

CURE-NY *Newsletter*

To Reduce Crime and Uplift Society

Winter, 2009

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Merit Time News

Deb Bozydaj, President, CRJ

We would like to update all supporters, families and friends on the progress of Merit Time legislation. We now have a final draft of our "ideal" Merit Time. The bill is what we want, however, we can change some details as needed to negotiate a palatable and passable bill. Mr. Wassermann is retained to the end of the year. With the support of all we will be able to retain Mr. Wassermann in 2010. With much help we have calculated the cost savings Merit Time would accomplish. We hope this will be key information when speaking with the Division of Budget and our legislators. We are considering a letter writing campaign to Governor Paterson. If we go ahead with this, we will create a sample letter to use as a guideline when writing to the Governor.

Once again, we must thank all of those incarcerated individuals who have been sending in their donations to CRJ; especially the overwhelming support from Green Haven, Fishkill and Shawangunk. The word is getting out and we are receiving donations and mail from families and other facilities throughout the state. Our gratitude cannot be expressed enough to all of you. Without you, this would not have been possible and with you, the hopes of Merit Time becoming a reality.

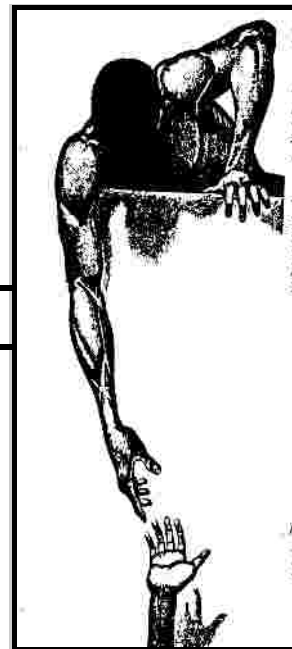
Family Orientation/Unification Project

Tana Agostini

September 2009 was the one year anniversary of the Family Orientation/Unification Project (FO/UP) jointly sponsored by CURE-NY, the NYS Division of Parole, and Family Partnership Center in Dutchess County, NY. The FO/UP was founded for the purpose of bringing together family members of incarcerated persons returning home to Dutchess County with the

staff of the local Parole Area Office. Meeting monthly, Parole Officers, Senior PO's, and the Bureau Chief sit down with mothers and wives, grandmothers and granddaughters asking and answering questions about the conditions of parole release, what can be expected and what can be done.

The results have been greater than anticipated. The FO/UP has attracted local service providers and volunteers, college students studying criminal justice, current and former parolees and members of the county's Reentry Task Force coming together to discuss issues ranging from individual concerns to broad hitting issues. Additionally, relationships have been forged between Parole staff and family members that is a win-win situation for all. State officials have often noted that those incarcerated persons with strong family support have greater success upon their reentry. The FO/UP has been a unique opportunity for those family members and Parole staff to get to know one another, diffusing the myth that parole officers just want to violate their loved ones and showing Parole which incarcerated persons have involved and concerned family members waiting to support them upon their reentry. Discussion topics have ranged from parole board hearings to drivers licenses, employment opportunities to transportation issues, free dental care, free automobiles and maintenance, public services and non-profits that provide better access to little known services from from arranging for eyeglasses to diapers. Dutchess County has a plethora of services that county residents and even some Parole Officers did not know were available, and a great number of organizations are centrally located in the Family Partnership Center itself. The FO/UP has provided practical information and built relationships, now in its second year.



"He Ain't Heavy"
by Gilbert Young

In the past year, speakers have been invited to make presentations about Parole, reentry, incarceration, struggles of formerly incarcerated under supervision and the many services available in Dutchess County to better facilitate the transition. Speakers have included former a former DOCS Chaplain and a current DOCS Counselor, a former Parole Commissioner, a violations attorney, Mentoring Children of Promise for children of incarcerated persons, Osborne Society, formerly incarcerated who served decades and are now thriving in the community, the Dutchess Collaborative Reentry Project and many more.

The Family Orientation/Unification Project meets on the third Monday of each month at the Family Partnership Center located at 29 South Hamilton Street in Poughkeepsie. We welcome anyone and everyone interested in matters of Parole, supervision, incarceration, reentry and Dutchess County. All are welcome.

When Prisoners Phone Home

NY Times editorial excerpt, originally published November 28, 2009

New York State's highest court has rejected the last vestiges of a lawsuit by families of inmates who claimed that the prison system overcharged them for telephone calls from their loved ones. The good news is that this suit — and an accompanying lobbying effort — has already succeeded in reforming a terribly unfair system.

New York, like many states, used the phones in its prisons as a profit center. MCI, which provided the phone service, agreed to pay the prison system 57.5 percent of the fees it charged for prisoners' collect calls. The state then allowed MCI to charge outrageously high rates.

The Center for Constitutional Rights and prisoners' families sued in 2004, charging that the exorbitant rates were unconstitutional. In January 2007, Eliot Spitzer, the state's newly elected governor,

announced that rates would be substantially lowered. The Legislature later made it illegal for the Department of Correctional Services to accept revenue in excess of its reasonable costs for operating an inmate phone system.

What was left for the New York State Court of Appeals to decide was whether family members were due refunds. They contended that the excessive fees were an illegal tax that violated inmates' equal protection rights. This week, the court, by a 5-to-1 vote, rejected the suit.

State Parole Loophole Closed

Lawmakers have passed a bill that removes a glitch in the law that allowed some convicted of violent, repeat felonies to become eligible for parole earlier than intended. Governor Paterson proposed the legislation and signed it into law on the 16th of November, eleven years after the original Jenna's Law eliminated parole for all convicted violent felons.

Most people with repeat felonies have to serve sentences for new crimes consecutively or in addition to their sentences for older crimes. But some of the highest-level offenses were inadvertently excluded, so they receive credit for years served in a previous sentence.

A Rochester man sentenced in July 1998 to 25 years to life for murder received 14 years credit for his prison time on a previous conviction and was seen for his first parole board in 2008. In a similar situation in Monroe County a man recently sentenced to 25 years to life for murder will be eligible in three years because of a previous 22 years sentence he served for a felony. The glitch allowed this credit unless the sentencing judge did specify that the new sentence was to run consecutively with the previous sentence, according to Michael Green,

Monroe County district attorney.
(*Poughkeepsie Journal*, 11/8/09)

The new law also changes eligibility for medical parole from immediate eligibility for someone serving 20 years to life with ten years credit. Under the new law half of the current sentence must be served before eligibility is reached; five years in this case.

The new law took effect immediately, though not retroactively due to the *ex post facto* law in New York.

High Court Considers Teen Life Sentences

The Supreme Court is wrestling with whether it is constitutional for teenagers to be locked up forever for their crimes. A little over 100 people in this country are serving life sentences with no chance of parole in crimes committed by juveniles, no death involved, and tried as adults. The Court is now being asked to find these sentences to be “cruel and unusual punishment.”

According to AP reporter Mark Sherman, most states do not sentence juveniles to life for non-homicide cases. More than 2,000 juveniles are serving life without parole for murder. No other country allows life sentences for juvenile offenders, and in this country all 109 of those juveniles serving life without parole for non-homicide cases are in just seven states; California, Delaware, Iowa, Louisiana, Mississippi, Nebraska and South Carolina.

Four years ago the Court did rule against the death penalty for anyone younger than 18 although, except in death-penalty cases, the supreme has never found that a punishment to cross the threshold of “cruel and unusual”.

The High Cost of Empty Prisons

by Robert Gangi from

Op-ed in NY times

Changes to New York's Rockefeller drug laws went into effect, allowing judges to shorten the prison terms of some nonviolent offenders. This measure will further reduce New York's prison population, which has already declined, in the past 10 years, from about 71,600 in 1999 to about 59,300 today. (The state's crime rate also dropped substantially during that time.)

Nevertheless, mainly because of opposition from the correction officers' union and politicians from the upstate areas where most of our correctional facilities are, the state has been slow to close prisons. It was not until earlier this year that policymakers in Albany, confronted with fiscal crisis, mustered the will to shut three prison camps and seven prison annexes — a total of about 2,250 prison beds — in a move that is expected to save \$52 million over the next two years.

But the state could go further. The prison system still has more than 5,000 empty beds in 69 prisons. What's more, there are other ways to lower the prison population. For starters, state lawmakers could repeal the Rockefeller mandatory sentencing provisions that remain on the books. They could also increase the number of participants on work release. In 1994, more than 27,000 people were in this time-tested program that helps them manage the transition back to their communities. Today, about 2,500 are enrolled.

In addition, the state could reduce the number of people — last year, more than 9,000 — who are returned to prison for technical parole violations like missing a meeting with an officer or breaking curfew. Most experts agree that for about half of these people it would be safer and smarter to enroll them in re-entry programs or provide more supervision. Also, more prisoners with

good institutional records could be given parole. And eligibility for so-called merit time, which reduces prison terms for inmates who complete educational and other programs, could be

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expanded to people convicted of violent offenses many years ago.

Taken together, these actions could cut the state's prison rolls by 5,000 to 10,000 more, enabling the governor and the legislature to close at least four prisons the size of Attica, which holds 2,100 inmates, or a greater number of smaller facilities.

After New York passed the Rockefeller drug laws in 1973, a mandatory sentencing movement swept the country, raising the nationwide prison population to nearly 2.4 million, from 300,000. This experiment in mass incarceration was a failure. There is no conclusive evidence that it enhanced public safety, and some research suggests that time in prison makes people more prone to violence. It wasted billions of dollars a year. And it has devastated the low-income minority communities where most of our prisoners come from.

New York can now help point criminal justice in a more sensible and constructive direction — and show other states how to save money — by downsizing its prison system.

