

DISTRICT ATTORNEY ELECTIONS

Very positive developments are seen in these excerpts from a note by Bob Gangi and Simone Levine of the Drop the Rock organization for NYS drug law repeal.

The District Attorneys Association of New York, which includes all the state's District Attorneys, has traditionally had great influence on this issue, its members being consulted by the governor and members of the legislature on Rockefeller Drug Law reform measures. Historically, the Association has largely opposed any reform to the Laws. However, as more pro-reform District Attorneys are elected, it becomes possible that the Association will have to change its perspective on drug reform to reflect the viewpoint of its new members.

Albany County District Attorney David Soares began this trend. Soares, who won the 2004 DA election as a Working Families Party and a Democratic Party candidate, announced his victory by saying, "Every district attorney in the state clinging to these archaic laws will hear today's results. The legislature must act and the recalcitrant DA's must get out of the way -- or else go the way of the Albany County incumbent."

In the most recent elections held on November 8th, Gwen Wilkinson won the Tompkins County District Attorney election against George Dentes, a strong proponent of the Rockefeller Drug Laws. Wilkinson, who ran on the Working Families Party and Democratic Party line, based her campaign, in part, on a pro-reform stance. Drop the Rock had two letters to the editor, advocating for Rockefeller Drug law repeal, published in the local press.

Kathleen Rice was also just elected District Attorney in Nassau County. Like Wilkinson, Rice also ran on the Democratic Party and Working Families Party lines against a strong proponent of the Rockefeller Drug Laws, the 31 year incumbent Denis Dillon. While Rice did not run explicitly on a pro-reform platform, she has made public her support for judicial discretion, lower prison sentences for 1st time offenders, and increased funding for alternatives to incarceration.

Finally, Tony Castro, the pro-Rockefeller Drug law reform District Attorney Candidate in Westchester County won (according to unofficial counts) an impressive 48% of the vote. It can be considered part of the positive trend in District Attorney races that a virtually unknown pro-reform candidate has made such a strong showing .

One Day, We Will Go Out That Gate One Way Or Another

(continued from page 4)

cancer, who has helped countless people, and learned and taught principles of law to many, truly a continuing threat to society?" (New York Law Journal, March 15, 2005, p. 18-19).

Of the approximately 63,225 men and women incarcerated in the New York State prison system today, 12,774 have "Life" as their maximum term of incarceration. If it is left up to Governor Pataki and his draconian parole policies, the lives of these men and women will expire behind these walls, unless a change is made.

Do we wish to be a part of this legacy, or a part of changing it? Do not allow this Governor to put the blood of these peoples' lives on your hands, while you had the ability to help change its course.

Demand of your Governor, State Senators and Assemblypersons, fairer parole policies and hearings; and to lessen the restrictions on Medical Parole and Compassionate Release for the elderly and infirm in prison, before the areas around these prisons become mass grave sites as well.

We need your help, your compassion and your activism to make the necessary life saving changes.

Please help.

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Life Term Means Dying Behind Bars

Excerpts from article by Adam Liptak, NY Times, Oct. 2, 2005

Just a few decades ago, a life sentence was often a misnomer, a way to suggest harsh punishment but deliver only 10 to 20 years.

But now, driven by tougher laws and political pressure on governors and parole boards, thousands of lifers are going into prisons each year, and in many states only a few are ever coming out, even in cases where judges and prosecutors did not intend to put them away forever.

Indeed, in just the last 30 years, the U.S. has created something never before seen in its history and unheard of around the globe: *a booming population of prisoners whose only way out of prison is likely to be inside a coffin.*

A Positive Incentive

Excerpts from a letter by Anthony La Puma, incarcerated in the Auburn Correctional Facility.

I am a prisoner serving a sentence of twenty-five years to life for a crime I committed one week after my eighteenth birthday. At my trial, the judge told me that I could never live in society and needed to be placed under tight security. She went on to state, in her words, that I would never amount to anything and was beyond help.

To be honest, at this point in my life, I was a weak-minded 18 year old who took seriously what the judge said when she compared me to a bent penny that just had to be thrown away. After all, the judge said it. It must be true.

Now, nine years later, at the age of twenty-seven, *I find that I wasn't beyond help. I just needed to be helped. Just like that bent penny, I didn't need to be thrown away. I only needed to be straightened out.*

Getting straightened out is exactly what I did. I got my high school diploma, successfully completed a drug and alcohol rehabilitation program as well as an alternative to violence project and just finished up an aggression replacement training course. In the meantime, I also enrolled in and completed two vocational programs- one for plumbing and the other for electrical maintenance. My biggest accomplishment so far is that I just completed my first semester of a college level course in English.

I can never be free from that feeling inside myself that I am responsible for taking another person's life. In a way, my victim lives within me - I must live for the two of us and accomplish some of the things in life that, due to my action, he will never be able to achieve.

The programs that the Department of Corrections offer, do help. What good is this help, however, if a person is being constantly held back from getting on with the rest of his life - crossing off the days on the calendar, waiting for that day to come when the gates open. **But that day never seems to come, leaving me with the constant thought that all the positive changes I've made in myself, all the things I've accomplished, are to no avail.**

It isn't much of a choice. If I had remained the same person I was at 18, made no positive changes, and had become a problem inmate, I would have to spend the majority of my life behind these walls. Having turned my life around, adopted a positive attitude, and completed so many programs during my time in prison, I find that I will still have to spend the majority of my life behind these walls.

POSITIVE INCENTIVE: *This is what a Merit Time bill would be - a constant reminder/incentive to work hard towards positive growth.* After reading the proposed [Merit Time] legislation thoroughly, I don't see how anyone could object to a bill that benefits some inmates who maintain a good record behind prison walls. Isn't the purpose of the Department of Corrections to reform prisoners and help them to become productive members of society? Whether merit time means ten years, five years, or only one year off a sentence, it is still an incentive to maintain a record of good behavior and personal growth.

* * *

Compassionate release of elderly or sick prisoners

Excerpts from the NYS Catholic Conference website www.nyscatholic.org/pages/home/home.asp

There are a growing number of old, feeble and very sick prisoners currently incarcerated in the New York State correctional system. These inmates experience additional suffering as a result of their physical deterioration, and are an extraordinary drain on state resources because of their special needs and medical expenses. Careful screening and release under supervision in the community would insure that those released pose minimal or no risk to public safety. **Compassion and fiscal economy are advanced by the practical accommodation of earlier but controlled release to the community.** Geriatric parole, electronic detention, and supervised nursing care are the desired humane alternatives for the old, sick and physically disabled prisoners who no longer pose a threat to society.

With the near doubling of many sentences in the past decades, and the "truth in sentencing" policies that guide parole releases, the average age of the New York State prison population has steadily increased. Prison also ages a person more quickly. Prisoners over the age of 55 have been found to be physically seven years older than their calendar age and suffer from an average of three chronic illnesses. At the same time the cost of housing older prisoners has been found to be about twice that of younger prisoners.

After a review process that considered all relevant factors, including prison disciplinary and rehabilitation records, criminal history, and community or family support, candidates could be scheduled for early geriatric or elderly prisoner release.

In addition to the primary consideration of being compassionate and fair, such legislation could save the state millions of dollars annually.

ACTION ALERT! Dare to Care!

Write to your NYS politicians, and tell what you think about 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!

Now is the Hour!

Post Secondary, Vocation-Oriented Education. It's time for New York State to follow the national trend in restoring post secondary education for persons incarcerated.

Prisoner re-entry is now a priority consideration. In his 2004 State of the Union speech, President Bush said: "Tonight I ask you to consider another group of Americans in need of help. This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit crime and return to prison. ...America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life."

Education in general, and particularly post-secondary, vocation-oriented, education is key to re entry success.

The 15 higher enrollment prison systems identified in the 50 state analysis on page 1 all had substantial public funding for post secondary correctional education. Now is the hour for the NYS legislature to follow and restore TAP grant availability to persons incarcerated. Now is the hour for the U.S. Congress to restore PELL grant availability to persons incarcerated. Both steps are needed; and they will make a real dent in the recidivism rates of today.

Elderly and Sick Prisoners. The compassionate release of these worn out incarcerated persons likewise has been taken care of in many other states. NYS has considered such steps, without action, for many years. *Now is the hour to rekindle concern for these folks and finally take legislative action* as suggested in the article on page 6.

Parole Policies. It appears that the current administration has a policy that gives less attention in parole decisions to

the rehabilitation efforts of prisoners. Parole board decisions seem to be largely based on "the nature of the crime."

In the matter of *Maye v. Russi* NY Div. of Parole, the Court held that the *Parole Board decision must comply with the guidelines of Executive Law Section 259-i*, including appellant's institutional record, program goals and accomplishments, academic achievements, vocational education, training or work assignments, therapy and interpersonal relationships with staff and inmates, temporary release programs, release plans, including community resources, employment, education and training, and support services available to the inmate. These considerations encompass all factors that must be considered in deciding whether to grant or deny parole.

Yet, it appears that NYS parole boards frequently indicate that the severity of the crime and criminal history cannot be mitigated by rehabilitation programs.

Now is the hour for a breakthrough. Why not consider:

1. Further technical aids to the accurate risk-assessment of parole candidates. Consider, for example, the risk assessment tools used in Canada and other places which systematically assess and quantify all the relevant factors, and take full account of rehabilitative progress.

2. Increasing the authority of judges to both review and make a final decision on parole appeals.

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Support the Reform Programs

Yes, there are good embers starting to flame. **But you're needed to fan those small flames!** 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. **AND PLEASE ADD CURE-NY TO YOUR HOLIDAY GIFT LIST!**

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 _____
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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

HOPE

by **Juan Boldan**

Life experience does not prepare anyone when confronted with the power these words contain - "Welcome to Hell," entering prison. These words strike at our divine essence, our ever-present inner-spark we call hope.

A person consumed in hopelessness will succumb and embrace sadness and harsh realities: despair, anguish, loneliness, bewilderment, anger and loss.

Slowly, the effects of such a sad and harsh embrace begin to erode a person's mind, body and spirit. Today, often, I have seen men with such erosion, with only a part of them still here. They hang on to life with vacant stares and glassy eyes. And their appearance can be described as men living in shells - devoid of life.

As a constant witness to this erosion, I, too, have felt their pain, so I include them in my prayers. By tapping into my divine essence, my ever-present inner-spark, I'm receptive to God, for hope is one of God's many voices.

I believe that when a person embraces prayer, God is embraced; and when God is embraced, we can transcend, and hope will illuminate our lives and paths. Moreover, emerging on this path is a person embracing positive attributes and values: e.g., love, charity, kindness, caring, empathy, sympathy, family, community, and society. Thereby, we can begin the healing process, and not succumb to negative utterances or situations.

And most of all, is reliance in that one element that unites us to God, and to each other, our divine essence, our ever-present inner-spark, that we call hope.

A VOCATION

by **Kenny Kirkland**

Does a high school equivalency diploma provide prisoners with a "reasonable chance"? A high school equivalency diploma (GED) is a great start; however it does not satisfy prisoners' needs for educational credentials relevant to existing labor market demands for employees with higher education [vocational] skills.

The majority of prisoners currently incarcerated in New York State prisons were uneducated and unemployed prior to their incarceration. In the recent past prisoners were able to obtain a higher education through participation in the New York State Department of Correctional Services post-secondary education program. The program was funded by

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state and federal grants (Tap and Pell). Today, however, the opportunity to earn higher education no longer exists for the vast majority of prisoners in New York State, because an amendment to the 1994 crime bill banned federal grants to incarcerated students for post-secondary education.

Proponents of the amendment skillfully manipulated public sentiments claiming, falsely, that students on the outside were denied federal grants because a significant amount of federal money was going to prisoners. *Actually incarcerated students received less than 1 percent of the total federal and state grants available to students.*

As a result, 90 % of all prisoners released annually will return to the communities they lived in prior to incarceration, undereducated and ill-equipped. Without sufficient, up-to-date educational preparation beyond the GED level, prisoners lack hope for post-prison success. Consequently, the *hopelessness and despair among prisoners breeds crime-generative attitudes that eventually find expression in various forms of criminal behavior. Such prisoners easily become prime candidates of recidivism, thus contributing to increased crime rates* in specific communities.

Prisoners, prison administrators, and even politicians know that numerous studies show that *prisoners who have higher education [vocational] credentials when released are far less likely to return to prison.* There is a strong need for public support of new legislation to reinstate state and federal funding that will allow prisoners to gain post-secondary [job-oriented] education. Higher education prison-based programs are viable alternatives to crime. Undereducated prisoners are community liabilities. Educated prisoners are community assets.

[Note, on page 1, what other states are doing.]