a process in place to conduct independent external investigations into any allegations of serious negligence or misconduct affecting the integrity of forensic results.
- Authorizes a grant program to improve the quality of legal representation for indigent defendants in State capital cases.
- Increases the maximum amount of damages that may be awarded for wrongful convictions in federal cases from a flat \$5,000 to \$50,000 per year in non-capital cases, and \$100,000 per year in capital cases.
- Expresses the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

## Plea Bargains

*From The Advocate, Fall, 2004*

According to the NYS Dept. of Criminal Justice Services, **96% of felony convictions in 2003 were by plea bargain**. Unfortunately, unjust pleas are too common. The system for providing defense counsel to people who cannot afford a lawyer is routinely and increasingly underfunded. Public defense lawyers may be unable to mount even simple defenses due to lack of time and resources. They have little time to interview clients and witnesses; they have few resources to employ experts and obtain forensic tests to challenge the prosecution's charges; and they have little opportunity to make motions to challenge the admissibility of evidence. Too often, they accept the prosecution's evidence, and thus fail to challenge the assumption that their clients are guilty of something. Pressured plea bargains result, and too often, innocent defendants plead guilty.

## THE NEW CRIMINAL JUSTICE

Excerpts from paper by *Anthony Scott Washington, Currently, Chair of the Ex-Offender Discernment Team at Workplace ReConnections, Dayton, Ohio.*

Today, our nation's prison population is literally bursting at its seams. Unfortunately, the demographic profile of our prison population is overwhelmingly minority and poor. Equally as disturbing is the deteriorating conditions of the disenfranchised neighborhoods across the country. One factor that must be considered when discussing our disenfranchised communities is the over reliance on incarceration as a method to prevent or deter drug use and addiction, as well as the nonviolent criminal conduct that accompanies drug abuse and addiction. These conditions are the residual and rippling effect of current criminal justice policies. To ignore the causal connection between these policies, and the cyclical pattern of poverty and crime in America today is turning a blind-eye to factors that are rotting the foundation of contemporary urban society.

There seems, however, to be a glimmer of hope. Recently, lawmakers and other influential government bureaucrats have taken note as to the tremendous numbers of offenders being released into their respective communities. Sparked by statements made by President Bush in his 2004 State of the Union address, which proposed a \$300 million prisoner reentry initiative, ex-offender reentry is fast becoming a scorching hot issue despite its plague-like unattractiveness to our current political candidates.

The common thread that runs through disenfranchised neighborhoods and this nation's penal institutions is a lack of educational attainment. This phenomenon is fostered by the fact that our prisons are bulging with inmates that overwhelmingly come from the disenfranchised neighborhoods of this country. More importantly, a significant number of our incarcerated and ex-offenders returning to the community are illiterate or functioning at a near illiterate cognitive level. As such, educational attainment is the key to attacking this phenomenon.

Educational attainment empowers recently released ex-offenders to re-enter the workforce as valued and respected employees. We should address the issue of recidivism through this unique and progressive approach. Importantly, we should fund educational training programs. Educational training teaches the client how to excel as a student. My philosophy is that intellectual prowess has very little to do with becoming a successful student.

A legitimate educational training program will stress encouragement and empowerment, never a message of incompetence. The program should promote confidence

since much of success stems from a sense of confidence. In the short term, the goal of educational training is to provide a vehicle by which the ex-offender can become a successful student; a valued and respected employee; and thus, a well-appreciated member of the community. The long term goal is to turn around the lives of as many ex-offenders as possible.

As we proceed into the new millennium, criminal justice policy must be enacted that presents strategies for addressing social pathology without stripping our communities of their most valued resource; its people. In addition, the criminal justice approach to drug use and addiction should be abandoned and replaced with a public health approach that promotes prevention and recovery. It is imperative that our children have families that are available to them to instill a sense of family solidarity and values that were once the anchor of the community. We must re-invest in our children by passing legislation that promotes family togetherness.

In the year 2004, an enormous issue resonates below the popular election-year issues. That issue is: what in the world are we going to do with massive numbers of unskilled, undereducated, and often, recalcitrant felons that will be returning to our communities over the next five to ten years?

First, our elected officials must point out the flaws and inadequacies in the current method for dealing with the complex problem of poverty and the demand for drugs in America.

Next, our lawmakers must present concrete solutions for a problem that cannot be conquered by locking up hundreds of thousands of Americans. These solutions, absolutely, must promote funding for alternatives to incarceration that include basic literacy, and intermediate and advanced adult educational training models.

Finally, our drug policy must focus on prevention and recovery so we can begin to build, or in many cases, rebuild our families, neighborhoods and communities.

## Current Voter Disenfranchisement

- In six states – Alabama, Florida, Iowa, Mississippi, Virginia and Wyoming, at least one in four black men has already become permanently voter-disenfranchised.
- In Florida and Alabama, 31 percent of black men are barred from voting for life (reflecting racist laws enacted after the Civil War)