Incarceration, Justice and the Planet: How the Fight Against Toxic Prisons May Shape the Future of Environmentalism

by Panagioti Tsolkas, Earth First! Newswire

Prisons inspire little in terms of natural wonder. It might be a weed rises through a crack and blooms for a moment. It might be a prisoner notices. But prisoners, one could assume, must have little concern for the flowers or for otherwise pressing environmental issues. With all the social quandaries present in their lives – walls of solitude, the loss of basic human rights – pollution, climate change and healthy ecosystems must seem so distantly important: an issue for the free. In actuality, prisoners are on the frontlines of the environmental movement, one which intersects with social justice.

Prisoner Jonathan Jones-Thomas found himself unexpectedly in the middle of a scandal exposing massive sewage spills into Washington State’s Skykomish River by the Monroe Correctional Complex. Prisoner Bryant Arroyo ended up rallying hundreds of prisoners to join environmental groups on the outside in fighting plans for a coal gasification plant next to where he was confined. Prisoner Robert Gamez chose to speak out in the midst of an unfolding environmental justice disaster in the Arizona desert, where military Superfund sites and proposed toxic copper mine waste injections ringed the solitary confinement cell he was forced to call home.

And they weren’t alone. When the Human Rights Defense Center (HRDC), an advocacy group led by former prisoners with 26 years under its belt, announced that it was starting a “prison ecology project,” letters began rolling in from incarcerated people around the country. These prisoners were witnessing the sort of conditions that many Americans who fall into the category of environmentalists don’t expect to hear about in their own backyard: factory labor far below minimum wage with no safety gear; black mold infestations, contaminated water, hazardous waste and sewage overflows; deadly risks of floods or extreme heat; and a whole host of illnesses related to living in overcrowded, toxic facilities.

Regulatory Black Holes

According to HRDC executive director Paul Wright, a former Washington State prisoner himself, many prisons actually do operate more like maquiladora sweatshops south of the U.S. border, where both labor standards and environmental regulations take a back seat to other interests.

Wright is not a stranger to the border. Though he grew up in Lake Worth, Florida, his mother’s side of the family is from the Mexican state of Tamaulipas. Wright was arrested at age 21 and served 17 years in prison, stemming from a gun fight that resulted in a murder charge while stationed in the Seattle area during a stint in the military. Prior to that he had spent summers visiting relatives in Mexico, and lived there for a period in his youth.

He is also quite familiar with prison factory conditions. As a prisoner, he co-founded Prison Legal News in 1990, and made what he calls “prison slave labor” one of its central themes – seeking to expose corporate contractors that take advantage of the nominal wages and blind eye to labor conditions. Wright still pays attention to injustice stemming from prison industries, but has also turned his eye to what he sees as another problematic, and underexplored, aspect of prisons.

“There are serious environmental impacts happening there, out of sight from the general public, similar to the case with sweatshops behind the border wall,” Wright says. In the case of prisons, operations occur literally behind tightly-closed and well-armored doors. “They’re like black holes of government regulation.”

But there are some key distinctions between prisons and sweatshops. Namely, in sweatshops the workers tend to go to some form of their own home at the end of the day. But prisons operate as full-time warehouses for people, often piled in by the thousands. That in itself, he says, has serious environmental implications.

The U.S. maintains a massive prison system – the world’s largest, in fact. The political value of tough-on-crime rhetoric
Prison Education Guide
Christopher Zoukis
ISBN: 978-0-9819385-3-0 • Paperback, 280 pages

Prison Education Guide is the most comprehensive guide to correspondence programs for prisoners available today. This exceptional book provides the reader with step by step instructions to find the right educational program, enroll in courses, and complete classes to meet their academic goals. This book is an invaluable reentry tool for prisoners who seek to further their education while incarcerated and to help them prepare for life and work following their release.

The Habeas Citebook: Ineffective Assistance of Counsel, Second Edition
Brandon Sample & Alissa Hull
ISBN: 978-0-9819385-4-7 • Paperback, 224 pages

The Habeas Citebook: Ineffective Assistance of Counsel is the first in a series of books by Prison Legal News Publishing designed to help pro-se prisoner litigants identify and raise viable claims for potential habeas corpus relief. This book is an invaluable resource that identifies hundreds of cases where the federal courts have granted habeas relief to prisoners whose attorneys provided ineffective assistance of counsel.

Dan Manville
ISBN: 978-0-9819385-2-3 • Paperback, 368 pages

The Disciplinary Self-Help Litigation Manual, Second Edition, by Dan Manville, is the third in a series of books by Prison Legal News Publishing. It is designed to inform prisoners of their rights when faced with the consequences of a disciplinary hearing. This authoritative and comprehensive work educates prisoners about their rights throughout this process and helps guide them at all stages, from administrative hearing through litigation. The Manual is an invaluable how-to guide that offers step-by-step information for both state and federal prisoners, and includes a 50-state analysis of relevant case law and an extensive case law citation index.

John Boston & Dan Manville
ISBN: 978-0-1953744-0-7 • Paperback, 960 pages

The Prisoners’ Self-Help Litigation Manual, in its much-anticipated fourth edition, is an indispensable guide for prisoner litigants and prisoner advocates seeking to understand the rights guaranteed to prisoners by law and how to protect those rights. Clear, comprehensive, practical advice provides prisoners with everything they need to know about conditions of confinement, civil liberties in prison, procedural due process, the legal system, how to actually litigate, conducting effective legal research and writing legal documents. It is a roadmap on how to win lawsuits.

Order by mail, phone, or online. Amount enclosed ______________

By: ☐ check ☐ new postage stamps ☐ credit card ☐ money order

Name ________________________________________________________________

DOC/BOP Number ______________________________________________________

Institution/Agency ____________________________________________________

Address _______________________________________________________________

City ___________________________ State _____ Zip _______________

Shipping included in all prices.
Toxic Prisons (cont.)

and legislation that drove the U.S. prison population to beat out every other country on the planet was often central to political campaign platforms in the ‘80s and ‘90s. A bloated prison system became accepted as the norm, and on top of that, its growth was accompanied by an increasingly disproportionate representation of black, Latino and indigenous people, predominately from low-income communities. The most recent demographic statistics available show this to be the case not only on a national level, but in each and every state as well.

Today, the nation is four decades into the era of mass incarceration, where the prison population jumped 700 percent since the 1960s. Perhaps it’s high time we start asking: What are the environmental impacts of this racialized practice of justice that has been so extreme as to earn the moniker “The New Jim Crow”?

In Wright’s opinion, the answers could prove as critical to the future of the environmental movement as carbon emissions and rising sea levels.

The Planet vs. the Police State

The simplest starting point in understanding prison pollution comes, ironically, from an agency of the same government that oversees the largest population of U.S. prisoners. The federal Environmental Protection Agency (EPA), once upon a time, summed it up like this:

“(C)orrectional institutions have many environmental matters to consider in order to protect the health of the inmates, employees and the community where the prison is located. Some prisons resemble small towns or cities with their attendant industries, population and infrastructure. Supporting these populations, including their buildings and grounds, requires heating and cooling, wastewater treatment, hazardous waste and trash disposal, asbestos management, drinking water supply, pesticide use, vehicle maintenance and power production, to name a few potential environmental hazards. And the inmate training programs offered at most institutions also have their own unique environmental challenges ... the US Environmental Protection Agency has been inspecting correctional facilities to see how they are faring. From the inspections, it is clear many prisons have

room for improvement.”

This statement originated from the webpage of EPA’s Region III office, which covers the Mid-Atlantic states. It was part of what the Region’s staff had dubbed their “Prison Initiative,” where a series of inspections sparked by citizen complaints led to a host of violations in most every prison they visited between 1999 and 2003. Region III continued to report violations via their Prison Initiative ranging from air and water pollution to hazardous waste management and toxic spill control problems.

After the first batch of EPA enforcement actions against prisons in the Mid-Atlantic, the lead inspector for the initiative, Garth Conner, issued a bleak report published in May 2003 in the National Environmental Enforcement Journal, noting that EPA staff had “completed six multi-media inspections at different kinds of prisons and ... found widespread non-compliance at all of them.”

In an attempt to explain the phenomenon, Conner concluded, “[Prisons] are isolated from mainstream culture. Prison staff members are not often in attendance at environmental conferences or workshops intended for the regulated community.”

He was clearly on to something. The prison population was growing in leaps and bounds — a new prison was built at an average rate of one every two weeks in the ‘90s, almost entirely in rural communities. As of 2002, there were already more prisoners in this country than farmers. Today, about 716 of every 100,000 Americans are in prison, whereas prisoners in nations across the world average 155 per 100,000 people — that’s not to mention more than seven million on some form of correctional supervision such as parole, probation or house arrest at any given time.

The prison industry seemed like an unstoppable machine in those years, plowing forward at a breakneck pace to the world’s largest prison population. Then, in came the EPA Region III exposing a serious vulnerability in the prison system: it was a chronic polluter, violating public safety laws at near every turn. But other EPA Regions didn’t follow the lead on this disturbingly successful endeavor. On the contrary, the EPA seems to be erasing evidence of the initiative altogether.

Shortly after Wright’s organization began probing into the matter of how the EPA was inspecting prisons — or failing
Toxic Prisons (cont.)

such as the Center for Biological Diversity with national and regional heavy-hitters

Statement (EIS) for a new federal prison

ment on the draft Environmental Impact

Taking the lead in coordinating a joint com-

enter the fray in a more formal capacity, by

existence of Region III’s short-lived Prison

remaining online source acknowledging the

was born none too soon, as it is now the only

that. If it’s indeed the truth, then the Project

has not yet located evidence to disprove

and HRDC’s Prison Ecology Project (PEP)

a pre-existing plan to update their website,

environmental violations.

ning 10 years of prisons being fined for their

website, along with the laundry list span-

Toxic Prisons (cont.)

By mid-March 2015, the PEP would

enter the fray in a more formal capacity, by
taking the lead in coordinating a joint com-

ment on the draft Environmental Impact

Statement (EIS) for a new federal prison

with national and regional heavy-hitters such as the Center for Biological Diversity and Kentuckians for the Commonwealth, as well as a dozen other groups.

The EIS laid out plans for a new maximum-security facility in Letcher County, nestled in the Appalachian Mountains of Kentucky. The proposal would simultaneously impact the habitat of over 50 threatened and endangered species and place prisoners on top of a former mout-
taintop removal coal mining site ringed by sludge pond and processing operations, as well as oil and gas extraction, that have taken a well-documented heavy toll on hu-

man health in the area.

By July 2015, lines were further drawn as the PEP built momentum with 93 or-

izations joining its crusade of pushing the EPA’s “Environmental Justice 2020 Plan” (EJ 2020) to examine the unique and troubling experiences faced by prisoner populations nationwide.

Some deeper digging shows that it wasn’t just HRDC and the EPA that had been paying attention to environmental implications of mass incarceration. A plethora of examples have been surfacing under various state agencies as well as other non-governmental organizations, but the findings rarely surfaced outside local media sources, often in remote rural places. The

PEP set out to change that, and by the fall of 2015 it had established an extensive portfolio of media coverage on Letcher County and the EJ 2020 plan.

Wright believes that a movement is growing. Though prisoners’ rights are his

forte, he says it’s not just prisoners who should be worried about these environmen-
tal issues. “Whether they care about prison conditions or not, most Americans can agree that they don’t want prisoners’ feces in their drinking water,” he noted.

Again, he has first-hand familiarity with the prison system’s legacy of tainted water. While at Washington’s McNeil Island (prior to the facility being con-

verted to a civil commitment center for sex offenders), he recalls, “I’d go to brush my teeth and the water coming out of the faucet was brown. I didn’t really think of this as a criminal justice issue; this is really an environmental issue.”

In a scene reminiscent of the classic novel Papillon, Wright went on to smuggle a sample of water out from the facility to have it tested for contaminants. While he was not able to prove foul play at the time,
and his complaints to the state’s Department of Ecology failed to provoke an immediate response, he was later vindicated when the Washington Department of Corrections (DOC) was found to be lying about its water quality reports.

From 1999 to 2002, twenty of 36 water pollution reports were falsified by the DOC in an attempt to cover up excess fecal coliform bacteria levels contained in the 350,000 gallons of wastewater discharged daily by the McNeil Island prison into the Puget Sound. Jones-Thomas says his attempts to blow the whistle on this public health hazard landed him in “the hole.” While in solitary confinement, the sewage spills continued at an accelerated pace, with no one on hand to address the problems of an outdated and overburdened sewage lagoon known as the Honor Farm site. In the past eight years, the facility has already spilled nearly half-a-million gallons in violation of state laws, with no penalties assessed against the DOC.

But the worst may be yet to come. The entire dike holding the sewage lagoon is failing. According to a 2012 report from a Department of Ecology inspector, this “could potentially release millions of gallons of untreated wastewater” into the river and surrounding wetlands.

Jones-Thomas was released in 2014 and went on to find employment as a wastewater management professional. He was back in prison again last year, but not as a prisoner. This time he was teaching a class to prisoners about employment opportunities in the field.

Despite his experiences and observations at Monroe being exposed by reports in the Seattle Weekly and other local media outlets, the environmental problems at the facility continue without end in sight.

**Jailhouse Environmentalism**
The existence of “jailhouse lawyers” is something of mythology for those outside of prison. But for people on the inside, this role is a very real and often revered position. The skills and track record of jailhouse lawyering are in many ways akin to the traditional of environmentalist “paper-wrenching” (a term derived from the slang word for eco-sabotage, monkeywrenching).

Both the jailhouse lawyer and the grassroots environmental paperwrencher have demonstrated an ability to use the system’s bureaucracy to challenge seemingly impermeable industries and institutions. And both could be characterized by the extreme power imbalance between pro se litigants and the full force of government agencies coupled with corporate interests.

But in the case of the jailhouse lawyer,
Questions about Islam?

Islam is the religion of inclusion.

Muslims believe in all the prophets in both testaments.

Read Quran, the original and unchanged word of God, the last and final testament.

Watch www.Peacetv.tv
Visit www.Gainpeace.com

GainPeace
1S270 Summit Ave, Suite 204
OakBrook Terrace, IL 60181
1-800-662-ISLAM
Examples of Prison Pollution and Environmental Justice Issues in U.S. Prisons

New York
The Sing Sing prison is built too close to the leaking Indian Point nuclear plant, without adequate evacuation plans; the nearby Rikers Island prison in NYC is built on a landfill, where off-gassing has been reported, making people sick.

Illinois
A proposed federal supermax in rural Thomson could open on a flood plain of the Mississippi near toxic sites.

Washington
Already home to a state prison in Monroe which has been dumping sewage into the Skykomish River for a decade and a federal immigrant detention center built in Tacoma on a Superfund site, Seattle is now proposing a new youth prison on a contaminated land.

California
Since 2003, at least eight of California's 33 state prisons have been cited for major water pollution problems, including facilities in Folsom, Chino, Norco and San Luis Obispo.

Utah
A new state prison to replace the现有 facility is proposed for a contaminated site on environmentally-sensitive land.

Arizona
In a state riddled with military Superfund sites, some facilities like Florence are stuck surrounded on all sides by contamination.

Colorado
Cañon City is the location of nine state and four federal prisons and penitentiaries. It's also known for longstanding water quality problems related to the mining and processing of uranium.

Nationwide
A 2007 report in Prison Legal News noted that crumbling, overcrowded prisons nationwide were literally bursting at the seams, leaking environmentally dangerous effluents inside prisons and into local rivers and community water supplies, providing dozens of examples in 17 states, some of which are included here.

Texas
State prisons like Wallace Pack Unit are known for leaking heart and arsenic-laden water.

Pennsylvania
SCI Fayette surrounded by coal ash dump.

Hawaii
The state proposed a new prison on Oahu, with suggestion that it be exempted from conducting a new environmental impact assessment.

Michigan
Prisons in Flint left with contaminated water.

Kentucky
New federal prison proposed on mountaintop removal coal mine site and endangered species habitat, nearby coal sludge pond.

New Jersey
With more superfund sites than anywhere in the country, the NJ Department of Environmental Protection identifies seven out of the 13 New Jersey state prisons as literal toxic sites. These toxic prison sites are often surrounded by more contaminated sites.

Examples of environmental justice and prison pollution.

Starting in January 2015, the HRDC Prison Ecology Project (PEP) began gathering data, public records, news articles, and stories from prisoners and their family members to begin documenting both the extent of pollution coming from prisons and the frequency that prisoners are forced to live in toxic environments. The map above shows some examples, merely scratching the surface on the occurrence of this intersection between incarceration and ecology. There are around 5000 prisons and jails in the U.S. The ones that are crowded beyond intended capacity are all candidates for overusing their permitted amount and producing more sewage than they are prepared to handle properly. The ones that conduct a wide array of industrial and agricultural operations are all ripe for swath-like conditions, where little-to-no environmental oversight is occurring behind the closed doors, often in far remote rural areas. PEP has collected hundreds of letters from or about prisoners in dozens of states. We are all in the infancy stage of understanding how widespread these issues are. We need your help to continue creating mapping tools like this one and applying pressure to address these issues. A significant step is in having prisoners recognized as Environmental Justice communities by the Environmental Protection Agency (EPA), so that the construction and operation of prison facilities can be forced into compliance with the National Environmental Policy Act and Title VI of the Civil Rights Act.

Please send us your stories so that we can continue this effort: HRDC’s Prison Ecology Project, PO Box 1151, Lake Worth, FL 33460 or email Panagioti Tsolkas: ptsolkas@prisonlegalnews.org. For more info visit PrisonEcology.org.
Toxic Prisons (cont.)

considered to be an act of retaliation for his effectiveness. His new home: SCI Frackville. Yes, that’s a real place.

Unfortunately, Arroyo’s environmental victory at Mahanoy is still a rare success story. But there are some significant developments in the arena of jailhouse environmentalism on the horizon. One of the most ambitious examples is also happening in Western Pennsylvania, through the Abolitionist Law Center (ALC). The ALC is a relatively new organization, founded in 2013 by two young lawyers based in Pittsburgh. They’ve already gained quite a bit of notoriety for their involvement in defending Mumia Abu Jamal’s ability to speak (pre-recorded or via telephone) at college ceremonies and to access needed healthcare, as well as ongoing representation of political prisoner Russell Maroon Shoatz who was recently released from solitary after over 22 years.

In 2014, between representing prisoners facing solitary confinement and civil liberties violations, the group made headlines after releasing a report about Pennsylvania’s SCI Fayette prison – literally operating in the middle of a coal ash dump – titled No Escape. The report put a prisoner-led fight against toxic coal ash pollution in the town of LaBelle on the map.

What’s known as “fugitive” coal ash appears to have been making prisoners and guards alike sick from respiratory and skin problems associated with this toxic material. Nearby residents in the town have also complained of impacts from the waste site, which is laden with arsenic, mercury, lead and over a dozen other heavy metals.

More than 5 million tons of coal ash has been dumped in LaBelle over the past 10 years, and a rough estimate of the amount of arsenic in that coal ash – based on Pennsylvania Department of Environmental Protection records obtained by ALC – is about 195 tons. Much of that was in violation of the so-called “beneficial use permits” that limited arsenic content to 41–48mg/kg of coal ash. The coal ash being dumped was tested to have as much as 97mg of arsenic per kilogram of ash.

In addition to the coal ash dump, the boiler system for SCI Fayette burns coal for its power, creating air pollution as well as additional coal ash waste, which is then deposited at the coal ash dump across the road. Now there is a recently permitted coal terminal that transfers 3 to 10 million tons of coal per year from boats to rail and vice versa, also right next to the prison.

It doesn’t stop there. FirstEnergy, the company that operates the massive Bruce Mansfield coal-fired power plant, has announced that they will begin shipping up to 3 million tons of coal ash from that facility down the Monongahela River to be dumped at LaBelle starting in 2017. The Mansfield plant was recently required to stop using its current coal ash impoundment, called Little Blue, which was found to be poisoning the ground water of nearby residents.

The No Escape report analyzed hundreds of responses from a survey that ALC sent to all the prisoners at SCI Fayette. This year, they are planning a follow-up report in hopes of shutting down the whole night-marsh operation.

Arroyo’s prisoner-led environmental campaign at SCI Mahanoy stopped a coal power plant from being built; ALC’s support for the prisoner-led campaign against SCI Fayette could help shut down both industrial polluters – the prison and the coal ash dump.

In this scenario, prisoners go from being viewed as less than human (the only people who can still legally be subjugated as slaves under the 13th Amendment of the U.S. Constitution) to the forefront of the movement for a livable planet.

But a founder of ALC, Dustin McDaniel, says that developing the relationships between prisoners, criminal justice activists, local community members and environmentalists has come with some significant challenges. For one, while environmental groups have responded positively, they tend to look at the effort as something that can help advance their own agendas. In other words, they aren’t motivated by working for the well-being of prisoners so much as they see another angle to take on the energy industry.

“The environmentalists who have really come up big for us in SCI Fayette are the ones who were more interested in crossing over into the mass incarceration issue than in facilitating their own agendas,” says McDaniel.

It’s a familiar sentiment for those who have followed the challenges between environmental justice activism and the classic conservation-style of politics. While McDaniel sees potential in the alliances they are forging, he also presents a tone of caution at some possible pitfalls.

Do you have diabetes?
Is your diabetes under control?
Living with diabetes in prison is very difficult.
Order your FREE copy and start managing your diabetes and your health.

ORDER FORM
Fill out the information below, and send this order form to:
Prison Legal News
PO Box 1151
Lake Worth, FL 33460

Name
ID number
Facility
Address
City State Zip

Parole, Post-conviction, Pardons, Prison planning (powers of attorney, probate/trusts for families)
The Law Office of William Savoie
You may write, call, fax or email inquiries to:
909 Texas Ave, Ste. 205, Houston, Texas 77002
Phone: 832-341-4802 • eFax: (713) 583-3597
Email: Wlsavoielaw@gmail.com
For one, he’s noticed that some larger groups that have joined their effort focus narrowly on regulatory agencies and permit hearings, and seem to set the bar very low for what is considered a victory, losing sight of longer-term goals.

For McDaniel, those goals include addressing the immediate environmental impact in LaBelle as well as confronting the broken system of incarceration that is locking people up at globally unprecedented rates in chronically toxic conditions.

**The Environmental Movement to Come**

LINDA ALMAZAN IS THE MOTHER OF ARIZONA PRISONER ROBERT GAMEZ. SHE IS ALSO THE FOUNDER OF AN ENVIRONMENTAL JUSTICE GROUP, MOTHER’S SAFE AIR SAFE WATER FORCE. ALMAZAN WAS BORN IN TUCSON, ARIZONA IN 1961 AND CONTINUES TO LIVE THERE. SHE BEGAN THE GROUP IN RESPONSE TO HER FAMILY AND MEMBERS OF THE COMMUNITY WHO WERE IMPACTED BY THE TUCSON INTERNATIONAL AIRPORT AREA, ALSO KNOWN TO THE EPA AS THE TRICHLOROETHYLENE GROUNDWATER CONTAMINATION AREA, AFP 44 – A MILITARY SUPERFUND SITE ON THE AGENCY’S NATIONAL PRIORITIES LIST.

She came to the intersection of incarceration and ecology through a very personal experience.

“After various allegations of cancers including renal cell carcinomas with metastasis bone disease and kidney cancer, as well as suicides during 2012 and 2013,” she explained, “my son began to write to lawyers and civil rights activists to help the inmates get their rights to medical care enforced.”

As a result, he eventually became part of a health-related class-action lawsuit with other prisoners and their family members.

But, after her dealings with superfund-related sickness in her hometown, Almazan saw another angle to her son’s situation.

Her story could be a fable for the new, revolutionary environmental movement that is afoot.

The Arizona State Prison Complex in Florence, where Gamez has sat in the solitary unit at a supermax facility for 16 years, is surrounded by contaminated former military sites and copper mines. (Not to be confused with Florence, Colorado, near Cañon City, where the notorious federal supermax sits alongside a dozen other prisons, surrounded by former uranium mines and mills.)

The town of Florence, Arizona is located in Pinal County. It’s essentially a military base turned prison town. Along with the supermax where Gamez resides, there is also a large immigrant detention center, operated by private prison giant Corrections Corporation of America.

A mile-and-a-half north of the prison is the Florence Military Reservation, and next to that the Arizona Army National Guard Florence Range. Both are superfund sites which the EPA identifies as posing a potential risk to human health and the environment due to contamination by hazardous wastes. To the east of the prison is a 640-acre site known as Williams Field Bomb Target Range #6, where the surface removal of toxic munitions debris from 100-pound practice bombs was supposedly completed within the past ten years. The Arizona Department of Environmental Quality calls these sites Formerly Used Defense Sites (FUDS), and admits to more than 200 such properties located throughout the state.

Add to that a proposal which surfaced in 2013 to open up 1,700 acres in Florence...

---

**New Book from Prison Legal News**

**Prison Education Guide**

by Christopher Zoukis

This exceptional new book is the most comprehensive guide to correspondence programs for prisoners available today. **Prison Education Guide** provides the reader with step-by-step instructions to find the right educational program, enroll in courses, and complete classes to meet their academic goals.

This guide is the latest and best resource on the market for the incarcerated nontraditional student. It includes a detailed analysis of the quality, cost, and course offerings of all correspondence programs available to prisoners.

**Price:** $49.95 (shipping included), 280 pages. Order by mail, phone, or online.

---

“Education is always important but it is even more so for the more than two million Americans who live behind bars. When one’s body is locked up, the freedom and development of one’s mind becomes a powerful form of resistance and self-preservation. This book is an invaluable tool in the struggle for knowledge behind bars.”

— CHRISTIAN PARENTI

---

Prison Legal News • PO Box 1151, Lake Worth, FL 33460
Tel. 561-360-2523 • www.prisonlegalnews.org
Toxic Prisons (cont.)

to a form of copper mining which shoots sulfuric acid into the underground copper veins surrounding the prison town. The company, Florence Copper, Inc., has proposed a combination of 24 injection and extraction wells in the area, which could impact the water supply for both prisoners and the surrounding community.

Almazan is opposed to this waste injection project, and is also pushing for the Superfund areas surrounding the prison where her son resides to be recognized on the EPAs National Priorities List. According to Gamez’s mother, if these sites are removed from Superfund designation, the chance of getting any semblance of environmental justice for the prisoners there plummets.

Her experience of personal dealings with contaminated sites around Tucson, and research of similar situations elsewhere in the state, points to her conclusion that “Arizona is practically one giant Superfund site.” But that isn’t a deterrent to her or her son.

Almazan is now organizing through her local environmental justice group, which she founded in 2014, to push the EPA towards allowing prisoners to apply for the agency’s Environmental Justice Small Grants Program to generate resources for advocacy work on both sides of the prison walls.

EPA and Prisoners’ Rights

As HRDC’s Prison Ecology Project and the ALC’s campaign in SCI Fayette have shown, documenting impacts to prisoners could become central to the long-term strategy of exposing and eventually shutting down prisons and curtailting industrial activities that put prisoners’ lives at risk. In fact, these risks may actually be in violation of environmental protections intended under Executive Order 12898. The Order, which passed under President Clinton in 1994 and became known as the Environmental Justice Act, was really just a clarification of an older and hard-won law: the Civil Rights Act of 1964. Title VI of that Act prohibits discrimination in the permitting of any activity that the federal government has a hand in.

Unfortunately, the EPA’s position on prisoners and environmental justice is anything but clear. After a year of collecting prisoner correspondence, perusing environmental reviews of prisons and digging through EPA records, the Prison Ecology Project followed up with the EPA, asking specifically why Region III’s 12-year-long prison initiative never once mentioned environmental justice in regard to prisoners.

Roy Seneca, an EPA press officer at Region III, replied on behalf of the agency in December 2015, simply stating, “We believe that EPA Region III did operate in accordance with Title 6 while conducting our prison initiative review.”

When pressed to elaborate, Seneca continued, “EPA uses the most recent data available from the U.S. Census Bureau for EJ Screen. You may want to check with the Census Bureau to verify where inmates are included in census data. Our regional EPA office uses the EJ Screen data as a tool. If you have more questions about the EJ Screen tool overall, you should direct them to the EPA Headquarters press office.”

So that was the next stop. The EPA’s press contact for Environmental Justice, Julia Valentine, responded with an indica-

THE AMERICAN PRISON WRITING ARCHIVE

Calling for Essays by Incarcerated Americans, Prison Workers, and Prison Volunteers

The American Prison Writing Archive (APWA) is an in-progress, internet-based, non-profit archive of first-hand testimony to the living and working conditions experienced by incarcerated people, prison employees, and prison volunteers. Anyone who lives, works, or volunteers inside American prisons can contribute non-fiction essays, based on first-hand experience: 5,000 word limit (15 double-spaced pages); a signed APWA permission-questionnaire must be included in order to post work on the APWA. All posted work will be accessible to anyone in the world with Internet access. Handwritten contributions are welcome. There are no reading fees.

We will read all work submitted. For more information and to request the permissions-questionnaire, write to: APWA, c/o Hamilton College, 198 College Hill Road, Clinton, NY 13323-1218; or go to http://www.dhinitiative.org/projects/apwa/. Sincerely — The APWA Editors

FREE PEN PALS

• 50 Verified Mega Church Addresses who offer free pen pals Only $10. with sample letter.
  • 67 Churches offer a mix of free publications $6
  • 200 Pen Pal Addresses off the Interweb some photos.
  Over half USA. Only $20
NEW • Female Pen Pal Ads with bios & color photo
  All Just Posted Only $12 each. Choices are:
  100 Latina Lovers, 100 Black Beauties, 130 Asian Angles
NEW • 329+ Pen Pals Booklet Mixed Overseas Only $25 Now $18
NEW • 44 Verified Pen Pal Magazines who offer free pen pal ads by snail mail. Only $14

CELEBRITY ADDRESSES

Write to your favorite celeb for free photos. Choices are:
TV Stars: Latina, Black or White • Athletes: NBA, NFL or Female Model: Top 40, Urban or Country • Models: Mixed
$10 each / 3 for $25 EVERY LIST has 60 to 90 addresses!

500 FREE MAGAZINES

500 Free Mags - Legally. Brand new exciting catalog of magazines you may order free. Verified snail mail addresses and directions. Huge Variety. 80 plus pages. Only $15.98 (Add $2 s/h all orders)

Add $2 s/h on all orders Girls and Mags Box 319, Rehoboth, MA 02769 OR Add $4 s/h with tracking
tion that the agency does use census data that would include prisoners. It’s not too far-fetched to want to believe her. After all, governing bodies across the country have been counting prisoners as a way of gerrymandering voting districts for decades now (despite most prisoners having no access to a ballot). It’s just that, unlike the shady dealings of state legislatures nationwide, the EPA seems to have nothing to show for it. But Valentine, being a diligent press officer, did not concede. Instead she offered some re-assurance, maybe even a glimmer of hope.

“EPA is committed to addressing the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies,” she wrote in an email to the Prison Ecology Project in December 2015.

Valentine continued, “EPA has this goal for all communities and persons across this Nation, including prison populations. While most aspects of the management and regulation of prisons fall under the purview of the U.S. Department of Justice, EPA will ensure that we do our part to ensure that environment justice is addressed in all our policies and programs that impact these populations.”

But after two-and-a-half decades of dealing with prison-related bureaucracy, Wright is not inclined to believe it until he sees it.

“After having our staff pore over two decades of environmental documents from prison construction, interview EPA staff, consult with prominent environmental organizations and attend the largest environmental law conferences in the country... We’ve seen nothing that points to the EPA, or any other government agency, having ever looked seriously at the impact of environmental justice issues on prisoners,” he stated.

Prisoners vs. the Nuclear Industry

The only example that the Prison Ecology Project could cite after a year of investigation was an October 2012 hearing in front of the Nuclear Regulatory Commission (NRC). An administrative judge noted prison-related testimony of expert witnesses in a challenge to extending the licenses of New York’s Indian Point nuclear reactors, which were all set to expire by 2015.

The effort was headed up by the Clearwater group of Hudson River clean-up fame. The group has been active in New York’s Hudson Valley for nearly 50 years.

One witness for Clearwater at the hearing, Dr. Michael Edelstein, an environmental psychologist and professor at Ramapo College, pointed out that the NRC had failed to take into account minority populations at the Sing Sing prison and other area jails when doing environmental justice analysis.

“[NRC] has an obligation to have enough familiarity with the social system that they’re working with, to recognize environmental justice issues that may not be visible in the type of analysis that’s done now,” Edelstein stated in his testimony.

A former prisoner, Anthony Papa, also testified at the hearing. Papa, who served a 15-to-life sentence at Sing Sing under the infamous Rockefeller drug laws, pointed out that overcrowding and the lack of ventilation systems posed serious problems with protecting or evacuating prisoners.

“You can’t shelter in place. I lived there...
for 12 years,” Papa said. “The survival instinct would lead to total chaos.”

In November 2013, the Atomic Safety and Licensing Board (ASLB), the trial court of the NRC, found in favor of Clearwater and against Entergy, the company that owns the Indian Point nuclear power plants, and the NRC staff. But the victory, groundbreaking as it may have been, was ultimately hollow.

While the ASLB found that there was “no legal foundation for the NRC Staff’s failure” to analyze potential accidents, the Board ultimately said the NRC should merely take note of the greater impact on environmental justice populations when making the decision about relicensing.

In this way the NRC’s general approach to environmental justice was consistent with the EPA and every other agency that is supposed to be bound by the Civil Rights Act and Executive Order 12898.

Just last year, a joint effort by legal advocates EarthJustice and media hounds at the Center for Public Integrity (CPI) revealed an ugly reality: in over 20 years since the Executive Order, not a single complaint filed through the public comment process has resulted in a formal finding that send rippling effects towards other issues. They’re very interconnected and each one, I think as soon as you look at one ... it’s like peeling an onion. As soon as you peel away one layer of injustice, you’re finding one in 36 people in the U.S. are under some form of correctional supervision, and bring a wave of new activists and resources to the fight against mass incarceration. After all, the civil rights movement that resulted in the Civil Rights Act of 1964 got its momentum from the fight for racial desegregation, but ended up with even broader-reaching victories. Arguably, some of the strongest human rights and environmental laws on the books came from the momentum and inspiration stemming from the Civil Rights struggle.

Perhaps there’s good reason for agencies like the EPA to be nervous about broadening the use of environmental justice policies to include prisoners. If prisoners, who are at the bottom of the social ladder – and even still considered slaves under the Constitution – are able to secure environmental justice protections, could that send rippling effects towards other environmentally-impacted communities left hanging by the EPA?

Deep changes in our society could occur at the intersection of environmental justice and criminal justice. As alluded to by McDaniel with the ALC, it may involve a collision of sorts, where environmentalists will need to step further beyond their comfort zone than ever before.

“One of the first problems is thinking that the issues are mutually exclusive, because they’re not,” Wright said in a recent interview with the *Earth First! Journal* on the prison/ecology intersection. “When we look at these military bases that have been destroyed from decades of dumping diesel and jet fuel on the ground, spilling chemical weapons into the ground, and everything else, and then they convert those same military bases into prisons, I think this is very much an indictment of the military and their system of military basing. Likewise when prisons are being built on abandoned uranium mines or coal mines, I think that’s an indictment of our whole mining system and our resource extraction system in this country. It’s not just a criminal justice issue.”

He added, “While they’re siting prisons in these remote rural areas that are destroying the environment, they’re also taking prisoners far away from their families and their social networks, and the cities that they come from; it’s really a cascading effect of injustice. I think certainly the time has come to end people looking at these as isolated issues because they’re not isolated issues. They’re very interconnected and each one, I think as soon as you look at one ... it’s like peeling an onion. As soon as you peel away one layer of injustice, you’re finding five more underneath it.”

According to HRDC staff attorney Sabarish Neelakanta, “There are a multitude of reasons why prisoners face obstacles in securing environmental protections. The physical and psychological isolation that confront prisoners on a daily basis can be
debilitating. Many are unable to cope with the reality of life behind bars. A sense of hopelessness and lack of self-worth is all too common.”

Neelakanta, who’s also on the advisory board of the Prison Ecology Project, notes that although the Project hasn’t initiated any environmental litigation against prisons to date, its parent organization, HRDC, has a long record of victories in challenging prison policies surrounding censorship, as well as exorbitant phone rates and wrongful deaths.

“While prisons often operate under a veil of secrecy and behind razor wire fences, they are not impenetrable,” he says.

Letcher County resident Tom Sexton hasn’t met Wright and Neelakanta, but seems to concur. Sexton is a community activist and former Whitesburg City Council member in Eastern Kentucky, where the aforementioned BOP facility is slated for construction. When asked about his thoughts on the prospect of his community becoming a prison town, he stated, “No matter where you decide to put your shovel in, be it environmental organizing, labor organizing, racial justice organizing, or whatever the case may be, there is a shared goal of making the world a more level playing field. I think that if you’re going to do this work, no matter your area of expertise, you should be ready to oppose injustice wherever it presents.”

Sexton recalled the work of Joe Begley, who organized some of the first protests against strip mining in 1977 and was later invited to the White House for the signing of a mine regulation bill.

“Begley, who was first and foremost an anti-mountaintop mining activist from my hometown of Whitesburg, also organized with the Black Panthers around civil rights,” Sexton says. “So, if we care enough to examine it, we’ll see that there’s a certain level of intersectionality to all of our work, regardless of our specialty.”

If the BOP stays the course, Sexton’s wisdom could be put to the test soon. As of December 2015, Congress approved $444 million to construct a new federal prison. U.S. Representative Hal Rogers of Eastern Kentucky— one of the major proponents of siting a prison in Letcher County—heads up the Congressional appropriations committee. Rogers has been long backed by the industry interests in the region, which would most likely see the lion’s share of those funds via land sales and contracts.

Since the release of a Final Environmental Impact Statement last summer, Rogers has been calling the plan a done deal. But the BOP never released a Record of Decision, which is the technical completion of the intensive public input process under the National Environmental Policy Act. For opponents of the project, that signifies the actual beginning of the fight, where a legal challenge could be filed against the EIS.

In April 2016, the BOP decided to re-open the public comment period and attempt to protect itself from the most obvious oversights by releasing a “Revised” EIS, with an additional 6,000 pages of appendices attached. At the time of this publication, a Record of Decision remains to be seen, but there are signs that the opposition is making good use of the extra time and growing on both the local and national levels— including plans for a Convergence Against Toxic Prisons planned in Washington, D.C. from June 11 to 13, 2016, which involves a day of action targeting the BOP.
Toxic Prisons (cont.)

and its corporate PR firm on the Letcher County prison project, Cardno.

Starting with the Prison in Your Backyard

Russian novelist Fyodor Dostoevsky, once a prisoner himself, said the degree of civilization in a society can be judged by entering its prisons. American society will surely someday be found guilty of maintaining its massive industrial warehouses for people – mainly poor and people of color – right up to the point of sewage literally oozing out of the seams. But there is no reason to wait on that verdict.

Thankfully, Paul Wright is not the kind of person to relay information and walk away. Most everything he has done with his life since Prison Legal News began has been aimed at having a tangible impact on the prison system.

The Prison Ecology Project is no different. Rather than despair over the magnitude and complexity of injustice taking place in some 5,000 prisons and jails across the country, Wright offers a simple blueprint for the next steps.

“If people look around in their communities, and just ask simple questions: Where is the local jail built? Where is the local prison built? And what’s the environmental impact of that? And then just start answering those questions,” he says.

“We don’t have to go to Oregon, to the middle of the woods, to find environmental injustice. In most cases it’s right here in our own communities, and that environmental injustice is perpetuating another injustice through our corrections system.”

U.S. Prisons Filled with America’s Mentally Ill

by Derek Gilna

In April 2014, the National Sheriffs’ Association and Treatment Advocacy Center released a comprehensive joint report titled “The Treatment of Persons with Mental Illness in Prisons and Jails: A State Survey.” Authored by both experts in mental illness and law enforcement, the report described U.S. prisons and jails as the “new asylums,” housing ten times more mentally ill people than psychiatric hospitals.

The study reflects the realization of law enforcement officials closest to the problem that they are inadequately funded and staffed to provide mental health treatment to prisoners who are often incarcerated as a result of aberrant behavior stemming directly from their mental illnesses. For example, the report notes that the “Cook County Jail, with 9,700 inmates, [is] the largest de facto ‘mental institution’ in Illinois and one of the largest in the United states.”

Cook County Sheriff Tom Dart has criticized Illinois’ closure of mental health institutions that might treat and house many of those prisoners, stating, “I can’t conceive of anything more ridiculously stupid by government than to do what we’re doing right now.” Dart threatened to sue the state for “allowing the [county] jail to essentially become a dumping ground for people with serious mental health problems.”

For years Florida’s prison system has faced a similar struggle. Prisoners diagnosed with mental illness have increased 150% over the past two decades, and according to a report published last December, an estimated 38,000 mentally ill people are held in Florida county jails. However, lawmakers continue to slash funding for mental health services. In 2014, a $100 million budget cut placed Florida, the third most populous state, last in the nation in terms of mental health spending.

After decades of deinstitutionalizing the mentally ill, we appear to be regressing to a 19th century approach of isolating and confining people with mental health problems rather than treating and rehabilitating them. After all, it’s cheaper to house the mentally ill in correctional rather than medical facilities, shifting the burden and costs from the medical to the correctional sector.

According to the report, in almost 90% of the states the largest prison or jail housed more mentally ill patients than the largest state mental hospital. Officials at the jail in Escambia County, Florida estimate they spend $105 daily per mentally ill prisoner,
while it costs about $185 per day to treat patients in state mental hospitals.

The report also recognizes that when incarcerated, the mentally ill “are vulnerable and often abused,” and if left untreated “their psychiatric illness often gets worse, and [they] leave prison or jail sicker than when they entered.” Sadly, the number of mentally ill prisoners continues to climb. In 2012, over 356,000 prisoners across the U.S. were diagnosed with severe mental illness – ten times the number of patients treated at state mental hospitals the same year.

Recent data indicates that over a million mentally ill people are incarcerated annually, cycling in and out of jails. The U.S. Department of Justice reports that over a million mentally ill prisoners continue to climb. In 2012, over 356,000 prisoners across the U.S. were diagnosed with severe mental illness – ten times the number of patients treated at state mental hospitals the same year.

The adverse effects of long-term solitary confinement are well and widely known. [See: PLN, Oct. 2012, p.1]. Yet many prisons and jails are ill-equipped to handle major mental health issues, such as bipolar disorder and schizophrenia, and such prisoners all too often end up in segregation. For example, a schizophrenic prisoner in New York spent 13 years of his 15-year sentence in solitary confinement, while a Minnesota prisoner, also diagnosed with schizophrenia, stabbed his own eyes out with a pencil.

The joint report offered numerous recommendations, including “reform mental illness treatment laws and practices in the community to eliminate barriers to treatment for individuals too ill to recognize they need care, so they receive help, before they are so disordered they commit acts that result in their arrest”; reform jail and prison treatment policies so prisoners receive necessary treatment; implement and promote jail diversion programs; use court-ordered outpatient treatment instead of jail sentences; conduct cost studies to compare the cost of housing people with serious mental illnesses in prisons and jails; and establish jail intake screening to identify people who are mentally ill.

As part of a recent development, some jurisdictions have introduced so-called mental health courts, a joint initiative between correctional and mental health services, to handle misdemeanor cases involving the mentally ill. Their primary goal is to provide treatment rather than punishment in an effort to reduce recidivism among offenders with mental health problems. Around 150 mental health courts exist across the country.

The joint report by the National Sheriffs’ Association and Treatment Advocacy Center is one of many studies on the mentally ill behind bars. In April 2016, the National Academies of Sciences (NAS) issued a report that examined the intersection between the mentally ill and the criminal justice system, and raised similar concerns.

The NAS report noted that people with mental illnesses are more likely to be incarcerated, and that only around one-third of prisoners and one-fifth of jail detainees with mental health problems receive mental health treatment.

From the Editor
by Paul Wright

Criminologist Jonathan Simon refers to prisons as human toxic waste dumps where the ruling class dumps its human waste: out of sight and out of mind. Sadly, toxic waste is not just a literary analogy when discussing American prisons and jails. As PLN has reported for several decades, and this month’s cover story documents at length, many prisons and jails are built on toxic waste dumps, landfills and former mining sites, which negatively impact the health of prisoners and staff alike.

The government agencies charged with enforcing the nation’s environmental laws, such as the Environmental Protection Agency and state equivalents, all too often ignore massive environmental violations because it is the very same government causing and perpetuating the problem. Environmentalists are all too often willing to accept toxic waste and feces in drinking water as long as it is the government putting it there and not a corporation, or when prisoners are the primary victims.

One of the goals of the Human Rights Defense Center’s Prison Ecology Project (PEP) is to raise awareness around the negative impacts that mass incarceration has on the environment, and to urge the respective government agencies to enforce the laws they were created and are funded to enforce – even if the culprits are prisons and jails, and even if the people being poisoned are prisoners and prison employees. Our work around this issue has generated very favorable media coverage to date but there is very little known about the scope of the problem, except that it is sizeable.

PLN has been at the forefront of reporting on the environmental impact of mass incarceration and we will continue to do so. It remains one of the most underreported criminal justice stories of recent times. More information about the intersection of criminal justice and environmental justice is available on PEP’s website: www.prisonecology.org.

In other news, Rodney L. Bower, a former Virginia prisoner who was a contract worker for PLN, passed away on May 8, 2016, shortly after he was diagnosed with cancer. His efforts were appreciated and he will be missed.

Enjoy this issue of PLN and please encourage others to subscribe and purchase books from our book store, which we are expanding with several new titles in the coming months.

$8,000 Settlement for Medical Maltreatment by BOP; Court Finds Experts Not Required
by Derek Gilna

Federal prisoner Michael Alan Crooker filed suit under the Federal Tort Claims Act alleging “malicious prosecution, negligence, and medical maltreatment by the United States Marshal’s Service (USMS) and the United States Bureau of Prisons (BOP).” Proceeding pro se, he survived a motion for summary judgment and eventually obtained an $8,000 settlement from prison officials.

Crooker complained that the USMS and the BOP “had failed to abide by a court order requiring Crooker’s pre-trial detention at a facility where he could be treated for liver disease, failed to provide him eyeglasses for one year, denied him non-emergency dental treatment for nine-and-one-half years, and had denied him cataract surgery for four years,” according to a February 3, 2015 ruling by a Massachusetts federal district court that denied in part the BOP’s summary judgment motion. Crooker also complained that a BOP psychologist had improperly revealed confidential medical information to non-authorized personnel, in violation of BOP policy.

The court dismissed the claims regarding malicious prosecution and treatment for liver disease, as well as claims related to allegedly inadequate eye and dental care that arose before December 2010; remaining was Crooker’s claim for the delay in receiving eyeglasses.
Prior to filing suit, Crooker was a diligent advocate for his own health care, refusing to tolerate a continuing pattern of inadequate BOP medical treatment. He then had to endure the BOP’s common practice of making life difficult for any prisoner who dares to challenge medical indifference — prison staff denied him proper corrective eyewear, and he had good time taken in a questionable disciplinary proceeding.

The district court noted that the BOP “contends that plaintiff will necessarily be unable to meet his burden of proof, because he has no supporting expert witness opinion. However, where a plaintiff’s claim is based primarily on a claim of negligent delay on the part of medical personnel, expert testimony is not necessarily required.”

The court further explained that Crooker had not raised claims regarding “negligent techniques” or a breach of “the standard of care” with respect to his eyeglasses. “[R]ather, he claims that a 15-month delay in providing him with eyeglasses was a breach of BOP’s duty to provide ‘decent, timely health care to its constituency.’ Because the ‘nature of this alleged breach is sufficiently obvious as to lie within the common knowledge of the jury,’ expert testimony was not needed.

After the defendants failed to have the suit dismissed, they commenced settlement negotiations. According to Crooker, “I then offered to settle all claims for no money at all providing that my 41 days of forfeited good time be restored which had been taken as a disciplinary sanction as a direct result of the psychologist’s unlawful disclosure to the SIS investigators of my drug addiction.” In the end, the BOP elected to keep the good time and pay an agreed $8,000 settlement into Crooker’s prison trust account. The settlement was finalized and the case dismissed in March 2015. See: Crooker v United States, U.S.D.C. (D. Mass.), Case No. 3:13-cv-30199-FDS; 2015 U.S. Dist. LEXIS 12386.

Crooker also prevailed in a wrongful conviction claim against the BOP, resulting in a settlement in a separate lawsuit. [See: PLN, March 2016, p.23].

Three California Jail Guards Charged in “Fight Club” Case

Scott Neu, the San Francisco deputy identified as the ringleader of a gladiator-style jailhouse “fight club,” was charged with four felony counts of assault under color of authority, four felony counts of making threats, four misdemeanor counts of inhumanity to a prisoner and five misdemeanor counts of inflicting cruel and unusual punishment on March 1, 2016.

Two other deputies, Eugene Jones and Clifford Chiba, were also charged for their roles in the prisoner fight ring. Both Jones and Chiba face two misdemeanor counts of inflicting cruel and unusual punishment and one misdemeanor count of breaching their official duties. Jones faces two additional felony counts of assault under color of authority. Neu, who was previously accused in a 2006 lawsuit of sexually assaulting three prisoners, was fired in April 2015.

District Attorney George Gascón laid out the findings of a year-long investigation in a joint news conference with the FBI. He said that for months, Neu forced prisoners to gamble for food, bedding and other essentials, then told his chosen “gladiators” that they would be handcuffed, maced, beaten or shocked with a stun gun if they refused to fight for his entertainment. Gascón said two prisoners, Ricardo P. Garcia and Stanley Harris, told investigators that deputies had threatened them and told them that if they were injured in the fights they were to say they had fallen off a bunk. The charges against Neu, Jones and Chiba stem from two alleged fights that occurred in March 2015 at County Jail No. 4.

Neu’s union representative quickly defended him, and Neu’s attorney said the guard had only allowed two prisoners to “blow off steam” by wrestling. According to Gascón, while Neu and Jones are accused of forcing the prisoners to fight, Chiba is charged with being present and failing to stop them.

Sources: www.sfgate.com, www.theguardian.com

William Schmidt
ATTORNEY at LAW, P.C.

Have you been seriously injured? Wrongly convicted? Denied parole?

Accidents § Appeals § Police Brutality

Federal • State • Local

civil Rights, Writs, Parole Hearings, Transfers, Classification, Visiting, Medical

Providing Justice Throughout California by Air

377 W. Fallbrook, Suite 205, Fresno, CA 93711
P.O. Box 25001, Fresno, CA 93729-5001
911civilrights@gmail.com
559.261.2222

by Richard Davis
576 pages
$58.95 Prisoner Price
(t/h included)
www.Barkanresearch.com

906-420-1380

THE COLOSSAL BOOK OF CRIMINAL CITATIONS

2016 Edition

• 4200+ Citations for
  Supreme, Circuit, District and State Courts
• 110+ Topics
• District court addresses
• Prosecution Strategies Revealed
• Voir Dire Questions
• Jury Trial Instructions
• District Court & Innocence
• Project Addresses
• 450+ legal definitions
• PDF file online for $19.95

To Order:
Send Check or M.O. to
Barkan Research
P.O. Box 352
Rapid River, MI 49878

Send Check or M.O. to
Barkan Research
P.O. Box 352
Rapid River, MI 49878

www.Barkanresearch.com

June 2016

17
Benito Alonzo is a short, 140-pound 80-year-old. His quiet-spoken manner, drooping jowls and gray hair, trimmed in a buzz, give him the appearance of a benevolent grandfather, and indeed, he is a grandfather. In thick-framed black eyeglasses, he bears a resemblance to the defanged and aging Henry Kissinger. But Alonzo is neither a celebrity nor a statesman. He’s a convict who has lately grown infirm.

He says he’s been diagnosed with prostate cancer and he’s afflicted with hepatitis C. For several years he’s been prescribed a drug called Lactulose, which Dr. Owen Murray, chief of medical affairs for the Texas penal system, says “we use for people whose livers are at the end of their lives.”

In November 2015, the University of Texas Medical Branch in Galveston told Alonzo’s son in a letter that during a recent medical examination, it also found “evidence of cirrhosis,” an often-fatal ailment.

I talked to Alonzo in December in the waiting room of the Polunsky Unit, near Livingston. That was not the way I wanted to see him: I had wanted to visit his cell, his pod, to observe how he passes his time – to see how he lives. But the Texas Department of Criminal Justice (TDCJ) doesn’t allow reporters beyond its visiting rooms, and it forbids taking pictures inside the prisons. For a year I corresponded with Alonzo and a dozen other elderly prisoners, querying them about their circumstances. Mail was the only connection we had. When I asked Alonzo, in Spanish, if he thought prison authorities could monitor our conversation in that language, he chuckled and said, “And in Japanese, Arabic or Russian.” We conducted the rest of our chat in English.

Alonzo has been waiting since at least March 2015 for the start of a 12-week course of a new liver drug that might keep him alive for years to come. He’s been told that the treatment will cost $94,500. Were he back on the streets, Medicare would pick up the tab. But because federal courts have ruled that states must guarantee the safety and health of their prisoners, Texas will have to pay. Alonzo frets that because of the expense, prison bureaucrats will stall the treatment until it’s too late.

The state of Texas operates 109 prisons holding about 148,000 prisoners. Some 27,000 of them are, like Alonzo, over the age of 50. They account for about 18 percent of the prison population, and are the fastest-growing demographic group among prisoners. By most estimates, they are also the most expensive to keep under lock and key. According to TDCJ spokesman Robert Hurst, the average cost of housing Texas prisoners is about $20,000 a year, but medical and end-of-life expenses hike that figure to some $30,000 for elderly prisoners. In other jurisdictions, the cost is even higher.

A 2012 report from the ACLU calculates the average national expense for keeping a prisoner at $34,000 per year – and twice that much, $68,000, for prisoners older than 50.

Both demographic factors and get-tough sentencing have transformed what were once mere penal institutions into hospitals, assisted living centers and nursing homes, too. The University of Texas Medical Branch operates a freestanding hospital in Galveston for TDCJ, which also contracts with UTMB and the Texas Tech medical school to send prisoners to 146 community hospitals. Texas prisons now boast of “respiratory isolation rooms,” “brace and limb services” and hospice facilities in which 90 Texas prisoners were eased into eternity last year. More than 300 prisoners in Texas prisons use wheelchairs, Dr. Murray says.

Prisoners say that elderly convicts have trouble managing buses because of the type of restraint TDCJ uses.

Alonzo’s life has been one of alternating spans of heroin addiction and confinement. He served three separate stints in prison – for theft, burglary and heroin possession – from 1958 to 1974. After his parole in 1974, allegedly under the influence of two of his brothers, Pedro and Adolfo, he delivered a pair of pistols to a warden’s trustee who then smuggled them into Huntsville’s Walls Unit. San Antonio gangster Fred Carrasco used those guns in an 11-day hostage-taking and stand-off that culminated in a shootout. Alonzo is serving a life sentence for his connection to the incident.

He is not a humorless guy, and when I told him that he is the oldest convict among 5,500 men in “administrative segregation,”...
Is someone skimming money or otherwise charging you and your loved ones high fees to deposit money into your account?

_Friends and families of prisoners can follow this effort, which is part of the Nation Inside network, at www.StopPrisonProfiteers.org_

_Friends and families of prisoners can follow this effort, which is part of the Nation Inside network, at www.StopPrisonProfiteers.org_

**Prison Legal News** (PLN) is collecting information about the ways that family members of incarcerated people get cheated by the high cost of sending money to fund inmate accounts.

Please write to PLN, and have your people on the outside contact us as well, to let us know specific details about the way that the system is ripping them off, including:

- Fees to deposit money on prisoners’ accounts or delays in receiving no-fee money orders
- Costly fees to use pre-paid debit cards upon release from custody
- Fees charged to submit payment for parole supervision, etc.

This effort is part of the Human Rights Defense Center’s _Stop Prison Profiteering_ campaign, aimed at exposing business practices that result in money being diverted away from the friends and family members of prisoners.
The kind happened, but according to Hernandez, when nobody rushed to Alonzo’s aid he and prisoners in neighboring cells began kicking their doors and hollering demands that the old man be taken out of the shower. Perhaps the guards, he says, were called to more pressing duties; the Texas prison system suffers from a shortage of some 3,500 correctional officers, and those on duty can’t always promptly attend to matters. Hernandez alleges that by the time they came to his door to quiet the din, “I [had] blanked out and was ready to fight the team with all my might as hard as I could...I tried to push the issue. I began to yell at the guards, ‘What’s up, bitch? What’s up, you fucking pussies!’”

The racket and insults shook the guards to their senses, he says. Realizing that they’d forgotten about Alonzo, they promptly pulled him from the shower – and even apologized. They then moved him, for the next two weeks, into the cell next to Hernandez.

Though neither Hernandez nor Alonzo will say as much, Alonzo may be lucky because he’s in solitary confinement. Prisoners are stocked with aggressive young men who aren’t called “offenders” for nothing. Old and infirm prisoners are generally too mellowed to be aggressive, but all too often, they are also incapable of defending themselves. While solitary has been shown to have deleterious effects on mental health, it protects the weak from the strong, the prudent from the rowdy, and, presumably, the old from the young.

Years ago, the Texas Department of Corrections, as it was then called, segregated prisoners strictly by race and more informally by age, but discrimination along both those lines fell in the wake of prison reforms. Today, TDCJ takes account of the dangers of aging largely by classifying prisoners with mobility problems as eligible for assignment only to the lower bunks of its two-bunk cells. But the result, several elderly prisoners at the Michael Unit in East Texas wrote me, is a shortage of lower-level bunks — and some wind up “mishoused” in solitary confinement.

The state of Texas does have a process for releasing old and infirm prisoners on humanitarian parole, but the record is underwhelming. A bureaucracy dating to 1987, the Texas Correctional Office on Offenders with Medical or Mental Impairments, usually named by the clunky acronym TCOOMMI, was assigned to process medically recommended intensive supervision, or MRIS, paroles. MRIS is a way to move prisoners rendered harmless by their frailty or age back into the civilian world.

TCOOMMI reports to the Texas Board of Pardons and Paroles on a prisoner’s health status, leaving the final parole decision to the board. In a February 2015 biennial report, TCOOMMI reported that of the 1,133 MRIS applications that had been submitted in fiscal year 2014, 318 had been found sufficiently meritorious for presentation to the parole board. Of those, the board had granted 67 releases — a mere 6 percent approval rate.

In a 2012 statement, TDCJ admitted that “the Parole Board’s approval rates of MRIS cases remain low.” But the board’s performance hasn’t shown signs of improvement. In the 2015 fiscal year, 445 prisoners older than 60 filed for medical paroles — but only 24 paroles were granted, all of them on the basis of infirmity, none on the basis of age. The roadblock is a provision of the law allowing the parole board to conclude that a prisoner constitutes a threat despite what doctors say.

The last years of Johnny R. Martinez, aka Juan Ramírez Martinez, provide a case in point. Martinez, short of stature and a bit chubby, was a small-time Austin hoodlum. He’d done prison time from 1962 to 1965 for aggravated robbery, from 1966 to 1968 for forgery and check fraud, and from 1971 to 1986 for possession of heroin. Each sentence had ended with a grant of parole. But in 1993, at the age of 52, he returned to prison after a conviction for touching the genitals of two minors, both 11 and the grandchildren of his live-in girlfriend, Phyllis Ketcham. Though testimony from one of the children and secondhand reports from the mothers of both were aired in court, Martinez and Ketcham hotly denied his guilt.

Martinez was a diabetic. Ketcham had complained early in his sentence about the boots TDCJ had issued him, saying that he was experiencing neuropathy, a common diabetic discomfort marked by numbness and/or pain in the soles of the feet. Around 2000, his vision began to fail, as it often does as diabetes advances.

Medical records provided to the Texas Observer by Ketcham state that in 2002 he developed diabetic gangrene in his left foot and “was admitted on 07/25 to the hospital and taken to surgery that night for guillotine amputation of the foot.” The fix didn’t work. “The following Monday, 4 days later,” the records state, “he was revised to a below the knee amputation.” His medical records also note that by then, he was “legally blind.”
Later that year, the parole board rejected his first application for MRIS parole. Perhaps a one-legged blind man in a wheelchair can sexually assault children – but what are the odds?

In 2007, prison doctors again recommended Martinez for MRIS parole, again without success. Late that year he was placed on dialysis three days a week for “End State Renal Disease.” An examination subsequently turned up cataracts and retinal detachment.

According to the medical records, on December 10, 2010, “when he was told by his fellow inmates that there is a blackened area that has developed over his right heel,” Martinez reported for hospitalization again. His medical caretakers found a “foul smelling foot” with “wet and dry gangrene.” Three days later, they amputated his right leg below the knee. At the time of discharge, Martinez, then 69, was being administered 16 oral medications and six insulin injections every day. His records show that he needed “total assist” with “dressing, toileting, and hygiene,” but they don’t indicate how much any of his care cost the state.

His declining health finally led to an MRIS parole – but not until June 2013, when he was taken to a private nursing home in Houston, blind, immobile and with a new limitation, mental confusion. He died in the nursing facility in September, thoroughly tortured, if not by imprisonment, then by his decade-long medical decline.

As both the statistics and cases like that of Martinez show, given the reluctant disposition of the parole board, Benito Alonzo, who is still sighted and still ambulatory, likely wouldn’t stand a chance of release under the beneficence of the MRIS program, even if he bothered to apply. He’s also eligible for parole of the ordinary kind – and has been for the past 31 years. He’s been denied parole 21 times, probably because his crime was notorious. Two women, both prison system employees, were killed along with Carrasco and a co-conspirator. Alonzo’s crime was against the people of Texas, according to legal theory, but it’s probably more important to his parole history that his was also a crime against TDCJ.

Benito Alonzo would today have a hard time exacting any revenge or harming anybody, and whether he lives or dies is of little concern except to a coterie of kin and perhaps in the circles of the Mexican Mafia. If he dies in prison, as we must currently expect, though he’d prefer to be interred in San Antonio, his corpse will be eligible for a casket and a grave at public expense, in the prison cemetery, of course.

Dick J. Reavis is a retired Texas journalist who lives in Dallas. This article was originally published by the Texas Observer on February 15, 2016; it is reprinted with permission, with minor edits.
Music Publishers Sue Companies Providing Mixtapes for Prisoners
by Matt Clarke

In early 2015, UMG Recordings, Capitol Records, Universal Music Corp., and several other record labels and music producers filed a federal lawsuit against companies that provide mixtapes to prisoners in at least 40 states. The suit claimed that mixtapes contained in “care packages” purchased from the companies by prisoners or their families resulted in copyright infringement.

As defined by the music producers, “Mixtapes are a form of recorded music in which DJs combine (or ‘mix’) tracks, often recorded by different artists, onto a single CD, sometimes creating overlaps and fades between songs, and/or reflecting a common theme or mood.” The plaintiffs alleged that mixtapes are “frequently a cover for piracy” unless authorized by the copyright holder, and that the companies did not have authorization.

The defendants in the case included the Centric Group, the Keefe Group, Keefe Commissary Network, Access Catalog Company, Access Securepak and Ari’s Mixtapes.

The music producers argued that the companies used mixtapes as “door openers” to promote the sale of other items from their catalogs, and sometimes even sold them at a financial loss; i.e., as “loss leaders.” The mixtapes included such legendary artists as James Brown, The Jackson Five, Marvin Gaye, Stevie Wonder and LL Cool J.

Filed on January 6, 2015, the lawsuit sought $150,000 in damages for each mixtape song that resulted in copyright infringement, and also included state law unfair competition claims.

The case settled under undisclosed terms in December 2015; the plaintiffs were represented by attorneys Jeffery D. Goldman and Whitney E. Fair with the Los Angeles law firm of Jeffer, Mangles, Butler & Mitchell, LLP. See: UMG Recordings, Inc. v. Centric Group, LLC, U.S.D.C. (C.D. Cal.), Case No. 2:15-cv-00096-MMM-MRW.[

Additional source: www.hollywoodreporter.com

Lifesaving Overdose Treatment Slowly Becoming Available to Released Prisoners
by Christopher Zoukis

Statistics show, and experts agree, that the United States is in the midst of an epidemic of opioid abuse. According to the Centers for Disease Control, opioid overdoses have quadrupled since 2000, with 28,648 deaths in 2014 alone attributed to heroin and prescription painkillers.

The numbers are particularly bad for former prisoners. Research in Washington State indicates that prisoners are 13 times more likely to die of an overdose in the first two weeks following their release from custody than non-former prisoners. Other studies have resulted in similar findings — that prisoners are at increased risk of dying, particularly within the first two weeks after their release, due to drug overdoses.

This may be due in part because prisoners have lost their built-up tolerance for drugs while incarcerated, and thus risk overdosing if they relapse and try to use the same amount they were using before. Additionally, released prisoners may not be aware that the potency of the drugs they were using previously has increased; for example, heroin may be cut with fentanyl, a much stronger synthetic opiate. Fentanyl has been responsible for an increasing number of overdose deaths – 62 in Los Angeles County alone in 2014.

Enter a medication called Naloxone, also known by its brand name, Narcan. Naloxone is a life-saving overdose treatment that has become a key weapon in the war on opioid abuse. Police, emergency medical technicians and hospitals have stocked Naloxone for years, and countless lives have been saved by its timely use to treat overdoses involving heroin, morphine, Oxycontin and other opioids.

More recently, state and local officials are slowly coming around to the benefits of equipping soon-to-be released prisoners with this lifesaving medication. From city and county jails in Denver, San Francisco and Seattle to state prison systems in New York and Rhode Island, prisoners are being provided with Naloxone kits and trained...

Bachelor of Arts in Sociology-Criminology or Social Welfare from Adams State University

- No internet access required – correspondence courses through the mail
- Transfer college credits from accredited institutions
- Each degree seeking student has a dedicated Student Advisor

ADAMS STATE UNIVERSITY
COLORADOCOLORADO
EXTENDED STUDIES Great Stories Begin Here

Post Conviction Relief For Virginia Only

Services We Offer:
- State & Federal Habeas Corpus
- Appeals, Rule 35 and Rule 606 Motions
- Motions to correct Unlawful Sentence, Motion to Modify Sentence, And Many Other Post Conviction or Sentence Reduction Motions

Write to: Dale Jensen, PLC
Attorney at Law
606 Bull Run
Staunton, VA 24401

Call, go to or email:
(540) 324-8828
djensencrimlaw@gmail.com
www.djensencrimlaw.com

Call or write to receive additional information:
800-548-6679
Adams State University
PLN Inquiry 2,
Suite 3000
208 Edgemont Blvd.
Alamosa, CO 81101
The efficacy of these programs is hard to measure, but one study of Rhode Island prisoners who received Naloxone found they were able to successfully use the overdose treatment after being released. But does providing Naloxone to addicts aid in their recovery?

“I wouldn’t predict that it would stop people from using, and conversely it wouldn’t encourage them to use,” said Dr. Jody Rich, an epidemiologist and director of the Center for Prison Health and Human Rights.

Those with an investment in the carceral industry who profit from the scourge of drug use and opioid addiction have pushed back on these life-saving programs, however. Drug courts and jail officials often refuse to provide medication-assisted substance abuse treatment, typically methadone or buprenorphine, to addicted prisoners. Naloxone is often prohibited as well.

Take Maine Governor Paul LePage, for example, who has opposed efforts to make Naloxone more accessible, saying that providing the medication to family members of drug users would discourage addicts from seeking treatment. In April 2016, LePage vetoed legislation (LD 1547) to allow pharmacists to provide Naloxone to friends and family members of drug users without a prescription – as is the practice in around 30 other states.

“Naloxone does not truly save lives; it merely extends them until the next overdose,” the governor declared.

Dr. Joshua Blum, a doctor at the Denver Health Medical Center, disagreed. While he acknowledged that Naloxone is not a cure, he cited the seemingly common sense benefit of making Naloxone more widely available: surviving an overdose gives drug users a chance to seek treatment.

“Dead addicts don’t recover,” Dr. Blum stated, bluntly.

On April 29, 2016, the Maine legislature overrode Governor LePage’s veto, allowing pharmacists to dispense Naloxone to more people without a prescription.

Randall Tucker, director of the STARR Program in Durham, North Carolina, highlighted the important opportunity that Naloxone provides to jail and prison administrators.

“If we don’t pay for treatment or medication through the front end,” he said, “we end up paying even more through the back end in terms of emergency room costs, crime and recidivism.”

In April 2015, the STARR Program at the Durham County Detention Facility was the first jail-based substance abuse treatment program to provide Naloxone kits to released prisoners.

“People coming out of jail [and prison] are at the highest risk of death,” Tucker noted. “This effort is about connecting them to the right tools and the right training to prevent some of those deaths.”

New York state prisoners nearing release are increasingly being introduced to Naloxone, trained in its use and provided with overdose treatment kits.

“The first weeks and months after somebody is released from jails or prisons they have an extremely high chance of dying of overdoses,” said Dr. Sharon Stancliff, medical director of the Harm Reduction Coalition, a New York City-based organization that works on issues related to substance abuse. “They’re going back to communities where drug use is widespread, so it’s both about making sure that they stay alive in those really vulnerable times, but also giving them tools to save lives in their own community, and I think that’s a very positive message for people who are leaving prison.”

According to an April 12, 2015 position statement, the National Commission on Correctional Health Care “supports increased access to and use of naloxone in correctional facilities.”

Disputed PLRA Administrative Exhaustion Issues
Properly Resolved in Bench Trial

The Sixth Circuit Court of Appeals held on June 18, 2015 that disputed issues of fact regarding exhaustion under the PLRA may be resolved in a bench trial. The appellate court also found the plaintiff had failed to exhaust one of his claims.

Before the Sixth Circuit was the appeal of Larry Lee, who filed a civil rights complaint after his release from a Michigan prison. “Lee, a homosexual man described as having effeminate mannerisms,” alleged a variety of claims against a number of prison officials that occurred from March 23, 2007 to May 9, 2007 at the Charles Egeler Reception and Guidance Center.

The complaint claimed, in part, that several guards harassed Lee about being homosexual and/or made comments in front of other prisoners encouraging sexual advances. Lee alleged three guards refused to act when he sought protection from prisoners pursuing him for sex; he further stated that he had complained to several mental health professionals, including Dr. Kamesh-wari Mehra, a part-time psychiatrist.

Lee said two unidentified prisoners raped him in his cell on April 9, 2007, when he decided to forgo dinner. Following the sexual assault, Lee allegedly requested to see a mental health professional. He argued with an unknown guard who refused to provide a grievance form. The next day, guard Zischke denied him a form and called him a “faggot.” Lee claimed that he submitted a “substitute grievance” on prisoner stationery on April 10.

Dr. Mehra moved for summary judgment for failure to exhaust administrative remedies. The district court found, and the Sixth Circuit agreed, that the matter of whether Lee submitted the substitute grievance was one that could be decided at a bench trial.

The evidence showed Lee had filed 13 grievances between April 5 and April 12, but his substitute grievance was not among them.

Testimony from Lee that two unit counselors spoke to him and moved him as a result of the substitute grievance was refuted by those employees’ testimony. There was no evidence that the substitute grievance was ever submitted, as there was no proof of it being received or acted upon by prison staff.

As such, the district court held that Lee had failed to administratively exhaust the claim against Dr. Mehra, and consequently dismissed that claim. The Court of Appeals affirmed. Lee’s claims against the other defendants were dismissed by stipulation. See: Lee v. Willey, 789 F.3d 673 (6th Cir. 2015).

Louisiana Parish Saddled With Large Jail, Large Costs

by Matt Clarke

Before he pleaded guilty to taking bribes and illegally spending around $150,000 of his campaign money, resulting in a 46-month federal prison sentence in 2013, former Plaquemines Parish, Louisiana Sheriff Jiff Hingle may have started his parish on a road to financial ruin. The instrument of that potential ruin is a huge new jail built in Pointe à la Hache at the southern end of the parish peninsula. The facility is near the site of the old jail that was destroyed when Hurricane Katrina came ashore nearby.

“Anybody that comes down there and looks at it says ‘why is it being built down there?’” said Plaquemines Parish President Billy Nungesser.

One problem with the new jail is its location, which is well outside the levee protection system. The facility was built using FEMA money with a budget that ballooned to $125 million during planning and construction. That $125 million bought a very modern jail with an 871-bed capacity — enough to lock up a sizeable portion of the parish’s population.

“It doesn’t make any sense to me that you would build an 871-bed jail in a parish with a population of 23,000,” said Katie Schwartzmann with the MacArthur Justice Center in Chicago, which specializes in issues related to incarceration and is involved in federal litigation over conditions at the Orleans Parish Prison in New Orleans.

In the aftermath of Hurricane Katrina, Plaquemines prisoners housed at the old jail were transferred to several correctional facilities before ultimately ending up at the Orleans Parish Prison. Plaquemines Parish paid $26.39 per prisoner housed in the Orleans facility until the contract expired in early 2015.

Approximately 800 prisoners had been crammed into the old, much smaller jail. Fewer than 100 were parish residents; the rest were contract prisoners from the state prison system and federal immigration authorities (ICE). This has been a common practice in Louisiana; the Department of Corrections (DOC) pays parishes $23.49 per day to house state prisoners. But the trend is toward less outsourcing by the DOC – 40,170 prisoners were held in local facilities in 2012, 39,299 in 2013 and fewer still in more recent years.

“I do know that the trend in the state is to move away from the use of parish jails,” Schwartzmann said. “So, if you have a population of 100 at best and you have 871 beds to fill, you have a problem.”

Plaquemines Parish council members estimated the cost of staffing, maintaining and insuring the new jail at thousands of dollars a month; preliminary estimates suggested the facility will cost around $3 million to operate annually, which doesn’t
include construction costs.

“If we don’t get the DOC inmates and the federal ICE inmates, the sheriff is looking at real problems with the prison,” Councilman Byron Marinovich remarked. “I don’t know what the answer is if we don’t get the federal or state inmates in here. We’ve even talked about blocking off sections of the jail.”

When the new Plaquemines Parish jail opened in February 2015 it was only at 10% capacity. As of April 2015, the population had increased somewhat but the facility remained less than a quarter full. Its remote location and lack of contract prisoners makes it doubtful the jail will be able to break-even in terms of construction and operational costs.

“I think that cash cow the prior sheriff was planning for will no longer be available,” Nungesser quipped.

At the jail opening, Sheriff Lonnie Greco, Hingle’s successor, tried to reassure the parish. “We inherited this problem,” he said. “We will work to make this work.” Greco acknowledged it would be a time-consuming process but that filling the jail was a priority for the Sheriff’s Office.

Until recently, neither the DOC nor the federal government had committed to housing any additional prisoners in Plaquemines Parish. But in a March 2, 2016 news release, Sheriff Greco announced the jail will become the new home of the Southeast Regional Reentry Program. Over 100 prisoners were transferred to the facility as part of the new DOC contract. The initiative is aimed at providing life-skills training for prisoners due to be released within the next 18 months from the Orleans, Plaquemines and St. Bernard Parishes.

Components of the reentry program include substance abuse treatment, job search skills and assistance with job placement, anger management, money management and budgeting, values development, personal development and planning, parenting skills, victim awareness, and counseling on community resources.

“Obtaining a rehabilitation program has been a goal of the Plaquemines Parish Sheriff’s Office, since our facility opened early last year…. The ultimate goal is to break the cycle by helping prevent those from committing additional crimes in our communities and keep them from returning to jail,” Sheriff Greco stated.

Another goal, of course, is to ensure there are enough prisoners housed at the jail to generate sufficient revenue to keep it operational.

Meanwhile, former Sheriff Hingle, under whose tenure the new, larger Plaquemines Parish jail was conceived, continues to experience problems of his own. On February 25, 2016, Hingle was arrested on a DWI charge; arresting officers said he was under “extreme” impairment and the former lawman admitted he had been drinking. The DWI charge came shortly after Hingle was released from federal prison. What was the underlying basis of his conviction for bribery, one of the charges that resulted in his prison sentence? He took $10,000 in bribes from the owner of a company hired to oversee construction of the new parish jail.


Colombia: At Least 100 Dismembered Bodies Found in Prison Sewers

Special prosecutor Caterina Heyck Puyana announced at a press conference on February 18, 2016 that the Colombian Attorney General’s office was investigating the disappearance of at least 100 people between 1999 and 2001 whose bodies were allegedly dismembered and tossed into the sewers beneath the notorious La Modelo prison in Bogota. “The victims were inmates, visitors and people who had nothing to do with the prison,” said Heyck Puyana. “Their remains were thrown into the drain pipes of the sewer system.”

Colombian prisons are among the most overcrowded and violent in Latin America. Much of the violence is linked to the practice of housing leftist guerrillas alongside their right-wing paramilitary enemies in close quarters. Although the investigation centers on the La Modelo facility, Heyck Puyana said the grisly practice is also suspected to have occurred at prisons in other cities such as Popayan, Bucaramanga and Barranquilla. Officials admitted they may never be able to determine the identities of all the victims.

The disappearances at La Modelo were first exposed by journalist Jineth Bedoya, who was investigating killings, missing persons, weapons trafficking and corruption at the prison in May 2000, when she was kidnapped and raped. “I’m grateful for the actions being taken today, but it should’ve happened years ago,” she said.


Affordable Inmate Calling Services
Keeping you Connected while saving you Money!

2 vanity #s for $15 + tax / month, Additional #s $1.50 each

One flat monthly rate * NO charge to add/remove #
NO setup fee with referral * NO transfer fees * 100% BOP Compliant!
Federal Prisons Only

Contact Us:
Inmates Only: inmates@aiсsllc.net * 303-214-0097
Families: www.aiсsllc.net * billing@aiсsllc.net * 866-645-9593

Prison Legal News
June 2016
Penal Servitude: A Reminder about the U.S. Constitution’s 13th Amendment Exclusion Clause

by Charles Sullivan and Barbara Koeppel

The U.S. Congress banned slavery in America 150 years ago on December 18, 1865 when the 13th Amendment became the law of the land (after a 250-year run).

But it didn’t, at least not entirely. It added an exclusion clause: Slavery would be allowed as punishment for a crime.

To reaffirm the penal servitude, Virginia’s Supreme Court declared prisoners “slaves of the state” in 1872.

Thus, prisoners have few legal rights. Theoretically, they can appeal sentences, enjoy limited free speech through the First Amendment and get limited medical care through the Eighth Amendment. All are violated daily.

Except for two states (Maine and Vermont), prisoners cannot vote while incarcerated. In two states (Kentucky and Virginia), they cannot vote even after being released from prison, despite having paid their “debt to society.” Nor can they organize, support families, get their children health benefits or contribute to social security, all job-related benefits.

Most important, they can’t refuse to work, choose jobs or negotiate wages. As the U.S. Department of Justice, federal Bureau of Prisons 2008 program states, “Sentenced inmates physically and mentally able to work are required to participate in the work program.” Nearly all state prisons follow suit.

Such was the rationale for the chain gang “work” programs in many states, especially throughout the South, from 1865 to 1955, and revived in 1995 in Phoenix, Arizona by Sheriff Joe Arpaio. And these programs were not just for men and women. Participation in Arpaio’s chain gangs is unpaid and “voluntary,” and juveniles may also join.

Even if prisoners could refuse to work, they do not, for several reasons. First, punishment is certain. They are put in solitary confinement or lock-down (23 hours a day in a cell). Or moved to a cell with eight prisoners instead of two. Or their access is blocked to family visits, TV, phone calls, the prison commissary, outside yard time and education programs. Or they lose good time, which reduces a prisoner’s sentence.

If they file grievances, they go to the same people making the prisoner’s life miserable.

Many current and formerly incarcerated men and women say that nearly everyone wants to work. It’s hard to sit in a cell doing nothing.

Most important, prisoners need money and most prisoners’ families are too poor to send any. They might get $20 a year from a relative, but that does not go far. And everything in prison is for sale.

Prisoners must buy all their necessities at prison commissaries. As one example, the cheapest soap is a 4-pack of Ivory for $3.50, Aspirin is $1.50, a small container of peanut butter is $2.90 and toothpaste is $2.90. Emergency medical care is free and 12 states provide other medical services at no cost. But the others slap on a $2 to $5 co-payment.

Even uniforms and shoes have price tags. If prisoners want ones that fit, they must tip the prisoner who dispenses them.

Most prisoners’ cash comes from prison wages (called gratuities) set by Level 1-5 pay scales. Two states (Georgia and Texas) pay nothing. Others pay next to nothing.

Unskilled Level 5 prisoners mop floors, wash windows, shovel snow or scrub pots for eight to 13 cents an hour, or $5 to $12 a month, based on how many hours worked. Level 1 skilled prisoners (say, plumbers or mechanics) get $1.50 to $8 a day, perhaps $300 a month. But Level 5 jobs are scarce.

State and federal prisons also have on-site factories that sew prison uniforms or military goods (jackets and body bags), or build office furniture for government agencies. They pay prisoners hourly or piece rates (for example, 12 cents for sewing three dozen T-shirts), totaling $2 to $8.50 a day, for seven-hour days, with no overtime pay. UNICOR, the quasi for-profit federal prison industry, hasn’t raised rates since 1987.

With such low wages – just a fraction of the federal minimum, which is being raised in several states and cities to what is considered a living wage – prisoners can’t support their families or save for when they’re released.

Prisoners do better in the Prison Industry Enhancement (PIE) program through which private firms build in-prison factories, train prisoners, and pay minimum wage and Social Security contributions. Prisoners can designate a percent for child support. For example, in Nevada, prisoners restore cars. In Washington, they pack Starbucks coffee beans.

Although PIE began 40 years ago, authorities don’t welcome it, since they see it as just one more task to do. Thus, PIE affects only 5,000 of the 2.3 million prisoners in the U.S.

The 13th Amendment’s exclusion clause, which sanctions these low wages, hurts the economy. Before prisoners were incarcerated, 50 percent were employed. If they were paid more in prison, they’d still be in the economy and could send money to their families, who’d spend more, thus helping the economy grow.

Slavery is the parent of this clause. It springs from the same culture. After the Civil War, Jim Crow laws were passed to imprison former slaves – you could get arrested just for looking at a white woman – and get them to work for free. Thus, to save on labor costs, industries contracted with the state for prisoners that they then sent back to the fields; some were also sent to mines. Others were sent to railroad companies, such as the C&O, to dig a tunnel to West Virginia through the mountains. Many died.

Prisoners are humiliated, brutalized and denied human rights. But that’s not the job of prisons. Persons convicted of crimes are sent to prison as punishment, not for punishment. They are imprisoned to take away their freedom, not to enslave them.

After 150 years of Constitutionally-enshrined slavery, it’s time the U.S. Congress ends this.

Charlie Sullivan is president of International Citizens United for Rehabilitation of Errants (CURE), and Barbara Koeppel is a Washington D.C.-based freelance journalist. This article was originally published in Offender Programs Report, Volume 19, Number 5 (January–February 2016), a publication of the Civic Research Institute; it is reprinted with permission of the authors, with minor changes.
UK Supreme Court Rules Against Unlawful Use of Solitary Confinement

by Christopher Zoukis

On July 29, 2015, the United Kingdom’s Supreme Court unanimously ruled against prison officials in an action brought by prisoners Kamal Bourgass and Tanvir Hussain concerning their prolonged solitary confinement. According to British laws related to solitary, continued confinement after 72 hours must be authorized by the Secretary of State for Justice, not by prison staff. The rationale is that prison officials reviewing other prison officials’ actions does not constitute a meaningful review—though that is the standard practice in the U.S.

Bourgass, incarcerated at the high-security HM Prison Whitemoor, was sentenced to life in prison for the murder of a police officer, attempted murder of two other officers and the wounding of a third, plus an additional 17-year sentence for being part of a terrorist conspiracy. Hussain, incarcerated at HM Prison Frankland, was also serving a life sentence for his role in a 2006 terrorist airline bomb plot. Both were held in solitary confinement, in violation of the 72-hour external review rule, for more than six months due to allegedly being involved in assaults and bullying other prisoners. Most of those allegations had since been disproved, or formal charges filed by prison and law enforcement officials were dismissed.

Solitary confinement reviews are taken much more seriously in the UK than in the United States; regardless, 28 UK prisoners have committed suicide in solitary between January 2007 and March 2014. According to a Prison Service Order issued by the Secretary of State in 2013, “for most prisoners there is a negative effect on their mental wellbeing and that in some cases the effects can be serious.” The negative consequences of solitary confinement are well documented, including the effects on prisoners’ mental health. [See: PLN, Oct. 2012, p.1].

“All prisoners who are segregated are already subject to a careful assessment so their physical and mental wellbeing is safeguarded,” UK prison officials stated. Long-term segregation is rarely used in the United Kingdom, and some prisoners held in segregation can receive no-contact visits and make phone calls once every three days.

The UK Supreme Court found that while Bourgass and Hussain’s human rights had not been violated, their “segregation beyond the initial period of 72 hours was not authorized by the Secretary of State and was accordingly unlawful.” In spite of that finding, apparently no prison employees were disciplined for failing to follow the applicable laws. See: R v. Secretary of State for Justice, [2015] UKSC 54, [2012] EWCA Civ 376.

The Supreme Court held that its previous decision in Johnson v. United States will have retroactive application on petitions for collateral review. In Johnson, the Court found the “residual clause” portion of the Armed Career Criminal Act (ACCA) unconstitutionally vague. [See: PLN, Aug. 2015, p.30].

According to the Supreme Court, “Gregory Welch is one of the many offenders sentenced under the Armed Career Criminal Act before Johnson was decided. Welch pleaded guilty in 2010 to one count of being a felon in possession of a firearm.... [he] had three prior violent felony convictions, including a Florida conviction for a February 1996 ‘strong-arm robbery.’”

Welch had argued that the Florida conviction did not constitute a violent felony and therefore should not be counted against him in determining whether he should be sentenced under the ACCA. The federal district court disagreed and the Eleventh Circuit affirmed. Welch then filed a pro se habeas petition under 28 U.S.C. § 2255, alleging the Florida strong-arm robbery statute was vague and his attorney had rendered ineffective assistance of counsel for failing to object to his ACCA sentence. The district court denied the petition and denied a certificate of appealability. Welch’s motion to the appellate court for a certificate of appealability also was rejected.

However, as noted by the Supreme Court, “Less than three weeks later, this Court issued its decision in Johnson.” Welch’s motion for reconsideration was returned by the Eleventh Circuit since it had been submitted late. He then filed a pro se petition for certiorari, which was granted. As the federal government agreed with Welch that Johnson should have retroactive effect, the Supreme Court appointed an attorney “in support of the applicant.”

On April 18, 2016, the Supreme Court held that its decision in Johnson was retroactive, stating, “decisions that interpret a statute are substantive if and when they meet the normal criteria for a substantive rule ... when they alter the range of conduct or the class of persons that the [Act] punishes.”

The Court noted that “By striking down the residual clause as void for vague-
Advocates Leery of Cell Phones Given to Undocumented Immigrants

Immigration rights advocates are suspicious of a new government-funded program administered by GEO Care—a division of the GEO Group, one of the nation’s largest for-profit prison companies—that supplies cell phones to low-risk undocumented immigrants. Officials maintain that the $11 million cell phone program, reported by the Los Angeles Times in February 2016, helps ensure the recipients can keep in touch with their case managers and make scheduled immigration court hearings.

Those receiving the phones, which are provided at no cost, are generally families with children for whom there are few suitable facilities for detention. Approximately 25,000 immigrant families were apprehended at the southern border of the United States from October 1, 2015 through January 31, 2016—nearly three times the number during the same period the previous year.

However, Jonathan Ryan, executive director of RAICES, a Texas immigrant advocacy group, was skeptical. “It is concerning whether the women are being tracked through their phones and whether their communications with counsel are confidential... Considering the number of entities monitoring cell phones in general, it’s hard to believe they’re not being tracked at all,” he stated.

GEO Group, along with Corrections Corporation of America (CCA), has been criticized for poor conditions of confinement for immigrants housed in its for-profit facilities, including substandard food, inadequate medical care and understaffing. GEO was dubbed the “Kids Before Cons Act” (H.R. 3327), which would prohibit the DOE from providing Pell grants to prisoners, including through the pilot program. That bill also remains pending in committee.

“To be clear, this is never haves-versus-have-nots or whatever,” Duncan explained. “Having an inmate receive Pell grants doesn’t take a nickel from anybody else, and this is really about trying to help individuals get back on their feet.... This never pits one group over another, and it’s not robbing Peter to pay Paul. It’s just trying to have a few more people have access to what could be a life-chance-forming opportunity.”

With respect to cost benefits for taxpayers, he noted, “The cost-benefit of this does not take a math genius to figure out. We lock folks up here, $35–40,000 every single year. A Pell grant is less than $6,000 each year.”


Immigration rights advocate are suspicious of a new government-funded program administered by GEO Care—a division of the GEO Group, one of the nation’s largest for-profit prison companies—that supplies cell phones to low-risk undocumented immigrants. Officials maintain that the $11 million cell phone program, reported by the Los Angeles Times in February 2016, helps ensure the recipients can keep in touch with their case managers and make scheduled immigration court hearings.

Those receiving the phones, which are provided at no cost, are generally families with children for whom there are few suitable facilities for detention. Approximately 25,000 immigrant families were apprehended at the southern border of the United States from October 1, 2015 through January 31, 2016—nearly three times the number during the same period the previous year.

While the provision of free cell phones to immigrant families has been met with suspicion, at least the program provides an alternative to detention facilities.

Mark Krikorian, executive director of the Center for Immigration Studies, a conservative group, also was critical of the cell phone program, though for different reasons.

“IT really is a continuation of this policy of the federal government taking over from the smugglers once the illegals get across the border and ensuring the illegal immigrants get what they paid the smuggler for and reach their destination,” he said.

Krikorian also argued that handing out the free phones might actually increase the number of undocumented immigrants trying to cross the southern border, though he failed to cite any data in support of his claims.

Sources: www.latimes.com, www.geogroup.com
Nevada’s state-run prison industry program, Silver State Industries, came under attack from citizens and business owners in 2014. One criticism of the program involved the loss of jobs to non-incarcerated workers and fewer jobs available to the unemployed. Another complaint was that select private companies had contracts with the Nevada Department of Corrections (NDOC) that provided reduced lease rates on manufacturing space and allowed the use of prisoners as a low-paid workforce. Competitors of those companies protested that this amounted to the state subsidizing private businesses and giving them an unfair advantage. [See: PLN, March 2013, p.14].

The discovery that NDOC authorities had in effect subsidized private businesses, allowing for direct competition against other companies, raised eyebrows in the media and attracted the attention of organized labor leaders, state lawmakers and eventually Governor Brian Sandoval. Labor officials, legislators and the governor all voiced concerns over the displacement of Nevada workers by prisoners, and were critical of the way in which the NDOC was operating prison industry programs with inadequate oversight.

The result was several hearings in the Nevada Assembly and Senate. During those committee meetings and hearings it was discovered that one of the private companies contracting with the NDOC, Alpine Steel, was in arrears on lease and utility payments and wages to NDOC staff and prisoner workers. Alpine had not been paying workers, staff or the NDOC for more than 3 years and had been allowed to continue operations through a 2011 lease renewal while deeply in debt to the state.

In all, the NDOC was owed around $428,000 — with no assurance or guarantee that the debt would be paid. Ultimately the prison industry operation involving Alpine Steel was shuttered and the state entered into a forbearance agreement with the company’s owner to recover the nearly half-a-million dollars owed.

A new Senate bill was proposed to amend NRS 209.461, and after negotiations between the NDOC and the legislature, the bill passed and was signed into law by Governor Sandoval.

Amendments to the existing law add a new organized labor member to the Interim Finance Committee on Industrial Programs, and require all new or proposed prison industries to be approved by the committee and then submitted to the Board of Prison Commissioners for final determinations. A third change was the requirement that companies contracting with the NDOC’s Silver State Industries provide a surety bond or personal guarantee to ensure that the state will be promptly paid for leases, salaries, wages and utility costs.

An uneasy “truce” now seems to exist between critics of the state’s prison industry program and NDOC officials, as citizens and business owners assume a posture of monitoring rather than criticizing the program. Some continue to believe that prison industries should be operated in a manner that does not openly compete against other businesses providing the same products or materials. Those critics cite the loss of jobs in the private sector as an indicator that NDOC authorities and the Board of Prison Commissioners failed to properly oversee prison industry operations to protect workers and private employers.

Others have voiced the opinion that prison industry programs should be shuttered due to the displacement of freeworld workers and the sweetheart deals that allowed some companies to operate with an unfair advantage over other businesses. They point to Alpine Steel, the company at the center of the controversy involving non-payment of wages to prisoners and staff, as an example. Alpine received a facility lease of approximately $0.23 per square foot from the NDOC. Comparable average lease rates on similar property in Nevada run nearly $0.70 per square foot. The lower rate allowed the company to realize an annual savings of about $85,000.

Such a reduction in overhead, combined with the low wages paid to prison workers, enabled Alpine Steel to outbid competitors on several lucrative contracts. The fact that Alpine was able to operate without paying rent, utilities or labor costs for several years bolsters critics’ claims that the company enjoyed a truly sweetheart deal.

One critical issue remains unaddressed: the exploitation of Nevada’s prisoner workers. As discussed previously, state officials and critics protested the unfair competition of companies using prison labor and the impact upon competing businesses and private sector workers from that low-cost labor.

While the new legislation was enacted to protect private workers and businesses competing directly against prison industry programs, nothing in that legislation protects prisoner workers from continued exploitation by the NDOC and Silver State Industries. As an earlier report issued by the Voters Legislative Transparency Project revealed, incarcerated workers in Prison Industry Enhancement Certification Programs (PIECP) are supposed to receive prevailing wages for their labor as required under 18 U.S.C. § 1761(c). [See: PLN, March 2010, p.1]. Additionally, Alpine Steel’s contract with the NDOC specified that prisoners were to be paid at the “prevailing wage rate for the locality and type of work being performed...”, yet workers in the prison industry program never received prevailing wages.

Prisoners working for Alpine received minimum wage or less, which is the typical practice for most PIECP industries — and those wages are subject to a number of mandatory deductions, including for “room and board.” Although the failure to comply with prevailing wage requirements was presented to the legislature and members of the Nevada Board of Prison Commissioners and Interim Finance Committee on Industrial Programs, no investigation or review resulted. Ultimately, while the new legislation protects the payment of wages to NDOC employees along with lease, utility and other payments to the state, underpayment of wages to prisoner workers in the state’s prison industry program was not addressed.

Another form of exploitation is the perhaps illegal deductions from all prisoners’ wages by the NDOC to fund expansion of new or existing prison industries. Under Nevada law, 5% of all earned wages are taken from prisoner workers and put in a fund to be used by the NDOC to expand prison industry operations. In the case of PIECP programs, this deduction is apparently illegal under 18 U.S.C. § 1761, et seg., and Nevada was informed of such by the U.S. Department of Justice in 1990. To date,
California State Prisoner’s Habeas Case Gets to Supreme Court but Falls Short

by Derek Gilna

Antonio Hinojosa, serving a 16-year sentence in California’s prison system, was deemed a “validated” gang member by prison officials, effectively stripping him of future good-time credits and extending the length of his sentence. He filed a pro se petition for habeas relief, was denied at the state court level and took his case to federal district court and eventually to the Ninth Circuit, which ruled in his favor.

Ultimately, however, in May 2016, the U.S. Supreme Court found against Hinojosa on a procedural issue in a per curiam decision that was criticized by many observers.

According to the Court, “The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) requires a state prisoner seeking federal habeas relief first to ‘exhaus[t] the remedies available in the courts of the State.’ 28 U.S.C. § 2254(b) (1)(A). If the state courts adjudicate the prisoner’s federal claim ‘on the merits...,' then AEDPA mandates deferential, rather than de novo, review,” effectively preventing federal courts from exercising jurisdiction in most cases. The Ninth Circuit had determined that the state courts’ denial of Hinojosa’s habeas petition was not “on the merits.”

The Court of Appeals wrote, “In punishing Hinojosa for his in-prison gang-related misconduct, the state has effectively increased his prison sentence for his underlying crimes. And it has done so by means of a regulation that was enacted after [he] committed those crimes,” in violation of ex post facto laws. California’s state prison system is rampant with gang activity, with many prisoners forced to join gangs to protect themselves from violence by other prisoners.

Unfortunately the Supreme Court ignored this reality, finding that the California Supreme Court’s denial of Hinojosa’s habeas petition had been on the merits—which meant the AEDPA applied and the Ninth Circuit would not have ruled in his favor. In effect, the high court endorsed an ex post facto law used to keep people in a dangerous and overcrowded prison system already under federal court supervision. In a strongly-worded dissent, Justices Sotomayor and Ginsburg referred to the majority’s argument as “flimsy.” See: Kerman v. Hinojosa, 2016 U.S. LEXIS 3051 (May 16, 2016).

According to Caleb Mason, a former federal prosecutor, “This is a terrible ruling to get from the Supreme Court. I guess it means litigants will have to find a way to get a case before the state supreme court.” Prison Legal News previously covered the effect of the Ninth Circuit’s ruling in this case, which prison officials had refused to extend to other prisoners. [See: PLN, May 2016, p.30].

The only good news is that Hinojosa was released from prison prior to the U.S. Supreme Court’s decision.

Additional source: www.mcclatchydc.com


INTRODUCING CONPICS

We Print your pictures and send them to you! We print: Friends List, Social Media Profiles, and profiles of your friends on regular paper or Photo paper!
Wherever you have pictures we can send them to you!
EMAIL US AT: conpics616@gmail.com for all pricing info

New Beginning: Guidelines for Offering to Ex-Offenders Radical Hospitality in Faith Communities furnishes evidence that supports the fact that the leadership of faith communities offering radical hospitality to ex-offenders can reduce recidivism.

Hope can be restored, damaged and broken relationships can be mended, forgiveness from both sides can be made, and the returning citizen remain a law-abiding member of society.

Order book by calling 614-266-3387.
New Beginning, 1865 Big Tree Dr., Columbus, OH 43225
Wrongfully-convicted Former Prisoner Commits Suicide

A nti-death penalty advocate Darryl Hunt, who was wrongfully convicted and served almost 20 years in North Carolina prisons before being exonerated in 2004, was found dead on March 13, 2016 in North Carolina prisons before being exonerated in 2004, was found dead on March 13, 2016 in a car near the Wake Forest University campus. Police officials revealed that Hunt had died from a self-inflicted gunshot wound; he was 51 years old and had recently been diagnosed with cancer.

In June 1985, a single juror refused to vote to sentence Hunt to death for a rape and murder that he did not, in fact, commit. He instead received a life sentence based on an arrest, trial and conviction that were not only highly racially-charged, but also flawed by eyewitness misidentification, false testimony of jailhouse informants and a witness who later recanted. Hunt’s conviction was overturned on appeal in 1989, but he refused a deal to plead guilty to murder and accept a sentence of time served. Maintaining his innocence, Hunt was retried and again sentenced to life.

In 1994, advanced DNA testing revealed that biological evidence recovered from the victim’s body did not match Hunt. Still, prosecutors argued there may have been multiple assailants and Hunt could have killed the victim, Deborah Sykes. A judge agreed and Hunt remained in prison.

In 2000, the Winston-Salem Journal published an eight-part series on Hunt’s case. Shortly after the series ran, the North Carolina Bureau of Investigation matched the DNA from the crime scene to a convicted rapist who confessed to murdering Sykes. Hunt was exonerated and received a pardon; he later filed and settled lawsuits against the state and the City of Winston-Salem. [See: PLN, Oct. 2008, p 47].

Following his release, he became an outspoken advocate for criminal justice reform and abolition of the death penalty.

Attorney Mark Rabil represented Hunt from his first trial through his civil suits more than two decades later. Rabil said he had always known Hunt was innocent, and believed his years in prison, the trauma of being wrongfully convicted and the responsibilities he took on after he was released all wore him down.

“In the long run, he eventually got the death penalty,” Rabil observed.  


A Prison Telecom in Sheep’s Clothing

by Carrie Wilkinson

O n April 6, 2016, FCC Commissioner Ajit Pai conducted a Field Hearing in Columbia, South Carolina on the subject of contraband cell phones in prisons and jails.

The panel did not address questions submitted prior to the hearing by the Human Rights Defense Center (HRDC), the parent organization of Prison Legal News. Those questions dealt with the companies involved in the development of new technologies to detect contraband cell phones – including Inmate Calling Service (ICS) providers that have price-gouged prisoners and their families for decades with exorbitant phone rates and fees.

HRDC had inquired about the cost/benefit of cell phone detection services, and whether the cost for cell phone detection is passed on to prisoners and their families through inflated ICS phone rates. In the latter regard, HRDC inquired, “To what extent is the effort to eliminate cell phone use by prisoners a ploy to increase revenues through the government monopoly ICS phone system and its attendant commission kickbacks to government agencies?”

Additional questions raised by HRDC involved the smuggling of contraband cell phones by prison and jail staff, and whether proposed jamming technologies would affect people located near the correctional facilities where they are implemented.

“While Commissioner Pai stated his position regarding contraband cell phones in proceedings related to comprehensive reform of the prison phone industry, seemingly to imply the issues are related, it is imperative that any discussion about this issue address trafficking of contraband by staff as the crux of the problem,” HRDC wrote. “News reports nationwide are replete with examples of prison guards and other prison employees and contractors smuggling cell phones to prisoners, often in exchange for bribes.”

Not only were the questions submitted by HRDC ignored during the Field Hearing, but one of the speakers was employed by Securus Technologies, one of the nation’s largest ICS providers. Dan Wigger, a panelist selected to discuss Managed Access Systems, was introduced in the hearing’s agenda as “the Vice President and Managing Director for solution vendor CellBlox.” While that may be true, the agenda failed to mention that CellBlox had been purchased by Securus Technologies in January 2015, and that Securus announced it had hired Wigger in March 2015 for “day-to-day management of our Managed Access Systems (MAS) business that installs proprietary high tech software, preventing contraband wireless device use in prisons and jails in the United States.”

Wigger’s presentation at the FCC Field Hearing organized by Commissioner Pai – who has consistently voted against prison phone reforms – was little more than Securus advertising its MAS product at taxpayer expense. The panel’s non-disclosure of Wigger’s connection with Securus misled the public, media and government officials into thinking they were hearing unbiased and objective testimony, when in fact they were hearing from a representative of an ICS provider that has a financial interest.
Custodial Interrogation of Parolee Requires Miranda Warnings

The Pennsylvania Supreme Court held that a parolee subjected to custodial interrogation by parole agents concerning new crimes is entitled to receive Miranda warnings. Under the facts of this case, the court found the parolee’s incriminating statements should be suppressed.

Nathan Cooley III was placed in handcuffs and searched upon reporting to the parole office. His parole agent had received a voicemail from the father of Cooley’s fiancée, stating that Cooley possessed and was discharging firearms and may be selling drugs at his home.

After a pat down search uncovered nothing, parole agents informed Cooley they were going to search his home for firearms and drugs. Cooley became nervous and admitted he had a firearm at the house and indicated its location. The firearm was found as was $3,200, a pound of marijuana and plastic baggies. Cooley admitted the drugs were his. Back at the parole office, another firearm was recovered from his car.

Cooley was never issued Miranda warnings and was subsequently charged with firearm and drug offenses. His motion to suppress his incriminating statements was denied, and he was convicted following a jury trial. His conviction was affirmed on appeal.

The Pennsylvania Supreme Court found Cooley was not subjected to a routine parole interview; he was handcuffed and immediately restrained at the parole office and accused of crimes for which he was not on parole. “While the use of handcuffs is not dispositive of a custody analysis, and we must still conduct a totality-of-the-circumstances analysis, the use of restraints is ‘generally recognized as a hallmark of a formal arrest,’” the Court wrote.

The pat down search uncovered nothing, but the agents did not remove the restraints. While Cooley was not informed he was under arrest, he continued to be questioned about new crimes.

“At that point, the parole agent’s conduct was the functional equivalent of that of police officers,” the Supreme Court held. As such, “the totality of circumstances” led the Court to “find a reasonable parolee would not feel free to terminate the encounter and leave the parole office.”

The Court noted that a “parolee does not lose the Fifth Amendment privilege against self-incrimination merely because of conviction of a crime.... Parolees, like any other individual, must be given Miranda warnings when subject to custodial interrogation.”

It then concluded Cooley was subjected to “custodial interrogation” that required Miranda warnings be provided. Since they were not, the judgment and conviction were vacated and the case remanded for a new trial.

Sources: HRDC comments filed with the FCC, www.law360.com

A Jailhouse Lawyer’s Manual

A Jailhouse Lawyer’s Manual (“the JLM”) publishes three books designed to explain your rights and help you navigate the justice system.

The JLM 10th Edition (2014) ($30 for prisoners) is the main volume of the JLM. It is a 1288 page book that can help you learn about:

- Researching the law
- Appealing your conviction or sentence
- Receiving medical care
- Protecting your civil liberties
- And more

The Immigration Supplement (2011) ($5 for prisoners) is a 116 page supplement to the main JLM containing information about immigration and the rights of non-citizens.

The Texas Supplement (2014) ($20 for prisoners) is a 408 page supplement to the main JLM containing information specific to Texas state prisoners.

To order the JLM, send a check or money order (no credit cards or stamps accepted) and your shipping information to: A Jailhouse Lawyer’s Manual, 435 West 116th Street, New York, NY 10027.

For institutional prices or questions, contact jlm.board.mail@gmail.com.
Wrongful Death Suit Against Illinois Jail Survives Summary Judgment

by Derek Gilna

Richard J. Gonzalez, 30, was being held at a jail in Ford County, Illinois when his already precarious health took a turn for the worse. On the evening of May 18, 2012, Gonzalez was found on the floor of his cell, apparently suffering from a seizure. He was transported to a hospital, treated and returned to the jail. Four days later he complained of chest pains and was placed in a detox room monitored by a video camera. The next day, on May 23, 2012, Gonzalez died in his cell; an autopsy found he had suffered a seizure and aspirated fluid into his lungs.

Gonzalez’s family filed suit in federal district court under 42 U.S.C. § 1983, naming Ford County and five individuals as defendants and alleging wrongful death, intentional infliction of emotional distress, conspiracy, respondeat superior and a claim under the Local Government and Governmental Employees Tort Immunity Act. The defendants moved for summary judgment, which was denied by the district court in a text-only entry with “a written order to follow.” Before the written order was entered, however, the defendants filed an interlocutory appeal to the Seventh Circuit, while Gonzalez countered with an interlocutory appeal to the Seventh Circuit, while Gonzalez countered with a motion to have their appeal certified as frivolous.

On December 4, 2015 the Seventh Circuit remanded the case “for the limited purpose of requesting that the district court provide a statement of reasons for its summary judgment denial,” and to rule on the motion to certify the appeal as frivolous. Twelve days later the district court entered an order addressing those issues.

According to the court, “The Eighth and Fourteenth Amendments require prison officials to provide ‘adequate food, clothing, shelter, and medical care’ to prisoners, and ‘take reasonable measures’ to ensure their safety. Farmer v. Brennan, 511 U.S. 825, 832 (1994); Sain v. Wood, 512 F.3d 886, 893 (7th Cir. 2008). To establish an Eighth Amendment violation, the plaintiff must show that the inmate was harmed and that prison officials were deliberately indifferent to that harm.... Prison officials are deliberately indifferent if they (1) know about an excessive risk of harm to the inmate, and (2) disregard that risk.”

The court wrote that “In this case, the defendant officers knew that the evening shift officers were so concerned about Gonzalez that several calls were made to the doctor, who instructed them to keep Gonzalez under observation and take him to the hospital if his condition worsened. Thus, they knew that his condition was objectively serious.”

Despite having this knowledge, on the night that Gonzalez died, according to the complaint, the defendants failed to properly monitor his medical condition. Although the guards who were supposed to be observing him said he was alive 30 minutes before his estimated time of death, the judge was not convinced, instead accepting the testimony of Illinois State Police Sergeant Kenneth Mass and Special Agent Chris Koerner, who investigated and found the guards had “provided false information.” This testimony resulted in the case being reviewed for possible criminal prosecution, though charges were never filed.

The district court also found the Ford County Sheriff was entitled to qualified immunity and denied Gonzalez’s Monell claim, holding that while the jail had no policy for monitoring sick prisoners or performing more frequent cell checks, “the lack of specific policies or practices was not the moving force of the violation in this case.” Lastly, the district court held the defendants’ appeal was not frivolous. The case remains pending. See: Gonzalez v. Ford County, U.S.D.C. (C.D. Ill.), Case No. 2:13-cv-02115-HAB.

Benefits of Allowing Prisoners to Raise Babies Born in Prison

by Matt Clarke

Programs that allow pregnant prisoners to keep their babies and raise them in prison appear to have benefits for both the babies and their mothers.

According to a recent report, two-thirds of the over 200,000 women incarcerated nationwide have children under the age of 18. About 2,000 prisoners give birth in U.S. prisons each year, and the vast majority are separated from their babies soon after delivery. But at the Bedford Hills Correctional Facility for Women in New York, a small program allows prisoners to raise their babies while incarcerated for up to eighteen months following birth. Bedford has the oldest prison nursery in the country, dating back to 1901.

The prisoners who participate in the program are carefully selected and do not include anyone convicted of a violent crime, arson or a crime with a child victim. Those accepted into the program reside in a unit separated from the general prison population; they are still subject to the usual prison rules, including prohibitions on jewelry and makeup.

“We don’t have a lot of space,” said Jacqueline McDougall, 26, whose son Max lived the first nine months of his life in prison. “It’s hard.”

McDougall said giving birth to Max was a blessing. “I’ve had time to clean up my act and really see where I was headed,” she stated. “It wasn’t in a good direction. I think at the end of it all now, I kind of think this saved my life.”

McDougall’s experience isn’t unusual. A study found 33% of pregnant prisoners who were separated from their babies returned to prison while only 10% of those allowed to raise their babies while incarcerated came back. That reduction in recidivism saves $30,000 per year for each former prisoner who would otherwise have returned to prison, and helps make up for the $24,000 cost to keep a baby with its imprisoned mother.

“If that woman stays out of jail for five years, think of the savings,” said Liz Hamilton, who runs the prison’s nursery program. “It’s keeping that child from the foster care system. That’s another expensive program.”

The babies also appear to benefit. Pediatrician Dr. Janet Stockheim visits the Bedford facility every other week, performing checkups that might not have happened...
Breastfeeding can have on an infant’s development. The study further noted the adverse effects that a lack of maternal contact and breastfeeding can have on an infant’s development.

Prisoners in the nursery program spend most of the day with their babies, performing chores in the unit. They are also taught how to bath, diaper and nurse their children, and receive classes in parenting. According to a 2015 study by Columbia University’s School of Nursing, children who spent one to eighteen months in a prison nursery program were less likely to be anxious, depressed or withdrawn compared to babies separated from their mothers at birth. The study further noted the adverse effects that a lack of maternal contact and breastfeeding can have on an infant’s development.

South Dakota is another state that offers several mother-infant programs. Once a pregnant prisoner is approved for a program, she must first pass a parenting certification once the prisoner has served her sentence. Most of the incarcerated mothers have been able to regain custody of their children upon release.

The prisoners are still subject to prison regulations, and violating a rule could result in a return to the general population and their baby being removed from the program. California, Illinois, Indiana, Nebraska, Ohio, Washington, West Virginia, Wyoming and the federal Bureau of Prisons all have similar programs, and several other states are considering implementing them. The length of time a mother is allowed to raise her baby in prison varies from three months in the BOP to up to three years in some states’ programs. The ultimate goal is to help the prisoners become successful parents following their release. According to Sister Teresa Fitzgerald, a nun who founded an organization in New York to help incarcerated women and their children, such programs are a “win-win” for the mother, baby and society.

There are, however, no similar programs that allow incarcerated fathers to live with their infant children. According to an October 2015 report released by Child Trends, a research group, an estimated 5 million children in the U.S. – one in 14 – has had a parent in prison at some point in their lives.

“Progress has been slow,” said David Murphey, the lead author of the report. “This is a vulnerable group of kids that is often hidden from public view. We need to pay more attention.”


PLN Needs Your Photos, Videos, Verdicts and Settlements!

We are expanding the multimedia section on PLN’s website, and need more prison and jail-related content! We know many of our readers have pictures and videos related to prison and criminal justice topics, and we’d like to post them on our site. We are seeking original content only – photos or video clips that you have taken yourself.

Please note that we are not seeking articles, editorials, poems or other written works; only photos and videos. They can be taken inside or outside of prison, but must relate to prisons, jails or criminal justice-related topics. By sending us multimedia content, you are granting us permission to post it on our website. Please send all submissions via email to:

CONTENT@PRISONLEGALNEWS.ORG

Please confirm in your email that the photos or videos are your original content, which you produced. Also please provide some context, such as where and when they were taken. Your name will not be posted online or otherwise disclosed. Please spread the word that PLN needs photos and videos for our website.

We also need verdicts and settlements in cases won by the plaintiff. Note that we are only seeking verdicts, final judgments or settlements – not complaints or interim orders in cases that are still pending. If you’ve prevailed in court against prison or jail staff, please send us a copy of the verdict, judgment or settlement and last complaint so we can post them on our site and potentially report the case in PLN. If possible, please e-mail your submissions; we cannot return any hard copy documents. Send to:

Prison Legal News
P.O. Box 1151
Lake Worth, Fl 33460
content@prisonlegalnews.org

Appealing a Conviction? Hire an Appellate Attorney.

You wouldn’t hire a heart surgeon to perform brain surgery. Don’t hire a trial attorney to handle your appeal. Hire someone who focuses on criminal appeals.

Hire the Law Office of Matthew S. Pinix, attorneys with more than 10-years’ combined experience handling criminal appeals in Wisconsin and Illinois.

Law Office of Matthew S. Pinix, LLC
1200 East Capitol Drive, Suite 220
Milwaukee, Wisconsin 53211
(414) 963-6164
www.pinixlawoffice.com

Rated by Super Lawyers
Rated by avvo.com
Better Business Bureau accredited

Michael Soukup
Licensed in Wisconsin and Illinois
Matthew Pinix
Licensed in Wisconsin

Licensed in Wisconsin and Illinois

Licensed in Wisconsin & Illinois
“Scared Straight” Programs are Counterproductive
by Derek Gilna

The Pew Charitable Trusts, a non-profit, non-governmental organization, recently reported on the mixed results of “Scared Straight” programs, which are intended to deter juveniles with a history of bad behavior from entering the criminal justice system by having them visit prisons or jails to see first-hand the consequences of breaking the law. Several studies maintain that such programs may actually increase the probability of offending by participating youths.

Dating from the 1970s, Scared Straight programs advocating an “in-your-face” confrontational approach have long been thought to benefit at-risk children, but a 2013 study by The Campbell Collaboration found that participating juveniles committed 28% more crimes than non-participants. Mark Lipsey at the Vanderbilt Institute for Public Policy Studies reached similar conclusions, stating flatly that Scared Straight programs “do not work.”

That may be because poor decision-making, a lack of impulse control due to immaturity, anger problems and substance abuse issues cannot be addressed by having adult prisoners scream threats at youths in an attempt to frighten them.

Nonetheless, many similar programs still exist across the country, spurred in part by the popular A&E television show “Beyond Scared Straight,” which has won several awards. U.S. Department of Justice (DOJ) officials, however, have not been swayed by the popularization of Scared Straight programs.

According to the DOJ’s Laurie O. Robinson, and Jeff Slowikowski with the Office of Juvenile Justice and Delinquency Prevention (OJJDP), “The fact that [these programs] are still being touted as effective, despite stark evidence to the contrary, is troubling.” Similar programs in Maryland and California, previously featured on “Beyond Scared Straight,” have been suspended.

According to the OJJDP, “The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, prohibits court-involved youth from being detained, confined, or otherwise having contact with adult inmates in jails and prison. In keeping with the Act, and supported by research, OJJDP does not fund Scared Straight programs and cites such programs as potential violations of federal law.”

Yet such statements have not deterred some jurisdictions from continuing the popular programs, which are generally inexpensive to create and administer. Raleigh County, West Virginia started a Scared Straight program in 2012 and received strong community support, especially from Judge H.L. Kirkpatrick. According to the judge, “Scared Straight is controversial because recent studies show that it achieves only mixed results as a deterrence factor. However, I believe that the project can be very useful as long as care is taken to ensure that the right kids are accepted into the program.”

While the parents of juveniles chosen to take part in such programs have to execute waivers to allow them to participate, the suitability of frustrated parents of troubled or rebellious youth to make informed decisions is questionable, particularly when the dubious benefits of Scared Straight programs are lauded by court and jail officials. Additionally, it is hard to see any objective benefits from subjecting children – especially those suffering from mental health or behavioral issues that cause them to act out in the first place – to profanity, threats of physical or sexual abuse, humiliation and sometimes restraints such as handcuffs or shackles.

Despite their popularity, Scared Straight programs have not proven to be an effective deterrent for at-risk youth and instead do more harm than good, the Pew Charitable Trusts concluded. A more constructive approach would provide juveniles with “straight” information about the consequences of crime and misbehavior while avoiding the counterproductive “scared” component.


Special Supervised Release Conditions Require Sufficient Findings

The Eighth Circuit Court of Appeals held on June 19, 2015 that an Iowa federal district court had abused its discretion in imposing a special condition of supervised release related to alcohol use.

Before the appellate court was the appeal of Dennis Brown, Jr., who pleaded guilty to being a felon in possession of a firearm. As part of his 57-month sentence, the district court had recommended his participation in the Bureau of Prisons’ 500-hour Comprehensive Residential Drug Abuse Treatment Program. He did not object to that sentencing provision.

Brown did, however, object to a supervised release condition that prohibited him from using alcohol or entering “bars, taverns, or other establishments whose primary source of income is derived from the sale of alcohol.”

The Eighth Circuit noted that Brown’s criminal history involved no charges related to drugs or alcohol. Nor did he have an “extensive history of drug use,” as he had admitted to using marijuana only twice.

Alcohol bans can be appropriate “for defendants with substance-abuse problems,” but not “where the defendant’s history or crime of conviction [does] not support a complete ban on alcohol.” Such special conditions of supervised release require “an individualized inquiry into the facts and circumstances underlying a case and sufficient findings on the record.”

The district court had failed to make sufficient findings, and consequently the Eighth Circuit vacated Brown’s special conditions for supervised release. Following remand, the district court entered an amended judgment on July 10, 2015. See: United States v. Brown, 789 F.3d 932 (8th Cir. 2015).

The Ninth Circuit addressed a similar issue in a 2014 case involving a supervised release condition that required the defendant to abstain from alcohol and drug use, with similar results. [See: PLN, April 2016, p.32.]
Get 6 Full One Year Subscriptions ONLY $20!

Check your 6 magazines and underline three backup choices (in case of unavailability)

<table>
<thead>
<tr>
<th>Magazine</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL RECIPES</td>
</tr>
<tr>
<td>ALLURE</td>
</tr>
<tr>
<td>ARCHITECTURAL DIGEST</td>
</tr>
<tr>
<td>ARTHRITIS TODAY</td>
</tr>
<tr>
<td>ATLANTA</td>
</tr>
<tr>
<td>ATLANTIC MONTHLY</td>
</tr>
<tr>
<td>AUTOMOBILE</td>
</tr>
<tr>
<td>BACKPACKER</td>
</tr>
<tr>
<td>BETTER HOMES &amp; GARDENS</td>
</tr>
<tr>
<td>BOATING</td>
</tr>
<tr>
<td>BOATING WORLD</td>
</tr>
<tr>
<td>BON APPETIT</td>
</tr>
<tr>
<td>BOWHUNTING WORLD</td>
</tr>
<tr>
<td>BRIDAL GUIDE</td>
</tr>
<tr>
<td>CAR &amp; DRIVER</td>
</tr>
<tr>
<td>CBS WATCH! MAGAZINE</td>
</tr>
<tr>
<td>CINCINNATI</td>
</tr>
<tr>
<td>CNET</td>
</tr>
<tr>
<td>CONDE NAST TRAVELER</td>
</tr>
<tr>
<td>COSMOPOLITAN</td>
</tr>
<tr>
<td>CRUISING WORLD</td>
</tr>
<tr>
<td>CYCLE WORLD</td>
</tr>
<tr>
<td>DIABETES SELF MANAGEMENT</td>
</tr>
<tr>
<td>DIGITAL PHOTO</td>
</tr>
<tr>
<td>DIRT RIDER</td>
</tr>
<tr>
<td>EATING WELL</td>
</tr>
<tr>
<td>EBONY</td>
</tr>
<tr>
<td>ELLE</td>
</tr>
<tr>
<td>ELLE DECOR</td>
</tr>
<tr>
<td>ENTREPRENEUR</td>
</tr>
<tr>
<td>ESPN MAGAZINE</td>
</tr>
<tr>
<td>ESQUIRE</td>
</tr>
<tr>
<td>EVERY DAY WITH RACHEL RAY</td>
</tr>
<tr>
<td>FAMILY CIRCLE</td>
</tr>
<tr>
<td>FAMILY FUN</td>
</tr>
<tr>
<td>FAST COMPANY</td>
</tr>
<tr>
<td>FIELD &amp; STREAM</td>
</tr>
<tr>
<td>FLORIDA SPORT FISHING</td>
</tr>
<tr>
<td>FLYING</td>
</tr>
<tr>
<td>FREESKIER</td>
</tr>
<tr>
<td>GLAMOUR</td>
</tr>
<tr>
<td>GOLF DIGEST</td>
</tr>
<tr>
<td>GOLFWEEK</td>
</tr>
<tr>
<td>GOOD HOUSEKEEPING</td>
</tr>
<tr>
<td>HARPER’S BAZAAR</td>
</tr>
<tr>
<td>HEALTHY LIVING</td>
</tr>
<tr>
<td>HOT RIDE</td>
</tr>
<tr>
<td>INC</td>
</tr>
<tr>
<td>ISLANDS</td>
</tr>
<tr>
<td>ITALIA</td>
</tr>
<tr>
<td>LIFE EXTENSION</td>
</tr>
<tr>
<td>MARIE CLAIRE</td>
</tr>
<tr>
<td>MARLIN</td>
</tr>
<tr>
<td>MEN’S FITNESS</td>
</tr>
<tr>
<td>MEN’S JOURNAL</td>
</tr>
<tr>
<td>MIDWEST LIVING</td>
</tr>
<tr>
<td>MOTOR TREND</td>
</tr>
<tr>
<td>MOTORCYCLIST</td>
</tr>
<tr>
<td>OUTDOOR LIFE</td>
</tr>
<tr>
<td>OUTDOOR PHOTOGRAPHER</td>
</tr>
<tr>
<td>OUTSIDE</td>
</tr>
<tr>
<td>PAIN-FREE LIVING</td>
</tr>
<tr>
<td>PARENTS</td>
</tr>
<tr>
<td>PLANE &amp; PILOT</td>
</tr>
<tr>
<td>POPULAR PHOTO &amp; IMAGING</td>
</tr>
<tr>
<td>POPULAR SCIENCE</td>
</tr>
<tr>
<td>PREDATOR XTREME</td>
</tr>
<tr>
<td>RED BULLETIN</td>
</tr>
<tr>
<td>REDBOOK</td>
</tr>
<tr>
<td>ROAD &amp; TRACK</td>
</tr>
<tr>
<td>ROLLING STONE</td>
</tr>
<tr>
<td>SALTWATER SPORTSMAN</td>
</tr>
<tr>
<td>SAVEUR</td>
</tr>
<tr>
<td>SELF</td>
</tr>
<tr>
<td>SEVENTEEN</td>
</tr>
<tr>
<td>SHAPE</td>
</tr>
<tr>
<td>SHOWBOATS INTERNATIONAL</td>
</tr>
<tr>
<td>SIEMPRE MUJER</td>
</tr>
<tr>
<td>SKI</td>
</tr>
<tr>
<td>SLAM</td>
</tr>
<tr>
<td>SNOWBOARD</td>
</tr>
<tr>
<td>SPORT RIDER</td>
</tr>
<tr>
<td>TEEN VOGUE</td>
</tr>
<tr>
<td>TENNIS</td>
</tr>
<tr>
<td>TRANSWORLD MOTOCROSS</td>
</tr>
<tr>
<td>US WEEKLY</td>
</tr>
<tr>
<td>VERANDA</td>
</tr>
<tr>
<td>VOGUE</td>
</tr>
<tr>
<td>W MAGAZINE</td>
</tr>
<tr>
<td>WEIGHT WATCHERS</td>
</tr>
<tr>
<td>WHITETAIL JOURNAL</td>
</tr>
<tr>
<td>WIRE</td>
</tr>
<tr>
<td>WOMAN’S DAY</td>
</tr>
<tr>
<td>WORKING MOTHER</td>
</tr>
<tr>
<td>YACHTING</td>
</tr>
<tr>
<td>YOGA JOURNAL</td>
</tr>
</tbody>
</table>

Choose 3 for $15 or 6 for $20!

Name and Inmate # (please print, maximum 24 characters):
Address: City: State: Zip:

June 2016
Prisoner’s Deliberate Indifference Suit Over Tooth Abscess Reinstated by Seventh Circuit

by Derek Gilna

Lester Dobbey, confined at Illinois’ Stateville Correctional Center in 2011, sought treatment at the prison’s medical unit for severe tooth pain that was later determined to be an abscessed molar. When he arrived for a dental appointment, a guard told him the dentist was not in, his appointment was cancelled and he would have to go back to his unit. Dobbey was denied any pain medication even though he advised the guard that he was in extreme discomfort.

Despite continued complaints of severe pain, stomach cramps and vomiting, he was not seen by the dentist until two weeks later, when he received penicillin to treat a serious infection and the irreparably-damaged abscessed tooth was extracted. Dobbey filed a federal civil rights lawsuit against both the dentist and the guard in the medical unit, alleging deliberate indifference to his serious medical needs.

The district court granted the defendants’ motion for summary judgment and Dobbey appealed. The Seventh Circuit reversed and remanded, noting that the lower court had failed to appreciate the severity of the abscessed tooth or attach sufficient weight to the inadequate response of prison staff to Dobbey’s medical condition.

“A tooth abscess is not a simple toothache,” the Court of Appeals wrote. “It is a bacterial infection of the root of the tooth, and it can spread to the adjacent gum and beyond — way beyond. It is often painful and can be dangerous. Loss of the tooth is common, though can sometimes be prevented by prompt detection and treatment of the abscess. Dobbey does not connect his abdominal woes to the abscess, but he may well not have known that stomach pain, nausea, and vomiting are common consequences of a tooth abscess and so may have been caused or aggravated by his abscess. Because the bacteria in an abscessed tooth can spread to other vital organs and even cause death, prompt treatment is imperative.”

The appellate court also noted in its November 24, 2015 decision that no explanation had been provided for the prison dentist’s failure to promptly treat Dobbey’s tooth, and that the guard who failed to arrange for timely medical assistance or pain relief also was clearly indifferent. This easily satisfied the standard for deliberate indifference set in the landmark case of Estelle v. Gamble, 429 U.S. 97 (1976).

The Seventh Circuit reversed the district court, holding that the clear evidence of deliberate indifference by the defendants to Dobbey’s serious dental condition precluded a grant of summary judgment in their favor. The Court of Appeals suggested that the district court appoint counsel and perhaps a “neutral expert witness” for Dobbey, and the case remains pending on remand. See: Dobbey v. Mitchell-Lawshea, 806 F.3d 938 (7th Cir. 2015).

California’s Broken Death Penalty System

by Christopher Zoukis

While California taxpayers have spent over $4 billion on capital punishment since it was reinstated in 1978, more than 900 prisoners have been sentenced to death but only 13 have been executed — an average cost of around $308 million per execution. With 747 prisoners sitting on death row as of May 12, 2016, a detailed report on the wasteful spending for capital punishment has prompted renewed discussions as to whether killing killers is worth the trouble or the expense.

A three-year study authored by Judge Arthur L. Alarcon with the U.S. Court of Appeals for the Ninth Circuit and Loyola Law School professor Paula M. Mitchell found that the long process for executions “reflects a wholesale failure to fund the efficient, effective capital punishment system that California voters were told they were choosing” in a series of voter initiatives over the past three decades that expanded the death penalty to include 39 “special circumstances” categories of murder.

In “Executing the Will of the Voters: A Roadmap to Mend or End the California Legislature’s Multi-Billion Dollar Death Penalty Debacle,” Judge Alarcon and Professor Mitchell wrote that unless “profound” changes are made by lawmakers who have ignored earlier recommendations for reforming the state’s death penalty system, capital punishment will exist only in theory as the cost to taxpayers continues to escalate.

With unique access to California Department of Corrections and Rehabilitation (CDCR) records, Judge Alarcon and Professor Mitchell found that the death penalty adds at least $184 million to the state’s budget every year. By 2030, the total cost of capital punishment will soar to about $9 billion, with a forecasted 1,000 prisoners on death row.

Presently, prisoners sentenced to death in California are far more likely to die of natural causes than by lethal injection, the report found. The appeals process now takes ten years or more, and there have been no executions in California since 2006 due to legal challenges. Another contributing factor is funding cuts to the state’s public defender system, which have caused years of delays in virtually every capital case. By failing to fund adequate representation, the legislature has saddled the state Supreme Court “with the responsibility of trying to talk lawyers into representing people on death row,” Alarcon stated.

Michael Millman, executive director of the California Appellate Project, said that more than 300 death row prisoners...
are waiting to have attorneys appointed to represent them on state appeals and federal habeas corpus petitions. He observed there are fewer than 100 attorneys in the state qualified for capital cases because the work is spiriting and demanding, and the pay is inadequate.

Alarcon and Mitchell also noted in their report that federal judges find errors in around 70% of California death row convictions and send them back to the trial courts for further proceedings, leaving the state open to due process challenges.

With a death penalty prosecution costing 20 times that of a life-without-parole case, the authors offered three options to fix the state’s broken capital punishment system: add $85 million in annual funding for courts and more attorneys; reduce the number of death-eligible crimes for a savings of $55 million a year; or simply abolish capital punishment and save taxpayers about $1 billion every five or six years.

On November 12, 2015, the Ninth Circuit Court of Appeals reversed a federal judge’s ruling that deemed California’s death penalty “unconstitutional.” See: Jones v. Davis, 806 F.3d 538 (9th Cir. 2015). Although the appellate court’s decision technically allowed the resumption of executions, an ongoing legal battle over proposed reforms to the lethal injection protocol has extended the delay in putting prisoners to death. This has granted death row prisoners some borrowed time to continue appealing their sentences.

Meanwhile, despite the concerns of five federal circuit judges, California may be trying to execute an innocent man. Kevin Cooper, 57, who has been on death row for over 33 years, has always maintained his innocence in the 1983 Chino murders for which he was convicted. The sole witness initially testified the murders were committed by three white or Latino men, and reportedly stated Cooper (who is black) was not among the perpetrators. Ninth Circuit Judge Barry G. Silverman wrote in a 2004 ruling that Cooper is “either guilty as sin or he was framed by the police.”

The state courts and former Governor Arnold Schwarzenegger rejected all of Cooper’s appeals; as a last recourse, he filed a clemency petition with Governor Jerry Brown on February 17, 2016. In a letter in support of his petition, the American Bar Association wrote that Cooper’s “arrest, prosecution and conviction are marred by evidence of racial bias, police misconduct, evidence tampering, suppression of exculpatory information, lack of quality defense counsel and a hamstrung court system.”

Earlier this year, The Constitution Project, a Washington, D.C.-based organization, announced the creation of Public Safety Officials on the Death Penalty, a project consisting of law enforcement officers, prosecutors and corrections officials with a background in capital punishment cases who are “strongly concerned about the fairness and efficacy of the death penalty in America.” While the group does not take a formal stand on whether capital punishment should be abolished, it offers expertise and advice to states debating the future of their death penalty systems.

Newspaper Ban at Cook County Jail Violates First Amendment

by Derek Gilna

Although courts give broad latitude to corrections officials to restrict access to materials that might negatively impact institutional security, that latitude does not generally extend to blanket bans on newspapers. On July 6, 2015, a federal district court in Chicago held in a summary judgment order that Cook County Sheriff Tom Dart’s policy of prohibiting the delivery of newspapers to prisoners while allowing magazines and books—which are made of the same material as newspapers—violates the First Amendment.

Prisoner Gregory Koger was serving a 300-day sentence at the Cook County Jail and received various magazines and books without incident, but jail authorities rejected his subscription to the Chicago Tribune. Koger alleged in his federal civil rights complaint that “Defendant Dart has promulgated and enforced a constitutionally defective policy that prohibits all inmates at the Cook County Jail from receiving and obtaining any newspapers.” The ban on newspapers had been in effect since 1984.

Both parties filed motions for summary judgment; in his response, Dart argued that “(1) newspapers are flammable, (2) they can cause sanitation problems (inmates can use them to clog toilets, and they are issued with greater frequency than other publications, thus increasing the volume of material that must be disposed), (3) newspapers can be fashioned into weapons, using paper maché, and (4) they can cause violence (inmates may learn the nature of other inmates’ charges or about outside gang activity),” all of which could potentially endanger jail security.

The district court rejected those arguments, noting that “Prison walls do not form a barrier separating prison inmates from the protections of the Constitution,” and stating “Freedom of speech is not merely freedom to speak; it is also freedom to read.”

The court weighed the four factors set forth in Turner v. Safley and concluded, “The [newspaper ban] is the most extreme response available to the jail; it completely extinguishes an inmate’s ability to exercise his First Amendment right to read newspapers. And it is an exaggerated response to the jail’s security concerns, as there are obvious easy alternatives to an outright ban that would accommodate the right, with de minimis impact on the jail.” Notably, other jails and state and federal prisons did not ban newspapers, and alternate forms of receiving information—such as through books and television—were deemed insufficient.

Koger was released from the Cook County Jail before the summary judgment motion was decided in his favor and thus did not obtain injunctive relief, but received a declaratory judgment and $1 in nominal damages. On August 19, 2015, the district court awarded $1,025.34 in costs, and two months later the court granted attorney fees in the amount of $110,163 plus an additional $232.70 in expenses. See: Koger v. Dart, 114 F.Supp.3d 572 (N.D. Ill. 2015). [C]

Problems with California’s New Medical Prison

by Matt Clarke

With construction costs of $8.40 million and a capacity to provide care to almost 3,000 patients, California’s new medical prison near Stockton is the largest and most expensive in the nation. Unfortunately, that expense has not resulted in a smooth-running operation; instead, waste and mismanagement have occurred as prisoners’ basic needs were neglected.

Nurses at the facility said they were unable to get latex gloves that fit them or adult diapers that do not leak. Prisoners complained of a lack of towels and soap. Prisoners’ rights advocates noted some prisoners had been left in broken wheelchairs or in soiled clothes. Disabled prisoners were left on toilets for hours.

Two issues were at the core of these problems: understaffing and a split administration. Both had their origins in the litigation which led a federal court to declare California’s prison system unconstitutional due to inadequate medical care. The prison in Stockton was built as a direct result of that ruling. [See: PLN, June 2013, p.54; July 2011, p.1].

A federal district court appointed J. Clark Kelso as the Receiver to oversee medical care in California prisons, and as often happens when federal courts exercise authority over state agencies, the prison system’s administrators resented the intrusion on their “territory.” Consequently, the level of cooperation with Kelso was very low.

Kelso wanted a medical officer in charge of prison medical care. The corrections department agreed, but then brought in a warden, Ronald J. Rackley, who boasted he knew nothing about medical treatment and had never even been admitted to a hospital. When Kelso brought in Jackie Clark, an RN with an MBA, to run the medical side, it created a parallel chain of command.

A lack of cooperation and communication caused some of the problems. For example, nurses were placing towels that were contaminated with blood or urine in plastic biohazard bags so they would be sterilized. Somehow, on their way to the laundry, which is located at another facility, they were thrown in the trash. Thus the prison had to order 38,000 towels and washcloths in the space of a few months—five times the normal amount.

Rackley blamed Clark’s nurses for throwing out the towels. He also blamed the nurses for handing out too much soap, creating a shortage. His solution was to order extra soap and have prisoners search the trash for towels.

Additionally, both the security and nursing staff experienced problems caused by understaffing. In December 2013, the lack of adequate staff almost resulted in the facility losing its operating licenses, as there weren’t enough employees to unlock doors, take patients to showers or help disabled prisoners move around. Prisoners were told to provide assistance to other prisoners. One wheelchair-bound prisoner informed an advocate that it was his job to...
push around another prisoner who also was in a wheelchair.

Things came to a head in January 2014, when prisoner John Earl Cartwright, a stroke victim, died of a heart attack. He had repeatedly pressed his bedside call button and cried out for help. Other nearby prisoners had also taken up the cry. Nonetheless, by the time a nurse arrived 30 minutes later, he was dead. This resulted in nurses receiving training on the operation of the bedside call system, which contains different buttons for a variety of needs.

“Why on earth in six to nine months you haven’t figured out a hospital call button system….. And if you don’t know how it was working, you didn’t ask?” Kelso wondered.

Kelso suspended new admissions to the prison until he felt it was ready to receive more prisoner patients. Rackley responded to the inability to care for the existing patients by hiring workers for a 1,133-bed addition to the facility, expanding it from an initial 1,800 beds.

The California Health Care Facility (CHCF) in Stockton reopened in July 2014 with an increased capacity and almost 2,500 employees, after Kelso announced that most of the issues plaguing the prison had been corrected.

Critics remained concerned. “There are still substantial improvements that need to be made,” said Don Specter, director of the nonprofit Prison Law Office in Berkeley. His firm, among others, litigated the class-action lawsuit against the state over inadequate prison medical care that resulted in federal oversight.

A week after reopening, the California Association of Psychiatric Technicians (CAPT) union reported that CHCF employees were being pressured into falsifying suicide-watch records due to understaffing. “These welfare checks were put in there repeatedly pressed his bedside call button suicide-watch records due to understaffing. "These welfare checks were put in there because of the extremely high suicide rate we have in California," Specter said. "It could mean the difference between life and death."

A union protest in late August 2014 drew attention to poor working conditions and understaffing at the prison. “[W]e can’t help those in need if the Receiver won’t give us the staff we need to help them,” said CAPT Corrections Chapter President Jennifer Are.

Governor Jerry Brown appointed Brian Duffy as the new warden of CHCF in April 2015 and Jennifer Barretto as Chief Deputy Warden. In January 2016, Barretto was named acting Warden at the medical prison, and currently remains in that position.

While conditions at CHCF have reportedly improved, problems with medical care persist at other California prisons. In April 2016, the state’s Inspector General found the Wasco State Prison was providing substandard care – it had failed four of 15 benchmarks, and had problems with record-keeping and the provision of medical treatment. Previously, the Inspector General had reported that four other prisons – in Chowchilla, Delano, Susanville and Vacaville – were not providing adequate medical care.

These shortcomings are despite the federal Receivership, a substantial reduction in the state’s prison population over the past five years, and doubling the prison system’s healthcare budget to almost $1.7 billion annually.

Mississippi Town Ordered to Abandon “Secured Bail” Arrest Bond System

by Derek Gilna

Chevon E. Thompson, an unemployed, indigent mother of three, was arrested by Moss Point, Mississippi police for shoplifting, disorderly conduct and resisting arrest. She was told that if she posted a bond of $3,200 for the three charges she would be released, but if she couldn’t she would remain in jail until a bond hearing, which could take up to a week. Her case caught the attention of the MacArthur Justice Center at the University of Mississippi School of Law, which promptly filed a federal civil rights suit that sought class-action status on behalf of all indigent defendants without funds to obtain their release on bail pending trial.

Moss Point utilized a system of “secured bail” arrest bonds that made no provision for the financial status of the arrestees – a system that as early as the 1960s was recognized to be blatantly discriminatory. Under a secured bail system, defendants with money could secure their release while those who had allegedly committed similar offenses but were unable to post the fixed bond amount stayed in jail. This resulted not only in many innocent people being unnecessarily confined due to lack of funds, but also forced many of them to lose whatever employment they had at the time of their arrest.

The U.S. Department of Justice moved to intervene, citing case law that prohibited such bail practices as a due process violation. The district court agreed, and on November 6, 2015 issued a declaratory judgment against the city, stating “The use of a secured bail schedule to set the conditions for release of a person in custody after arrest for an offense that may be prosecuted by the city, of the Equal Protection Clause when such a schedule is applied to the indigent.”

The court explained that “No person may, consistent with the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, be held in custody after arrest upon posting a bond pursuant to a schedule, it cannot deny prompt release from custody to a person because the person is financially incapable of posting such a bond.”

Less than a week after the district court’s ruling, the parties settled the case. Pursuant to the settlement agreement, the City of Moss Point agreed to “not utilize secured money bail for persons in the custody of the City on arrest, either without a warrant or on the initial warrant issued, for any offense that may be prosecuted by the city”; further, Moss Point agreed it would offer signature or personal recognizance bonds to arrestees, and would “not jail any person for non-payment of any monetary sum from fines, costs, fees, or bond revocations” without adhering to applicable constitutional procedures.

The district court retained jurisdiction over the case to ensure compliance with its declaratory judgment order. See: Thompson v. Moss Point, Mississippi, U.S.D.C. (S.D. Miss.), Case No. 1:15-cv-00182-LG-RHW.

Increasing Number of Jails, Prisons Using Full-body Digital Scanners

by Matt Clarke

In 2012, the Hamilton County Jail in southwest Ohio was the first jail in the state to purchase a SecurPASS full-body digital scanner, using a $243,000 federal grant. Thereafter, prisoners at the facility were subjected to scans in addition to strip searches during intake. Jail officials reported the device revealed a small gun, a screwdriver, pocket knives, balloons filled with drugs and numerous other hidden items. But in August 2013 the Ohio Health Department ordered the county to stop using the scanner. Why? A state administrative code prohibits the use of X-ray devices unless prescribed by a physician.

Hamilton County Sheriff Jim Neil believes the code is out-of-date and should be modernized to take into account digital scanner technology. SecurPASS claims the scans present no health hazard due to the low amount of radiation used. It takes only 8 seconds for a scanner to complete a full-body scan, which adds about a minute to the booking process.

Tessie Pollock, spokesperson for the Department of Health, said the Sheriff’s office could apply for a waiver, but had not done so. She stated the department is willing to consider updating the rules but must regulate all machines that emit ionizing radiation.

“This is a safety and security issue for our employees, for the inmates, for everyone,” said Sheriff Neil. “I’m going to use every resource available to ensure we know what is coming into our jail.”

Officials in Stark County, Ohio announced their intention to procure a $208,058 full-body scanner from SecurPASS in December 2015. Other counties, including Champaign, Cuyahoga, Madison and Union, have already procured or are in the process of obtaining their own body scanners.

According to a 2014 news report, 171 full-body scanners that were removed from airports because they displayed nude images of passengers were offered to prisons and jails at a fraction of their original cost under a federal surplus property program. The Transportation Security Administration said most of the scanners had been sent to law enforcement agencies in Arkansas, New York and Michigan.

As of the end of 2015, SecurPASS scanners were in use at over 200 jails and prisons across the country. That included the Pinellas County Jail in southern Florida, where a RAD PRO SecurPASS scanning machine was purchased for $215,000 and went online in June 2013. The jail has been scanning all new prisoners during the booking process, and also scanned all prisoners who had arrived before the scanner went into operation.
“In the last 12 months, there were 158 separate contraband incidents detected at the booking process,” said Pinellas County Sheriff Bob Gualtieri, noting that firearms, knives, a handcuff key, counterfeit money, drugs and drug paraphernalia were detected by the scanner.

In one incident, Clearwater Police Department detectives charged a man with burglary and tampering with evidence after a scan during booking at the Pinellas County Jail revealed that he had swallowed necklaces taken from a residence. The suspect had been found in a car that was stolen during the burglary; the necklaces were surgically removed at a hospital and identified by the owner.

The Hancock County Jail in Indiana has also installed a body scanner from Rapiscan to aid with the booking process. Although it only scans externally, the device allows staff to bypass manual searches. Strip searches are intrusive and can be traumatic for former victims of sexual assault. No longer faced with mandatory strip searches, prisoners may be more inclined to participate in substance abuse counseling and other programs offered by the jail, argued Amber Wolfrom with the Board of Alcohol, Drug Addiction and Mental Health Services.

However, full-body scanners emit ionizing radiation, and their use in jails and prison are not overseen by medical personnel. Repeated exposure to high doses of ionizing radiation can cause injury and increase the risk of cancer. Thus, it is only reasonable that such devices be tested for the dosage of radiation they emit and regulated to the same extent as medical X-ray machines. Rapiscan claims that full-body scans are less harmful than eating a banana, since bananas contain potassium-40, an isotope that is slightly radioactive.

But given a choice, most prisoners would likely pick the banana over the scanner.


Troubled North Dakota Jail to be Reviewed by Feds

The Lake Region Law Enforcement Center (LEC) in North Dakota is a multijurisdictional jail supported by six entities, including the City of Devils Lake and the counties of Benson, Eddy, Nelson, Ramsey and Towner. The center rents office space to the Ramsey County Sheriff’s Department, Devils Lake Police Department and Lake Region 911. Nearby local governments pay a per diem rate to house prisoners at the facility.

Tom Rime, the head administrator at LEC, announced on April 6, 2016 that inspectors would soon arrive from the U.S. Department of Justice’s National Institute of Corrections to “go through our jail with a fine tooth comb.” Faced with a slew of problems, including guard misconduct, an escape and staff shortages, Rime turned to the federal agency for help.

The problems at LEC began in 2014 when guard Jonathan Defoe was accused of, and eventually pleaded guilty to, having sexual contact with a prisoner. Jail administrator Denny Deegan was fired following that incident and other problems at LEC, including staff shortages. In early 2015, then-guard Rachel Marie Chepulis helped prisoner Wesley E. Brown III escape; she was sentenced to 40 months in prison in September 2015. Meanwhile, in May 2015, a prisoner died in a detox cell just hours after being booked.

Perhaps the largest problem facing Rime is the inability to keep LEC full. The scandals and security lapses led to the loss of a contract with the federal Bureau of Indian Affairs to house juveniles and a dramatic decrease in adult prisoners, resulting in a budget deficit. “I still feel that our overall kind of budgetary plan is too closely tied to what the number of any given inmates we have at any given time, and that’s a bigger issue that still needs to be addressed by all the member counties and the city of Devils Lake,” Rime stated.

A Fulton County, Georgia grand jury has indicted a former judge for making false statements and violating her oath of office.

Amanda F. Williams spent 21 years on the bench in the Brunswick Judicial Circuit, eventually ascending to chief judge. While serving in that position she created and oversaw the state’s largest drug court. Her "tyrannical" behavior in that court, however, led to her downfall.

That was the conclusion reached by the Georgia Judicial Qualifications Commission, which began an investigation after Williams filed an ethics complaint alleging campaign violations by her opponent, Mary Helen Moses, during a 2010 election. The complaint claimed a letter written by attorney David Alexander, who was backing Moses, violated the ethics of judicial elections.

Alexander told investigators he could document all his claims involving Williams, and turned over what he had. The subsequent ethics charges filed against Williams accused her of sending defendants to jail for indefinite terms, cutting off their access to lawyers and relatives.

Williams denied such claims, but the Commission had a copy of a recording in which she gave direct instructions to that effect when ordering the incarceration of Lindsey Dills, who had a history of suicide attempts, in August 2011. Dills spent over 70 days in solitary confinement; Williams had ordered her jailed with “no mail, no phone calls, no visitors.”

“Dills eventually became depressed and attempted suicide by slitting her wrists,” according to a press release from the Fulton County District Attorney’s Office, which pursued an indictment against Williams because she allegedly made false statements in that county.

The Judicial Qualifications Commission also found Williams had used “rude, abusive, and insulting language” in some of her drug court statements. Her harsh treatment of drug court defendants was profiled in a March 2011 episode of the popular radio show This American Life; in one case, she reportedly jailed a defendant for using the term “baby momma.”

Additionally, the 14-count ethics complaint alleged Williams had presided over cases where her husband and daughter (both attorneys) represented defendants, and accused her of placing a non-drug offense defendant in her court as a favor to another lawyer.

In December 2011, Williams agreed to step down from the bench and not seek other judicial offices to resolve the ethics complaint. She resigned the following month and went into private practice as an attorney.

Her indictment on June 3, 2015 came just two months before the statute of limitations was to expire. Williams faces one to five years in prison if convicted, as well as disbarment and loss of her state pension. The charges against her remain pending.


**California Federal Court Rules Early Release Program Cannot be Restricted to Women**

by Derek Gilna

According to a September 8, 2015 ruling by U.S. District Court Judge Morrison C. England, Jr., the State of California implemented the Alternative Custody Program (ACP) in 2012 with the goal of reversing the worrisome trend of increasing female prisoner population. Under the ACP, incarcerated women who qualified for the program could receive a sentence reduction of up to two years, while there was no comparable program for male prisoners. That, said Judge England, was unconstitutional because it violated the equal protection clause.

The district court wrote that the “ACP permits participants to be released from prison to live in a residential home, transitional care facility, or residential drug treatment program for up to the last twenty-four months of their prison sentence,” and each program participant is “monitored by a [probation] agent and is also subject to electronic monitoring and searches.”

While the court said it was “confident that the California Legislature acted with the best of intentions in establishing the ACP ... by insisting that this is just a programming case, Defendants utterly fail to acknowledge Plaintiff’s primary point. This case is not about programming. It is about freedom from incarceration.”

The problem involved the gender-specific provisions of the legislation, the court found: “The line the State has drawn separates male offenders, who must remain inside of prison walls, from female offenders, who may apply to serve the last two years of their sentences in the community. The result is that ACP-eligible male inmates must by definition serve two additional years in a penal institution than they would potentially have to serve if they were female.”

“When the State draws a line between two classes of persons,” the court continued, “and denies one of those classes a right as fundamental as physical freedom, that action survives equal protection review only if the State has a sufficient justification for the classification. Here, the State does not.”

Plaintiff William Sassman was a California prisoner who argued that he met the requirements for admission to the ACP under California Penal Code § 1170.05, but was denied for the sole reason that he was male. He filed administrative grievances with the California Department of Corrections and Rehabilitation (CDCR), which were denied. He then filed suit and both parties moved for summary judgment. The State of California produced experts who testified that the specific needs of incarcerated women were not being met by regular prison programming, while Sassman countered that the exclusion of men from the ACP served no legitimate governmental purpose.

“The State offers no sufficient justification for its gender-based differential treatment of children and their caretakers. Indeed, nothing before the Court is so compelling that it can justify keeping fathers but not mothers from their children,” Judge England stated. “To the contrary, the legislative history makes clear that the well-being of children of inmates was a primary concern. Given the legislative findings, it seems incredibly counter-productive to per-
Study of Incarceration from 1999 to 2014 Shows Modest Decline in Prison Populations

by Derek Gilna

A study by the non-partisan Washington, D.C.-based Sentencing Project, titled “U.S. Prison Population Trends 1999-2014: Broad Variation Among States in Recent Years,” found there has been an average 2.9% decline in the number of state prisoners over that period of time. During the 15-year period examined, 39 states experienced declines and 11 had increases.

According to the study, “Just as mass incarceration has developed primarily as a result of changes in policy, not crime rates, so too have declines reflected changes in both policy and practice.” Those policies and practices “have included such measures as drug policy sentencing reforms, reduced admissions of technical parole violators to prison, and diversion options for persons convicted of lower-level property and drug crimes.”

The states with the greatest declines in their prison populations from 1999 to 2014 were New Jersey at 31.4%, closely followed by New York at 28.1%, Rhode Island at 25.5%, California at 21.8%, Connecticut at 18.5%, and Mississippi and Hawaii with declines of 17.6% and 17.2%, respectively. Other states with double-digit decreases included Michigan, Vermont, Alaska, South Carolina and Colorado. Some of those states, like New Jersey and New York, reached their peak incarceration levels in 1999, while others, including Vermont and South Carolina, peaked as recently as 2009.

Despite the general trend of declining prison populations, other states, such as Nebraska, Arkansas, Wyoming, Oklahoma, New Mexico, North Dakota, Tennessee, Minnesota, Missouri, Arizona and North Carolina, experienced prison population increases ranging from 21.7% (Nebraska) to 2.6% (North Carolina).

The Sentencing Project study, released in February 2016, concluded by noting that the states experiencing the steepest declines in prison populations still managed to reduce their overall crime rates with no apparent adverse effect on public safety.

Mirroring the national average, the federal prison population has declined 2.9% since 2011; until that point the number of federal prisoners had steadily increased, largely due to an expansion in the incarceration of immigration law violators.

Source: www.sentencingproject.org
Female Prisoners in United Kingdom Make Designer Bags

by Derek Gilna

Female prisoners at the HM Prison Bronzefield in Surrey, England are paid around $15 per week to produce designer “dust bags” for high-end purses sold in the most exclusive shops. The prison, operated by for-profit company Sodexo, said the project, called “Stitch in Time,” is coordinated by Blue Sky Inside, a charity established in 2005 to help ex-offenders gain job skills.

However, most of the fashion houses using the prison-made bags have been shy about publicizing the fact that the fashion accessories are made by prisoners earning far less than minimum wage. Brora, Anya Hindmarch and Sue Bonham are brands that have ordered the prison-crafted products. Blue Sky claims it has no part in setting prison wages, which are determined by the National Offenders Management Service, though the agency says prisoners who participate in the project are paid slightly more than the average weekly prison wage.

A spokesperson for Anya Hindmarch stated, “We are incredibly proud to support this project. A small amount of our protective cotton packaging is produced by Blue Sky Inside. Sourcing this cost us more money. However, we see the project making a real difference to women trying to get their lives back on track.”

There is certainly merit to improving prisoners’ job skills, but the likelihood of prisoners being employed to make the same dust bags for expensive purses after they get out is minimal.

More than 10,000 bags are made at HM Prison Bronzefield each year, and the women making them work up to 25 hours a week at approximately $.60 per hour.

Source: www.buzzfeed.com

New York Court of Claims Awards $1.75 Million to Prisoner’s Estate

by Derek Gilna

Scott Degina, a New York state prisoner, sued the Department of Corrections and Community Supervision (DOCCS) for damages as a result of negligent treatment of his severe urological problems. He further alleged that due to the negligence of prison medical staff, he suffered for years from undiagnosed urothelial cancer, which ultimately led to his premature death. After hearing testimony from Degina and various medical experts on both sides, Judge Frank Milano awarded $1.75 million to Degina’s estate on September 28, 2015.

While incarcerated at the Clinton Correctional Facility in August 2009, Degina “presented himself to defendant complaining of severe abdominal pain, defendant transported him via ambulance to the emergency room of Champlain Valley Physicians’ Hospital (CVPH) where he was examined and an abdominal CAT scan was performed.” The hospital diagnosed him with severe swelling of the left kidney as well as a mass that obstructed one of the ducts in the kidney. However, DOCCS medical staff failed to follow up on the hospital’s diagnosis and treat Degina for the obstruction.

According to Judge Milano, “The law is well settled ‘that where the State engages in a proprietary function such as providing medical and psychiatric care, it is held to the same duty of care as private individuals and institutions engaged in the same activity,’” citing Ratay v. State of New York, 223 A.D.2d 356 (1st Dep’t 1996).

Degina’s medical experts testified that as a result of the prison staff’s negligence for 28 months after his initial diagnosis, he developed urethral cancer in the area of the previously diagnosed obstruction. The cancer later metastasized to adjoining lymph nodes, making surgery impractical. Degina endured months of debilitating radiation and painful chemotherapy, and died in May 2015 – four months before the court ruled in his favor. See: Degina v. State of New York, New York Court of Claims, UID No. 2015-041-514, Claim No. 122060.

Florida: Drug Arrest Costs Former Prison Official Retirement Benefits

On May 10, 2016, Administrative Law Judge G.W. Chisenhall upheld a decision by the Florida State Board of Administration (Board) to strip retirement benefits from Charles G. Combs, a former major at the Florida State Prison who was arrested for buying Oxycodeone from Dylan Hilliard, a guard who worked at the same facility. An investigation resulted in the arrests of 10 Florida Department of Corrections employees.

Combs, who oversaw the prison’s work camp, had been enrolled in the state’s 401(k)-style retirement plan when he pleaded no contest to two charges with adjudication withheld. That allowed him to avoid a conviction record if he met specific conditions; however, the Board then notified Combs he had forfeited his state retirement benefits.

Combs appealed, arguing that he should not lose his benefits because the charges were not related to his job and there had been no “breach of the public trust.” Chisenhall disagreed, finding that “Mr. Combs defrauded the public from receiving the faithful performance of his duties as a correctional officer. The public had a right to expect that one of its employees would not purchase drugs from someone he supervised. The public also had a right to expect that Mr. Combs would not use his authority at Florida State Prison to facilitate Mr. Hilliard’s illegal drug sales to other DOC employees. In addition, the public had a right to expect that Mr. Combs would not engage in illegal transactions on the grounds of Florida State Prison.”

As a result of the ruling, Combs lost all of his retirement benefits other than the funds he had personally paid into the retirement plan.

Source: www.news4jax.com
Washington DOC Ends Marijuana Testing for Parolees
by Christopher Zoukis

The Washington Department of Corrections (DOC) announced on June 1, 2016 that it will no longer test parolees for marijuana use – a move that will allow some 14,000 parolees to enjoy recreational marijuana like other citizens in the state.

Recreational marijuana has been legal in Washington since the enactment of Initiative 502, which legalized use of the drug. As such, said DOC Assistant Secretary Annmarie Alyward, “We’re putting some changes into effect so that we don’t routinely test offenders in the community for THC [the psychoactive compound in cannabis].” She added, “We don’t want [parolees] held at that level when, as a citizen, you wouldn’t be held to that level either.”

According to the DOC, state judges will still have the power to prohibit parolees from marijuana use on a case-by-case basis, as will the DOC when such restrictions are required in specific cases.

The change in drug testing will undoubtedly reduce costs. Prior to the new policy, parolees were tested via urinalysis for traces of six drugs, including THC. That list is now down to five. Further, the DOC will no longer invest large amounts of resources into processing parole violators for marijuana use, thereby reducing the state’s prison population and administrative costs. The move makes Washington the only state to allow recreational, as opposed to medical, marijuana use by parolees.

Colorado, another state where marijuana is legal, will continue to prohibit recreational use of the drug by those on parole supervision. House Bill 1267, signed into law on April 23, 2015, extended the right to use medical cannabis to those on probation and parole. As of May 2015, Arizona, Colorado and Rhode Island were the only three states along with the U.S. Virgin Islands to allow parolees to use marijuana for medical purposes.

Predictably, some law enforcement groups decried the Washington DOC’s decision to let parolees use recreational marijuana. According to Bill Copeland, spokesman for the Washington Association of Correctional Employees’ Committee, “we know that [marijuana use] can lead to behavior changes and other problems with the folks that are on supervision.” Steve Elliot, with Hemp News, countered by pointing out that statistics show crime has gone down in Colorado since marijuana legalization in that state, and the same could be expected for Washington. He called Copeland’s comments “prohibitionist bullshitting.”

For now, Washington State officials said they plan to “study the effect” of allowing parolees to use marijuana. “There’s no way the Department of Corrections is endorsing the use of marijuana,” declared DOC Assistant Secretary Alyward. “We are simply aligning with state law.”


---

Spletter Me!
Free app to send letters and photos

- Use a phone to write a letter, add photos – we print the letter and photos and mail it for you!
- Includes reply envelope – Spletter instantly notifies your loved one on the phone
- Earn Spletter Dollars by referring friends
- Write letter anywhere anytime
- Photo quality 4 x 6 prints
- Available in every prison, same day shipping

Spletter

Get it on
Google Play

---
Former Wisconsin Corrections Secretary Fired

Wisconsin Attorney General Brad D. Schimel confirmed on April 15, 2016 that Ed Wall, the former state corrections secretary who responded to widespread prison violence by equipping prison employees with pepper spray and Tasers [see: PLN, May 2014, p.30], was fired by the state’s Department of Justice over correspondence he sent to the home of the governor’s chief of staff that encouraged the destruction of public records.

Wall, who had initially been demoted to an administrative position with the Wisconsin Department of Justice after allegations of abuse surfaced at the state’s youth prison, was fired because Schimel said he had lost confidence in Wall’s leadership abilities.

“It’s an unfortunate circumstance, but I can’t have confidence in an employee, especially one in law enforcement, who encourages someone else in government to break the law,” Schimel stated.

Wall’s termination stemmed from a letter he sent to the home address of Governor Scott Walker’s chief of staff, Rich Zipperer, about a week after a demotion in his job responsibilities.

“I know that you didn’t want me sending this electronically or to the office because of the [open] records issue, so I elected instead to send it to your home in writing and would ask that you feel free to shred it once you’ve looked it over,” Wall wrote in his letter to Zipperer. “Nobody will know that I sent it and this is strictly between you and me. I understand the concern the administration has over creating records, Rich, but I can’t let that harm me or my family worse than we’ve already been harmed.”

Zipperer responded the next day on administration letterhead, questioning Wall’s motive for making the request. Following an investigation, Schimel said the Department of Justice sent a disciplinary administration letter to Wall alleging he had failed to follow agency rules, failed to exercise good judgment, engaged in insubordination and unauthorized use of confidential information, and encouraged Zipperer to evade and violate the public records law.

Wall’s attorney, Dan Bach, said in a three-page response that it was unclear exactly what rules were violated, and that the former corrections secretary was appealing his termination. [6]

Sources: www.startribune.com, www.jsonline.com

 Massachusetts Supreme Judicial Court Finds DOC Violated RLUIPA, Prior Settlement Agreement

by Derek Gilna

Massachusetts state prisoners Randall Trapp and Robert Ferreira filed an amended complaint in Superior Court that accused the Department of Corrections (DOC) of violating a 2003 settlement agreement guaranteeing proper observance of Native American religious practices under the Religious Land Use and Institutionalized Person Act (RLUIPA).

The Massachusetts Supreme Judicial Court agreed, noting in a November 23, 2015 decision that the DOC had failed to properly justify its closure of a purification (sweat) lodge, allegedly because smoke had seeped from the lodge into the administration area of the Souza-Baranowski Correctional Center (SBCC).

RLUIPA was passed by Congress in 2000 to discourage prison officials from restricting prisoners’ religious practices based upon generalized, non-evidence based reasons. “Indeed, prison policies ‘grounded on mere speculation’ are exactly the ones that motivated Congress to enact RLUIPA,” the Supreme Judicial Court stated.

RLUIPA provides for exceptions where correctional security or the health of prisoners or staff can be shown to be negatively impacted. In such cases, prison officials still have the burden of showing they have instituted the least restrictive means that still allow prisoners to exercise their religious beliefs. Indeed, the Court wrote, the DOC must demonstrate “that it lacks other means of achieving its desired goal without a substantial burden” on prisoners’ religious rights.

Officials at SBCC had claimed they closed the purification lodge to protect employees and other prisoners from second-hand smoke. However, the Superior Court found the DOC failed to produce convincing evidence regarding any negative health issues and entered a declaratory judgment in favor of Trapp and Ferreira in September 2012. The Supreme Judicial Court affirmed, stating, “We conclude only that the evidence here was lacking and thus falls short of what RLUIPA requires.”

The Court rejected the DOC’s other arguments, including that some prisoners who had entered into the 2003 settlement were no longer at SBCC, noting the DOC had entered into a contractual agreement and was still bound by the terms of that agreement.

Prison officials also argued that prisoners had alternative ways of “engaging in Native American practices,” including smudging and pipe ceremonies as well as “talking circles, singing, chanting, and the playing of musical instruments, including drums, rattles and a flute.”

However, the Supreme Judicial Court noted that the U.S. Supreme Court’s recent ruling in Holt v. Hobbs, 135 S.Ct. 853 (2015) [PLN, Aug. 2015, p.50] “forecloses the DOC’s argument, as counsel conceded during argument before us.” In Holt, the Supreme Court struck down an Arkansas

Are Phone Companies Taking Money from You and Your Loved Ones?

HRDC and PLN are gathering information about the business practices of telephone companies that connect prisoners with their friends and family members on the outside.

Does the phone company at a jail or prison at which you have been incarcerated overcharge by disconnecting calls? Do they charge excessive fees to fund accounts? Do they take money left over in the account if it is not used within a certain period of time?

We want details on the ways in which prison and jail phone companies take money from customers. Please contact us, or have the person whose money was taken contact us, by email or postal mail:
cwilkinson@humanrightsofdefencecenter.org

Prison Legal News

Attn: Carrie Wilkinson
PO Box 1151
Lake Worth, Florida 33460

June 2016
prison policy that barred a devout Muslim prisoner from growing a half-inch beard. The high court “explained that ‘RLUIPA’s ‘substantial burden’ inquiry asks whether the government has substantially burdened religious exercise,..., not whether the RLUIPA claimant is able to engage in other forms of religious exercise.’”

The Supreme Judicial Court concluded that the closure of the Native American purification lodge at SBCC was impermissible under RLUIPA and violated the 2003 settlement agreement, and therefore affirmed the judgment of the Superior Court. Trapp was one of five prisoners who had filed the original suit in 1995 that resulted in the settlement. See: Trapp v. Roden, 473 Mass. 210, 41 N.E.3d 1 (Mass. 2015).

Sixth Circuit Court of Appeals rejected an appeal filed by jail officials seeking reversal of a district court’s denial of qualified and statutory immunity in a case involving a prisoner’s death.

Carlton L. Benton was a pre-trial detainee at the Lucas County, Ohio jail in May 2004 when he began to suffer seizure-like symptoms. He was seen at a hospital, and as he was being returned to the jail, guards disconnected his medical devices and restraints; that resulted in an altercation in which Benton was struck and pepper sprayed.

When he arrived at the jail, still in restraints, guards allegedly shoved him to the concrete floor, sprayed him with chemicals and placed him in a chokehold until he passed out. The guards, including jailers John E. Gray and Jay M. Schmeltz, failed to inform medical staff of Benton’s injuries. He was pronounced brain dead on June 1, 2004 and removed from life support the next day.

Jail staff, including supervisory personnel, allegedly falsified after-incident reports and advised Benton’s family that he had died due to natural causes. The cover-up was not discovered for almost four years, and the family then filed a federal civil rights suit under 42 U.S.C. § 1983 in Ohio state court. The defendants included Gray, Schmeltz and Sheriff James A. Telb. After the case was removed to federal court, the FBI reviewed the incident and recommended prosecution of the jail employees involved in Benton’s death, who were indicted. The civil case was held in abeyance until the criminal charges were resolved; Gray and Schmeltz were convicted, while Telb was acquitted. See: PLN, June 2011, p.36; Oct. 2009, p.48.

When the civil case resumed, the defendants filed motions for summary judgment based upon both qualified and state statutory immunity, which were granted by the district court. On appeal, the Sixth Circuit stated, “To determine whether qualified immunity applies, we use a two-step analysis: 1) ... we determine whether the allegations give rise to a constitutional violation; and 2) we assess whether the right was clearly established at the time of the incident.”

The appellate court then examined the excessive force claim, finding the conduct of Gray and Schmeltz “was knowing or purposeful and ‘objectively unreasonable,’ and each used force that ‘amounted to punishment of Benton ... both officers violated [his] Fourteenth Amendment rights.’” The Court of Appeals held that “these actions reasonably lead us to conclude that Schmeltz violated clearly established law and was ‘on notice that his alleged actions were unconstitutional.’”

The Sixth Circuit also rejected Sheriff Telb’s defense that he had trained and supervised his jailers properly “to avoid the use of excessive force and to ensure that the medical needs of persons in the Sheriff’s custody were met.” Telb not only “had full knowledge of the assault on Benton,” the court held, which led to his death, but nonetheless intentionally and deliberately made false statements to federal officials” about the incident.

The case was remanded to the district court for further proceedings, where it remains pending with a trial date scheduled for January 9, 2017. See: Coley v. Lucas County, 799 F.3d 530 (6th Cir. 2015).
Exonerees Fulfill Dreams, Help Other Prisoners Overcome Wrongful Convictions

by David Reutter and Joe Watson

Former Louisiana death row prisoner John Thompson has spearheaded an organization that aims to help the wrongfully convicted and former prisoners successfully rebuild their lives.

Thompson was sentenced to death for the 1984 fatal shooting of a hotel executive from a prominent New Orleans family. His conviction was reversed because the prosecution withheld evidence that cast doubt on his guilt, and he was acquitted at another jury trial in 2003.

“We felt good about the retrial; the evidence suggested we were going to win. We were worried about what happens next, after he walks out of prison after 18 years,” said Michael Banks, one of Thompson’s appellate attorneys. “There’s not a lot of vocational training on death row; the only thing you’re trained for is to learn to die.”

Thompson was married and had a steady job just six months after his release. By 2005 he had a new home, a car and a dog, and he and his wife were running their own sandwich shop. Then Hurricane Katrina wiped it out. That made Thompson realize he was not the only one struggling to ease back into society.

“Men come home and the system has nothing in place to help them put their lives back together,” he said. “They need to be reprogrammed because the survival tactics they learned in prison don’t work in the outside world.”

To assist them, Thompson founded Resurrection after Exoneration (RAE), an education and outreach program, in 2007 as an offspring of the Innocence Project New Orleans. “We think states and cities should provide housing and job training,” he said. “[Exonerees] shouldn’t have to wait for compensation to find those services.”

The organization currently provides temporary housing for four ex-prisoners while helping them create a five-year plan. It also helps them reconnect with family and friends to provide a support network, and provides job training that includes learning computer skills and creating resumes. A mental health checklist ensures former prisoners can recognize the lingering effects of long-term incarceration.

“If you can’t identify and deal with the trauma you fall into depression and look to drugs and alcohol to escape reality,” Thompson noted. “That’s what keeps these guys from getting over the hump and moving forward.”

RAE also educates and informs the public about wrongful convictions. “We need to make everyone aware of the importance of accountability and oversight when it comes to prosecutions,” said Thompson. “When you send one person away, it destroys entire families.”

On November 23, 2015, Thompson published an article criticizing Bill and Hillary Clinton for their continued support of capital punishment, which he finds “incompatible with a commitment to racial justice.” He argued the death penalty has a disproportionate impact on marginalized communities, particularly communities of color.

“Given my experience, this [primary] campaign has had a certain Groundhog Day feel to it. Once again a Clinton was running for president, and once again a Clinton was supporting the death penalty,” Thompson wrote.

While Hillary Clinton now advocates for an end to mass incarceration and has criticized capital punishment, she continues to back the death penalty.

“I find this cognitive dissonance – recognizing – the death penalty’s racial bias while still supporting it – to be anything but hopeful. It instead shows that, despite Clinton’s purported concern over the criminal justice system’s racial bias, valuing black lives remains a low priority for her,” Thompson stated.

Meanwhile, in Texas, Christopher Scott, a 44-year-old from Dallas who was exonerated of capital murder and released from prison in 2009, is working to help other wrongfully convicted prisoners prove their innocence.

For 13 years, as he languished in an east Texas state prison, Scott dreamed of the day he would be found innocent of murdering a man whose wife misidentified Scott in a police lineup as one of two men who burglarized her home and killed her husband. He also dreamed of fulfilling a lifelong goal of opening a men’s clothing store and owning his own home with a pool and basketball court.

All of it has come true.

“Isn’t it so crazy that everything happened?” Scott told the New York Times recently, sitting in the lounge of his suburban Dallas store, Christopher’s Men’s Wear.

Prosecutors provided a jury with no physical evidence and relied solely on eyewitness testimony to convict Scott in 1997, and a judge sentenced him to life in prison. If not for a confession from the real killer more than a decade later, Scott would not have been released.

At his exoneration hearing, a group of about a dozen men – all from Dallas County and all of whom had been wrongly convicted of crimes they did not commit – showed up in tailored suits, shined shoes and diamond bling. They were there to show their support, as they have been for other innocent men in Texas fighting for their freedom.

“Most of the guys know whenever we have an engagement and we all have to be there, everyone is dressed properly,” said Johnnie Lindsey, now one of Scott’s closest friends, who spent 26 years in prison before he was exonerated.

The state’s compensation statute for wrongfully convicted prisoners allows Lindsey and the other exonerees to afford their upscale clothes – not to mention the 20% discount that Christopher’s Men’s Wear gives to exonerees – and dressing well, according to Lindsey, helps them distance themselves from their time in prison.

Dr. Jaimie Page, co-director of the Texas Exoneree Project and a social work professor, said the group – including Scott – has become a brotherhood. Their style brings them even closer together.

“Part of it is very deep and meaningful, and part of it is fun,” she said. “It helps with their new identity. It helps with their self-image and self-esteem.”

In addition to his clothing store, Scott has also created a nonprofit organization called House of Renewed Hope, which mainly helps innocent prisoners who were convicted without DNA evidence, like
himself, disprove the charges against them. The organization consists of eight members and operates like a detective agency to investigate wrongful conviction cases.

The House of Renewed Hope has thus far opened nine cold cases. No exonerations have yet occurred, but Scott encourages his clients to remain hopeful.

“I tell them to do what I did. I kept my head on faith. I kept hope alive that one day I was going to be free. You can never give up. If you’re fighting for your innocence and you know that you’re not guilty, never give up,” Scott told the Innocence Project in an October 2015 interview.

When the wrongfully convicted are released, Scott is ready to dress them fashionably with boxes of clothing donated to his organization by A. Tiziano, a brand of upscale sportswear that his store carries.

“Not only do I work their cases,” he said, “but when they get out, I can put some clothes on their back.”

Scott’s story and the organization he founded to investigate wrongful convictions were featured in a recent video documentary, True Conviction, that was released in February 2016 thanks to a $150,000 grant from the MacArthur Foundation.

Other exonerates have also worked to assist wrongfully convicted prisoners, including Jeffrey Deskovic, who served 16 years in prison and used his own funds to start a foundation in New York City to help free the innocent. [See: PLN, April 2016, p.30; Aug. 2013, p.1].


Former Pennsylvania Prison Guard and Prisoner Charged with Child Sex Trafficking

by David Reutter

An unlikely alliance between a prison guard and a former prisoner ended in both being charged with enslaving two teenagers and forcing them into prostitution.

While serving time for a parole violation and drug offense from February 2007 to September 2008, Pennsylvania prisoner Rasul Abernathy, 32, met guard Postanta-rmin Walker, 34. Walker continued to work at the prison as she became Abernathy’s girlfriend.

Following his release, Abernathy met a 16-year-old girl in June 2012. She told him that she had run away from a court-ordered juvenile program at the Allegheny County’s Shuman Juvenile Detention Center.

“Abernathy told her that she could live with his girlfriend, Walker” FBI Special Agent Michael Goodhue wrote in an affidavit. “At the time, he did not disclose to the juvenile that he also lived with Walker.”

He also failed to inform her that the residence only had one bed, which the girl shared with the couple. From July 2012 to March 2013, Abernathy and Walker posted online ads with the girl’s picture, offering her for sexual services. Before sending her out, they would give her marijuana and pain pills to relax her. Abernathy would tell her how much to charge, while Walker showed her how to dress and apply make-up. When she returned they gave her alcohol.

If the girl refused to perform sexual services or tried to run away, Abernathy would punch her in the ribs, choke her and pull her hair. Walker also beat her. The girl contacted a counselor she trusted and was placed in a juvenile facility, but escaped and called Abernathy to pick her up. They moved from Pittsburgh to Philadelphia, and the prostitution continued. The girl finally fled the couple’s residence after she was raped by another former prisoner, which Abernathy called a “learning experience.” When she ended up in a Pittsburgh juvenile facility, she informed authorities about her sexual enslavement.

Abernathy and Walker were charged with conspiracy to engage in sex trafficking and sex trafficking of a child; they were also charged with prostituting a 17-year-old boy between December 2012 and March 2013.

Abernathy was sentenced in January 2015 to ten years in prison after pleading guilty a few months earlier. In February 2015, Walker also received ten years for sex trafficking children and forcing the two teens into prostitution. 


Sources:
Another WA DOC Asbestos Abatement Program Shut Down; Prison Officials Fined

by Mark Wilson

The Washington Department of Corrections (WDOC) was fined $141,000 after an inspection found code violations that exposed prisoners working in an asbestos abatement program to elevated risks of cancer and lung disease.

Since 1990, the WDOC had trained and certified prisoners in asbestos removal. Those prisoners were then paid $4.00 an hour for performing asbestos abatement.

In 2013, seven Cedar Creek Corrections Center (CCCC) prisoners worked in two nine-hour shifts to remove 4,000 feet of old vinyl floor tiles and adhesive in the dining area of the Washington Corrections Center for Women (WCCW).

On June 8, 2013, the Washington Department of Labor & Industries (DLI) inspected the WCCW abatement project and found negligent work practices that violated the Washington State Industrial Safety and Health Act (WISHA). As a result, prisoner workers may have inhaled asbestos dust, which can cause lung disease or cancer, according to DLI.

Specifically, the workers failed to soak the dry material in water to keep asbestos dust out of the air. And although prisoners were issued masks, gloves and other protective equipment, inspectors found they did not wear that gear at all times and their supervisors failed to take corrective measures.

On December 13, 2013, DLI issued prison officials a citation, finding seven separate code violations and imposing a $141,000 fine. The WDOC quickly terminated the program on December 31, 2013, but denied that workers had been exposed or that the closure was due to the DLI investigation.

“We had already been planning to shut the program down because of the risk” of asbestos exposure, WDOC spokeswoman Norah West stated at the time.

On February 28, 2014, the WDOC and DLI entered into a settlement agreement under which the fine was reduced to $70,500, according to the Tacoma News Tribune. In exchange for the reduced fine, prison officials agreed to provide asbestos awareness training to approximately 1,000 employees and purchase five PortaCount respirator fit testers. Still, the WDOC did not admit that its conduct was illegal or in violation of WISHA regulations.

In July 2008, the McNeil Island Prison in Washington had been fined $28,400 by the DLI for similar hazardous asbestos removal practices. [See: PLN, June 2009, p.12].

At least one other state prison system currently operates an asbestos abatement program that employs prisoners. Utah Correctional Industries (UCI) has been operating its own asbestos removal service since 1987. UCI estimates the state saves 20-50% on direct costs by using trained prisoners to perform the removal work at government buildings, including schools. UCI also claims that prisoners who participate in the program have a reduced risk of recidivism – though they don’t mention whether they have an increased risk of cancer or asbestosis.


UK Prisoner Pen Pal Program Relieves Feelings of Isolation

by Derek Gilna

Prison is not a place conducive to maintaining good mental health, whether in the United States or elsewhere. The Ministry of Justice in the United Kingdom has found that depression and suicide are major problems in that nation’s prison system. According to a University of Warwick report, citing a Ministry study, “49% of female and 23% of male prisoners were suffering from anxiety and depression, as opposed to 19% of women and 12% of men in the general UK population.”

These mental health conditions often arise as a result of little or no contact with family members and friends. The Ministry study indicated that 30% of prisoners who committed suicide had no contact with their families while incarcerated. A program called “Prisoners’ Penfriends” has stepped into the breach to counteract feelings of isolation and depression. Under the program, which is approved by HM Prison Service, trained volunteers whose identities are concealed for reasons of safety correspond with participating prisoners.

The project’s supervisor, University of Warwick professor Jacqueline Hodgson, stated, “The prisoner and volunteer accounts paint a rich picture of genuine relationships of care and trust between penfriends which demonstrate that even within the constraint necessary for the protection of volunteers, simple letter-writing relationships can lead to tangible benefits for both prisoners and volunteers.”

Based upon the Warwick report, “Prisoners who participate in the scheme are typically male, serving long or indeterminate sentences and many have little or no contact with anyone else outside prison. Typically they sign up ... for relief from isolation (whether friendship and support or simply contact with the outside world) or to get some distraction from prison life.” Both prisoners and the volunteers – most of whom are women over the age of fifty – are uniformly positive in their analysis of the program.

The benefits of Prisoners’ Penfriends are many, including relief from isolation, positive changes to self identity, distraction from the negative prison environment and “raised hopes for life beyond prison.” Also noted were the benefits of rehabilitation through interaction with people on the outside who are genuinely interested in the well-being and mental health of their correspondents.

Many prisoners commented on how they enjoyed being “believed in” and given a chance to see themselves as someone other than an incarcerated offender. Volunteers in the program expressed a profound feeling of satisfaction for having a helpful influence on prisoners’ lives through letter-writing.

The positive outcomes cited in the
Fifth Circuit Holds Texas Prisoner Has Right to Grow “Fist-Length” Beard

Pursuant to the U.S. Supreme Court's recent decision in *Holt v. Hobbs*, 135 S.Ct. 853 (2015) [PLN, Aug. 2015, p.50], the Texas Department of Criminal Justice (TDCJ) changed its grooming policy on August 1, 2015. The new policy allows prisoners to grow beards for religious reasons up to one-half inch long; however, one prisoner had already received a judgment permitting him to wear a “fist-length” beard four inches long, which was affirmed on appeal.

In March 2009, Texas state prisoner David Raseed Ali filed suit in federal court pursuant to 42 U.S.C. § 1983, alleging his Muslim religious faith required that he wear a white knit kufi (a brimless hat traditionally worn in parts of Africa) throughout the prison in support of Ali; federal attorneys argued that Texas had “failed to show why, if kufis and beards can be managed in other prisons, they cannot be in Texas” – reasoning similar to that cited by the Supreme Court in *Holt*. However, Texas Attorney General Ken Paxton's office claimed that longer beards would pose a security concern and become “a hotbed of contraband trafficking” in state prisons.

In May 2016 the Fifth Circuit entered a ruling in favor of Ali, following *Holt*. While the Court of Appeals found the TDCJ's ban on longer beards was not the least restrictive means to satisfy the compelling-interest test,” it also held that a blanket ban on longer beards was not the least restrictive means to address the prison system's security concerns. The appellate court also rejected the TDCJ's arguments that longer beards would hinder searches for contraband, make it harder to identify prisoners who escape and lead to higher costs of prison operations. Similar arguments failed with respect to the wearing of kufis by Muslim prisoners. Accordingly, the district court's judgment was affirmed. See: *Ali v. Stephens*, 2016 U.S. App. LEXIS 7964 (5th Cir. May 2, 2016).

Meanwhile, while the appeal was pending, the district court awarded Ali $214,160.44 in attorney fees and $16,312.72 in costs. See: *Ali v. Quarterman*, U.S.D.C. (E.D. Texas), Case No. 9:09-cv-00052-ZJH.

Additional source: *Dallas Morning News*
Tenth Circuit Affirms Murder Conviction Called into Question by New DNA Evidence

by Derek Gilna

In 2005, federal prisoner Mark Jordan was convicted of the June 1999 recreation-yard murder of fellow prisoner David Stone at USP Florence in Florence, Colorado. In 2012, another prisoner who had been present at the time of that murder, Sean Riker, confessed to the stabbing and was linked to the murder weapon, a 12-inch shank, by DNA evidence. Jordan’s attorney filed for a new trial under Federal Rule of Criminal Procedure 33 based upon newly-discovered evidence.

The district court judge – the same judge who had presided over the original criminal proceeding against Jordan – conducted the Rule 33 hearing. Defense counsel presented Riker and a DNA expert, but federal prosecutors called six witnesses in rebuttal. None of the six had testified at Jordan’s original trial, but all now implicated him in the killing. Four said that Stone had named Jordan as his killer with his dying declaration, one said he saw Jordan stab Stone and the last witness claimed to have heard Jordan make incriminating statements. The district court denied relief under Rule 33.

Jordan appealed, arguing that “Rule 33 permits consideration only of (1) evidence admitted at trial and (2) newly discovered evidence offered by the defendant. Based on these two types of evidence alone, he contends that he satisfied his burden under Rule 33 to warrant a new trial. Second, he argues that, even if Rule 33 permits new government evidence, the Federal Rules of Evidence and the Confrontation Clause each should have barred admission of Mr. Stone’s dying declarations,” according to the Tenth Circuit’s November 20, 2015 opinion affirming the district court.

Despite the new DNA evidence and Riker’s affidavit, the appellate court noted that Riker, when called to testify at the hearing, had recanted his confession and named Jordan as the murderer. It also pointed out that Riker had said he touched the knife before the murder when it was playfully thrust at him, which resulted in his DNA being found on the weapon, and only confessed to killing Stone because “he thought he would be better off a murderer in a federal prison than a child molester in a state prison.”

The Court of Appeals wrote that “Jordan failed to carry his burden under Rule 33 based on adding his newly discovered evidence to the trial evidence. Any error the district court may have made in considering new government evidence was therefore harmless. In resolving Mr. Jordan’s appeal ... we express no opinion on whether it is proper for a district court to consider new evidence from the prosecution when a defendant moves for a new trial under Rule 33(a) because we need not do so to decide this appeal ... [and] we decline to address his additional argument that the dying declarations were inadmissible.”

Jordan sought certiorari review by the Supreme Court, which was denied on April 18, 2016. He remains in federal prison, serving a 420-month sentence. See: United States v. Jordan, 806 F.3d 1244 (10th Cir. 2015), cert. denied.

Crime, Incarceration Rates Decline in New York City

by Mark Wilson

Over the past five years the crime rate has steadily declined in New York City. Meanwhile, the city’s incarceration rate has decreased, too.

“New York’s crime rate has gone down more quickly and more steeply than the rest of the country and we are the model for low crime in this nation,” declared then-New York Mayor Michael Bloomberg at a December 20, 2012 Department of Correction graduation ceremony. “But unlike the rest of the country, the number of people we are incarcerating has also gone down. Some people say the only way you stop crime is to incarcerate. We have proven that to be untrue: successfully preventing crime and breaking cycles of criminal activity can save thousands from a life of cycling through the criminal justice system.”

In 2001, the New York City (NYC) crime rate was 13 percent higher than the rest of the nation. Between 2001 and 2010, however, major felonies fell 32 percent in NYC while the rest of the country saw a decrease of only 13 percent.

The New York Police Department (NYPD) announced a “new record-low” level of violent crime in 2015 compared to the previous year. Overall, the number of arrests declined 13 percent – to 333,115 arrests – by the end of 2015 compared to 2014 arrests. NYC also experienced a decline in drug possession arrests for the third year in the row, which could partially be attributed to the city’s new marijuana policy announced in November 2014. There were over 10,000 fewer arrests for marijuana possession in 2015 compared to the previous year and less than half the marijuana-related arrests compared to 2011.

“As we end this year, the City of New York will record the safest year in its history, its modern history, as it relates to crime,” said NYPD Chief William J. Bratton, according to an article published by the Daily Intelligencer on December 27, 2015.

Yet between 2001 and 2011, NYC’s incarceration rate dropped 32 percent while the national rate increased 5 percent. From 2006 to 2010 the city’s jail population fell from 14,241 prisoners to around 12,000. The number of detainees in NYC’s jail system reached 9,674 by the end of 2015.

Not everyone is convinced these statistics mean less crime is being committed. Some critics even suggest the NYPD might be doctoring reports and re-categorizing violent crimes as lesser crimes to ensure the numbers continue to plummet, in order to make the police department look good.

“...I would like to see an outside body, somewhere, taking a look at this. [My] concern is it’s become business as usual now, with the Police Department and its really creative accounting at this point,” retired police captain John Eterno told the New York Times.

On the other hand, NYC officials credit effective crime prevention efforts and
social justice programs for the declines in both crime and incarceration rates.

“Policing strategies that reduce crime have the added benefit of dramatically reducing incarceration in New York City,” said John Feinblatt, Mayor Bloomberg’s Chief Policy Advisor. “This was not foreordained. Instead it is the result of stopping crimes before they happen, and keeping those who would have been convicted of those crimes out of jails, productively engaged in their communities.”

The city has implemented several Alternatives to Detention programs for juvenile offenders, such as community-based after-school supervision programs and Intensive Community Monitoring. After launching those initiatives, NYC saw a 23 percent drop in juvenile re-arrest rates. Since 2007, the Juvenile Justice Initiative has provided intensive evidence-based services to youth who otherwise would be serving time in an institutional setting; the program has seen a 10 percent drop in re-arrests and a 29 percent decrease in arrests for violent felonies among participants. The city also offers a network of felony drug courts that provide adult drug and property offenders with judicially-monitored, treatment-based alternatives to incarceration.

“The innovative programs we are putting in place, such as ABLE — which helps incarcerated youth to make better decisions — and other programs focusing on adult inmates, both behavioral programs, promise to make measurable difference in institutional conduct and recidivism rates,” said then-NYC Correction Commissioner Dora Schriro.

Transitional services for released offenders play a key role in reducing recidivism. NYC’s Center for Employment Opportunity’s Transitional Job Program serves ex-prisoners who are returning to the community, and program participants are reportedly less likely to be convicted of a crime and re-incarcerated than non-participants.

“Getting out is hard, staying out is harder,” admitted former NYC Deputy Mayor Linda Gibbs. “We will continue working together to break down the barriers that impede a newly-released individual from succeeding, and we will work with communities throughout the city to ensure safety as well as support the success of community members when they come home.”

The declining crime and incarceration rates in New York City serve as just one example that crime rates can be reduced without increasing prison or jail populations.

Seventh Circuit Reverses Dismissal of Illinois Prisoner’s § 1983 Action

by Derek Gilna

William Nally, incarcerated at the Stateville Correctional Center in Illinois, was given eleven diabetes tests by prison medical staff over a period of five years starting in 2005. Despite the fact that several of those tests showed he was either diabetic or pre-diabetic, he was not advised of the results until 2010. It was only then that Nally realized he had a serious and potentially life-threatening condition, and he filed a pro se federal civil rights complaint alleging deliberate indifference.

The district court dismissed his suit for failure to file before the expiration of the statute of limitations. After reviewing the facts of the case, the Seventh Circuit reversed that dismissal on August 24, 2015.

Nally, the Court of Appeals stated, “required treatment but appears not to have received any. A prediabetic often can avoid or delay becoming diabetic by cutting his sugar intake in accordance with advice from a nutritionist, by dieting, and by increased exercise or other physical activity.”

“For the medical staff of a prison, to know that an inmate is diabetic or prediabetic, yet not tell him, let alone do nothing to treat his condition, is therefore, to be reckless (a synonym for deliberately indifferent),” the appellate court continued. “Deliberate indifference to a prison inmate’s serious health problems is of course actionable under 42 U.S.C. § 1983.”

The Seventh Circuit also rejected the district court’s finding that the action was barred by the applicable two-year statute of limitations, noting that Nally did not learn of his condition until 2010, after rapid deterioration of his eyesight and cramps and numbness in his left foot. “The statute of limitations in federal tort suits starts to run when a person knows that he is injured and knows what caused his injury,” the Court of Appeals wrote. That lack of knowledge prior to 2010 would have tolled the running of the statute. The Court also noted the statute would have been tolled while Nally was exhausting his administrative remedies, a necessary prerequisite to filing a federal lawsuit.

Finally, the appellate court opined that district courts hearing pro se prisoner civil rights complaints would be well-advised to appoint counsel to expedite discovery and handle other necessary actions to ensure that well-founded claims receive the attention they deserve. See: Nally v. Ghosh, 799 F.3d 756 (7th Cir. 2015).

Following remand, the district court appointed counsel to represent Nally in November 2015, and the case remains pending.

Private Prison Firms Reap Large Profits from Immigration Detention

by Gary Hunter

Federal immigrant detention has long been a boon to private prison companies Corrections Corporation of America (CCA) and the GEO Group, the nation’s two largest private prison firms, both of which trade on the New York Stock Exchange. Much of that success is the direct result of lobbyists employed by the private prison contractors.

Between 2011 and 2012, CCA and GEO spent over $4,350,000 competing for federal prison contracts. Many of those contracts involved the detention of undocumented immigrants. While that may seem like a lot of money, the two companies netted $1.4 billion in detention contracts from the federal government in 2011 alone. The more prominent lobbying firms that represent CCA include Akin Gump Strauss Hauer & Feld, LLP; McBee Strategic Consulting, LLC; Mehlmann Vogel Castagnetti, Inc.; and Sisco Consulting, LLC.

According to their 2015 annual reports, both CCA and GEO Group receive over 40% of their gross revenue from the federal government – and a large amount of that revenue is from Immigration and Customs Enforcement (ICE), for immigrant detention.

Grassroots Leadership and Detention Watch Network, both non-profit organizations that oppose prison privatization, reported that over half of ICE detention facilities are operated by private contractors. Those private prison firms thus have a financial interest in the continued criminalization and incarceration of undocumented immigrants.

“At the federal level, initiatives related to border enforcement and immigration detention with an emphasis on criminal alien populations as well as the consolidation of existing detainee populations have continued to create demand for larger-scale, cost efficient facilities,” stated George Zoley, CEO of the GEO Group.

In its most recent annual report, CCA acknowledged that immigration reform “could affect the number of persons arrested, convicted, and sentenced, thereby potentially reducing demand for correctional facilities” to house detainees.

Consequently, the two private prison corporations have spent large sums on lobbyists to protect their interests. CCA spends most of its money lobbying the House and Senate on issues that include “the construction and management of private prisons and detention facilities”; “monitor[ing] immigration reform” and “provisions related to ICE detention.” It paid over $2 million to lobbyists in 2011 and 2012 to lobby for a Department of Homeland Security appropriations bill, specifically with respect to “provisions related to ICE detention; as well as the House of Representatives and the Senate on homeland security issues related to the private prison industry.”

Over the same 2011-2012 time period, GEO forked over more than $220,000 for three lobbyists to represent its interests on a provision related to “alternatives to detention.” GEO also has a financial interest in such “alternatives” – in 2011 the company purchased BI Incorporated, which provides GPS monitoring of offenders, including released immigrant detainees.

CCA is the largest private prison company in the U.S.; it operates over 70 facilities in 20 states and the District of Columbia with a total capacity of 80,000-plus beds. The $970,000 spent by CCA in lobbying in 2012 appears to be money well spent. The Tennessee-based company netted $570.2 million from the federal government alone that year. According to CCA’s self-reported political activity and lobbying data, it spent $1.1 million in political contributions in 2014 plus “approximately $2.6 million in
fees and other payments related to lobbying at the Federal, state, and local levels.”

CCA and GEO Group stand to benefit tremendously from the immigration reform legislation introduced by the bipartisan “Gang of 8” senators and President Obama, which thus far has remained stalled in Congress. That may explain why the two private prison companies gave 13 members of the House and Senate more than $5,000 in campaign contributions, 13 members of the Senate and one member of the House more than $20,000, and 25 members of the House and Senate $5,000 through their lobbyists. At least five of those federal lawmakers sit on the House or Senate budget committee. While the immigration reform bill has failed to pass, CCA and GEO continue to profit from immigration detention contracts, particularly at so-called family residential centers.

These facilities, sometimes referred to as “baby jails,” are infamous for detaining women and children in prison-like conditions while they await hearings before an immigration court. In July 2015, a federal judge ordered the release of women and children held in detention in violation of their fundamental rights.

Both CCA and GEO Group announced greater profits than anticipated in their 2016 first-quarter earnings reports. GEO experienced a 19 percent spike in revenue to $510 million during the first quarter, while CCA reported a five percent increase from the previous year’s first quarter, or almost $450 million in gross revenue.

“Our financial performance was driven primarily by stronger than anticipated demand from our federal partners, most notably Immigration and Customs Enforcement,” CCA CEO Damon Hininger said in a May 4, 2016 press release. Both companies credited most of their financial success to the operation and expansion of immigrant family detention centers in Texas.

“It’s sickening to hear CCA and GEO brag about their profitable quarter to shareholders. That money is made off the suffering of mothers and children who came to the U.S. for refuge,” said Cristina Parker with Grassroots Leadership. According to an article published by The Atlantic on May 6, 2016, the average stay at the Dilley facility is about three weeks, while some immigrant detainees had been held up to a year. Over 50 percent of the detainees were minors, with an average age of nine.

It is not only the detainees who are paying the heavy price of detention. It costs taxpayers approximately $160 per day to house each detainee at the Karnes facility, and $300 per day at the Dilley facility – which only serves to further enrich CCA and GEO Group, and the companies’ stockholders.

Bail Bond Payment Plans Face Scrutiny, Criticism in New Jersey

by Joe Watson

In May 2014, New Jersey’s State Commission of Investigation (SCI) concluded a “broad-based” probe into the state’s bail bond industry for allowing criminal defendants to get out of jail with lower upfront costs and weekly or monthly payment plans, a law enforcement source told the Newark Star-Ledger.

“You have to keep up with the market because if you don’t, you’re going to be out of business,” Glenn Johnson, who manages Right Away Bail Bonds, said of bailing out defendants with little to no down payment.

But while the new bail schemes are frustrating prosecutors who rely on pretrial detention to coerce defendants into unfair plea bargains, they are also forcing friends and family who have co-signed for the bonds to take over payments if a defendant is convicted or jumps bail.

Before the payment-plan trend, defendants were typically required to pay 10% of the bond amount set by a preliminary or trial judge, in cash.

If bond was set at $100,000, for example, a bail bondsman required a defendant to pay a premium of $10,000 to get out of jail — a payment that was not refundable even if he or she was eventually found not guilty.

Now, some defendants are getting bailed out on payment plans of $75 a week or, as Aaron Bail Bonds in Hackensack, New Jersey advertised on its store-front window, “$0 down payment.” ASAP Bail Bonds next door claims “Instant 0% approval.”

“We’re concerned that the percentages are getting smaller and smaller and smaller, to 3% or less. It still remains such an unregulated industry,” said Gene Rubino, acting chief of staff for the Hudson County Prosecutor’s Office.

A bail payment plan got Rasul McNeil-Thomas out of the Essex County Jail in October 2011, five months after he allegedly killed William Johnson, a 45-year-old Newark who co-signed for his childhood friend, Gene Williams, on an $80,000 bond in February 2010 after Williams was arrested for aggravated assault and unlawful possession of a handgun.

Williams agreed to pay Aaron Bail Bonds $100 a week toward the $8,000 premium, and made at least several of those payments until 10 months later when he pleaded guilty to the gun charge.

After Williams’ conviction, Aaron Bail Bonds sued Hargrove for the rest of the premium. In May 2013, Hargrove was told by an Essex County court that he had to pay nearly $6,400.

In a letter to the court, Hargrove wrote that he was paying child support for two children and in legal trouble himself, and that he was “not in the condition or making enough money to help make payments for [Williams’] bail bond.”

“People who work hard and are trying to do the right thing, they shouldn’t take that big amount from you,” Hargrove told the Star-Ledger. “That’s too much. If I had known they were going to hit me for the $6,000, I would have gone to the judge.”

Every week, Hargrove said, $100 is taken out of his paycheck to cover Williams’ bond premium while Williams now sits in prison.

Meanwhile, the SCI report found that a lack of government regulation had allowed previously prohibited bail bond businesses back into the industry. These bail bondsmen allegedly employ prisoners inside county jails to recruit new clients among recently-arrested defendants. The recruiters, or “runners,” are often trustees with greater access to jail common areas; the bondsmen reimburse the runners with cash and other benefits.

Some bail bondsmen said they dislike making payment-plan deals or collecting from co-signers. But they do it, they claimed, to keep up with competitors. Bail industry veterans agreed the state should intervene and enact stricter regulations.

“It’s cutthroat,” said A1 McCullen, the owner of Ace Bail Bonds. “These guys want it all. They’re greedy.”

In its report, the State Commission of Investigation called for more stringent regulations prohibiting the use of prisoner “runners” and other unlicensed individuals to bring in bail bond business. Other recommended changes included the elimination of filing fees when posting or discharging bail, and criminalizing the already-borderline illegal three-way phone calls some bondsmen offer prisoners as an incentive to sign with them.

The SCI also recommended that oversight of the bail bond industry be moved from the Department of Banking and Insurance to the Department of Law & Public Safety under the Office of the Attorney General.

The SCI report exposed a myriad of flaws and loopholes in the state’s bail bond system, and prompted the approval of 2014 state ballot questions on bail reforms. The main purpose of the reforms was to shift the
focus of bail bonds from money and income to risk and public safety considerations.

“In the past, those who could afford to pay were released and those who could not stayed incarcerated,” Judge Stuart Minkowitz told the Morris County freeholders in September 2015.

In March 2016, Camden, Morris, Sussex and Passaic counties began introducing some bail bond changes as part of a pilot program before the bail reform laws go into effect statewide on January 1, 2017.

Millions of dollars will be needed to acquire enough staff and resources to implement the reforms, and it is undetermined where that money will come from. Passaic County has increased court filing fees to generate additional revenue needed to fund the changes, while other counties are considering reallocating funds from other areas to cover the costs of bail reform.

One potential solution? Impose fees on bail bond companies.


---

**Seventh Circuit Reverses Denial of Former Prison Guard’s Marriage to Prisoner**

*by Dereck Gilna*

Rebecca Riker, a kitchen supervisor at the Wabash Valley Correctional Facility in Indiana, became romantically involved with prisoner Paul Vest, who also worked in the kitchen. When their relationship was exposed, Riker resigned her position and the couple made plans to marry. Prison officials denied their request, Riker filed suit and the state prevailed on her position and the couple made plans to marry. Prison officials denied their request, Riker appealed, claiming that her right to marry had been unreasonably restricted. The Seventh Circuit Court of Appeals agreed, reversing and remanding the case on August 14, 2015.

Although the facts in this suit raise issues of concern to prisoners’ rights advocates who object to coercive sexual relationships between prisoners and guards, which are against the law in all states, the only issue before the appellate court was the right of a former guard to marry a prisoner she had met while supervising him.

The Seventh Circuit began its analysis by noting that “federal courts must take cognizance of the valid constitutional claims of prison inmates. Prison walls do not form a barrier separating prison inmates from the protections of the Constitution,” quoting *Turner v. Safley*, 482 U.S. 78 (1987). The Court of Appeals added, “The Constitution protects a prisoner’s fundamental right to marry; individuals do not lose this constitutional protection simply because they are imprisoned.”

“Although Ms. Riker is not a prisoner, so far as challenges to prison regulations as infringing constitutional rights are concerned, the standard is the same whether the rights of prisoners or of nonprisoners are at stake,” the Court wrote. “In determining a regulation’s reasonableness, we must balance the constitutional right asserted against the legitimate penological goals of the prison.”

The appellate court examined Riker’s claims under *Turner*’s four-part test for reviewing prison regulations: “(1) whether a valid, rational connection exists between the regulation and a legitimate government interest behind the rule; (2) whether there are alternative means of exercising the right in question; (3) what impact accommodation of the asserted constitutional right would have on guards, other inmates, and on the allocation of prison resources; and (4) what easy alternatives exist to the regulation....”

In its decision reversing the district court, the Seventh Circuit held that prison officials “cannot avoid court scrutiny by reflexive, rote assertions.” The Court of Appeals was not swayed by arguments relying upon prison policies or security concerns, since Riker was only seeking a one-time visit to the facility to perform the marriage ceremony in the prison chapel. The Court also emphasized that prison officials had failed to present evidence to substantiate the over-restrictive policy that precluded Riker from being wed. See: *Riker v. Lemmon*, 798 F.3d 546 (7th Cir. 2015).

Following remand, a settlement was finalized in April 2016 in which the DOC agreed to allow Riker to visit the Wabash Valley prison for the purpose of marrying Vest. Further, the DOC agreed to pay $58,107.50 for Riker’s attorney fees and costs.

---

National Federal Legal Services

- Federal Appellate Representation for all Circuits and Supreme Court
  - Member of all Federal Circuits and Supreme Court
  - Over 150 Appeals Filed

- Federal 2255 Habeas Petitions anywhere in the United States
  - Representation
  - Pro Se Litigation; Assistance or Representation
  - Over 200 Habeas Represented

Experienced attorneys make the difference, winning cases throughout the United States for over 20 years.

www.federalappealslawyer.com
2392 N. Decatur Rd, Decatur, GA 30033
Voice: 404-633-3797

---

**Empire: Cookie’s Revenge**

A novel by Eugenia E. Weems

ISBN: 9781515335917

Get your copy today!

WWW.AMAZON.COM
Illinois state prisoner Lincoln Lee had a bad feeling about his new cellmate, who was bigger and younger than him, and prone to repeated verbal threats. The Illinois River Correctional Center, like most state prisons, was overcrowded — so requests for cell changes to avoid possible conflicts were typically met with indifference. However, Lee argued that the Eighth Amendment required prison officials to protect him from the fight he knew was coming.

On October 15, 2010, Lee told a counselor named Jay Shepler that based upon repeated death threats from his cellmate, he wanted to be moved to a different cell. The counselor turned his request over to internal affairs, but Lee was not moved and remained in the cell with the same prisoner who had threatened him.

Lee tried again, asking another guard for a transfer. The guard said he would have to submit a written request, but that if Lee felt he was in imminent danger of harm, he could be moved out of general population and placed in a segregation cell. Lee declined to be put in segregation and was assaulted by his cellmate shortly thereafter.

In the ensuing brawl, Lee was injured. He then filed a federal civil rights suit, prepared all of his own pleadings and disclosures, and was appointed a pro bono attorney only for trial.

In both the discovery and trial process, prison officials admitted that Lee had advised them of his fear of physical harm and that prison staff were on notice, thereby triggering their duty to protect him. In denying the defendants’ motion to dismiss, the district court followed the case of Farmer v. Brennan, 511 U.S. 825 (1994) [PLN, July 1994, p.1], stating that Lee had proven "actual knowledge of impending harm by showing that he complained to prison officials about a specific threat to his safety.”

The defendants’ motion for summary judgment was denied and, following a jury trial in September 2014 where the appointed attorney used inconsistent responses by prison officials to impeach their testimony, Lee received $75,000 in compensatory damages plus $50,000 in punitive damages.

On September 28, 2015, the district court awarded $25,533.90 in attorney fees in addition to $692.70 in costs previously awarded; the fees were ordered deducted from the judgment awarded by the jury, reducing Lee’s total award to $99,466.10.

The defendants appealed the attorney fee award but later voluntarily dismissed their appeal. See: Lee v. Shepler, U.S.D.C. (C.D. Ill.), Case No. 4:11-cv-04064-SLD.

San Bernardino County Jail Named in Federal Lawsuit

by Christopher Zoukis

On May 7, 2014, six detainees held at the West Valley Detention Center in San Bernardino filed a civil rights complaint in the U.S. District Court for the Northern District of California. Their lawsuit alleged that they were repeatedly assaulted with stun guns, had shotguns placed to their heads, were deprived of sleep and even anaally sodomized by jail officials as part of routine “searches.”

Named in the suit as defendants were Sheriff John McMahon, Captain Jeff Rose (the commander of the jail) and eight deputies and contract guards. Three of the defendant guards were fired in the wake of a joint state and federal criminal and administrative investigation: Brock Teyechea, Andrew Cruz and Nicholas Oakley.

Rana Anabtawi, a staff attorney at the Law Office, based in Berkeley, had her firm has been investigating complaints involving “dozens” of prisoners who alleged excessive force and substandard medical care at the West Valley facility, which houses some 3,000 prisoners. All six of the plaintiffs who filed suit were confined in the jail’s Unit 11, a segregation wing for those needing protection from the general population. They alleged that they were shocked with stun guns while being served food and while sleeping, and that pepper spray was introduced under their cell doors. Claims of beatings and assault were also raised; the anal sodomy charges stemmed from “searches” when detainees left the jail for court or doctor visits.

The substandard medical care allegations were accompanied by multiple complaints that prisoners were not given grievance forms when they requested them pursuant to Title 15 of the California Code of Regulations.

Sheriff McMahon said he could not respond to specific allegations in the prisoners’ lawsuit, but instead took medical personnel on a tour of the West Valley Detention Center. He defended the adequacy of the jail’s medical treatment, saying prisoners receive “great medical and psychological care.” As to the allegations of abuse and the firing of the three guards, McMahon said the ongoing investigation will determine “whether or not [abuse] was occurring.”

He also defended his agency’s handling of prisoner grievances, stating that when his staff receives a grievance they “investigate to find out if there’s any truth to it,” but that “99 percent of the time, there’s nothing to the complaint.”

Curiously, McMahon defended the jail’s grievance system by noting there had actually been an increase in the number of grievances filed over the last three years. He said electronic kiosks will be installed in every unit, allowing prisoners to file complaints without staff intervention.

The federal lawsuit over abuses at the jail remains pending, but has been stayed due to a criminal investigation and internal affairs investigation launched by the Federal Bureau of Investigation and the Sheriff’s Department in April 2014. The prisoners are represented by attorneys Sharon J. Brunner, Stanley W. Hodge and James S. Terrell. See: Hanson v. McMahon, U.S.D.C. (N.D. Cal.), Case No. 5:14-cv-00911-JGB-DTB.

In February 2015, a federal grand jury convened to review the West Valley Detention Center prisoner abuse case. Witnesses are still being interviewed by both the FBI and the grand jury.

An additional three lawsuits were filed between 2014 and 2015 over abuses at the jail. The now 35 plaintiffs allege that over 30 San Bernardino County defendants either perpetrated or failed to intervene
in a “culture of violence” and “pattern of systemic abuse” at the facility.

Both Bernardino County CEO Greg Devereaux and Sheriff McMahon blamed the increase in violence among prisoners and between prisoners and guards on California’s Realignment initiative that took effect in late 2011, which resulted in prisoners being jailed rather than held in state prisons. They did, however, agree to improve the jail’s medical and dental services, expand the network of surveillance cameras throughout the facility, and install electronic kiosks that will allow prisoners to not only file grievances but also request medical care and order commissary items without the involvement of – or interference by – jail staff.

Sources: www.dailybulletin.com, www.sbsentinel.com

California: City Council Hears Proposal to Repurpose Empty Prison as Pot Farm

The Pleasant Valley State Prison in Coalinga houses around 2,300 prisoners and employs about 1,000 area residents, but the local economy was hit hard by the 2011 closure of the smaller, city-owned Claremont Custody Center. In a March 3, 2016 Coalinga City Council meeting, Mayor Ron Ramsey and City Manager Marissa Trejo fielded a proposal to repurpose the now-vacant Claremont facility.

In what could be described as the height of irony, Southern California-based Ocean Grown Extracts submitted a plan to convert the empty prison, once used to house hundreds of drug offenders, into a large-scale cannabis oil manufacturing operation. This is not the first time a city has considered such a use for a former prison. In 2014, businessman Nick Erker unsuccessfully approached the Brush City, Colorado council with a plan to convert the vacant High Plains Correctional Facility into a marijuana farm. [See: PLN, Apr. 2015, p.63].

Ocean Grown’s proposal received initial support from the Coalinga City Council, which acknowledged numerous economic benefits for the town, including at least 100 full-time jobs and nearly $2 million in tax and lease revenue. The city also considered the potential for the company’s growth should California legalize recreational marijuana. Mayor Pro-Tem Patrick Keough addressed the bottom line for a city that, according to a 2014 audit, is running a $3.3 million budget deficit: “One company could take us out of the red in three years. People are hurting – the oil industry is losing jobs,” he said. “We’re talking about 100 full-time jobs, and no dope in the streets.”

Despite the council’s interest, the plan faces an uphill battle. The issue could go to a public vote, and would require majority support from citizens in the traditionally conservative San Joaquin Valley town.

Source: www.fresnobee.com

Law Offices of C.W. Blaylock

Chris W. Blaylock, Esq.

Selected as a “Rising Star” by Super Lawyers

Representing inmates for the following:

- Direct Appeals
- Petitions for Writ of Habeas Corpus
- Parole Hearings
- State & Federal Admission

LAW OFFICES OF C. W. B\nAYLOCK

401 Wilshire Blvd., Floor 12
Santa Monica, CA 90401
P: 310-496-4245
F: 818-827-4733
www.ChrisBlaylockLaw.com

Nolo’s Plain-English Law Dictionary

$29.99

Order from
Prison Legal News
P.O. Box 1151
Lake Worth, FL 33460
561-360-2523
Add $6 shipping for orders under $50

www.prisonlegalnews.org
MORE THAN TWO DOZEN PRISONERS at the Menard Correctional Center in Illinois protested conditions in the prison’s high security unit (HSU) by staging a series of hunger strikes, most of them sustained for weeks.

The protests at the Menard facility, about 60 miles southeast of St. Louis, began on January 15, 2014 with 14 prisoners in administrative detention – comparable to solitary confinement – refusing to eat breakfast. As many as 25 prisoners joined the hunger strike at its peak. More than three weeks later, at least nine protesters remained on hunger strike, according to the Illinois Department of Corrections (IDOC), which said the prisoners were placed under medical observation in the infirmary.

Chief among the prisoners’ complaints was that Menard officials had refused to inform them why they’d been placed in the HSU, according to Stoughton Lynd, a prisoner advocate who had communicated with the hunger strikers through letters and a third party. Lynd said the HSU prisoners had not been afforded due process and felt the protest was their best recourse.

The prisoners also wrote letters to the Uptown People’s Law Center (UPLC) in Chicago, complaining that the HSU was “filthy,” infested with mice, freezing cold and lacked hot water.

“There are mice just running wild,” wrote prisoner Michael Williams. “They have 20 guys using one pair of fingernail clippers with no cleaning in between uses, there is absolutely no mental health screening or evaluation, nor do any mental health staff even make rounds.”

Joseph Hauschild, another HSU prisoner, told the UPLC that he had been put in solitary due to his work as a jailhouse lawyer. After he was released from an “extra-confinement” unit at another prison and transferred to Menard’s general population in August 2012, Hauschild said he was immediately harassed and faced retaliation for his prison activism before being placed in the Administrative Detention (AD) unit.

Not surprisingly, IDOC spokesman Joe Watson announced that prison officials were reviewing current policies related to solitary confinement. The UPLC’s lawsuit was dismissed without prejudice by the federal district court in February 2016. See: Coleman v. Taylor, U.S.D.C. (N.D. Ill.), Case No. 1:15-cv-05596.


Prisoners Protest Solitary Confinement at Illinois Facility

by Joe Watson

The renewed hunger strike ended on its sixth day. Warden Kim Butler conceded to most of the prisoners’ demands and promised to dismiss all disciplinary reports, provided the protest stopped immediately. She agreed to be part of future AD review hearings and ensure prisoners are afforded due process. The warden also pledged to improve HSU prisoners’ mail delivery, visitation rights and outside recreation, and agreed to review the strikers’ proposal related to educational programs and other services for those in solitary confinement.

While not all of their demands were met, the prisoners were optimistic.

“Although our main goal is to end solitary confinement, we hope that we could work with Ms. Butler. I think by us affirming our own humanity, she was forced to see us and acknowledge us,” wrote one of the HSU prisoners.

In response to the loud commotion of yelling and banging on drums outside, and defying orders by guards to remain silent, the hunger strikers banged on their cell walls and joined the protesters’ calls for “freedom” and “no more AD.”

Menard took disciplinary action against the hunger strikers and moved two of them into an “escapee cell,” an even smaller steel room with no windows, for reportedly “trying to escape” with a jump rope they had made out of a bed sheet.

While the IDOC declined to comment on the litigation, spokeswoman Nicole Wilson announced that prison officials were reviewing current policies related to solitary confinement. The UPLC’s lawsuit was dismissed without prejudice by the federal district court in February 2016. See: Coleman v. Taylor, U.S.D.C. (N.D. Ill.), Case No. 1:15-cv-05596.

June 2016 62
California: Rafael Rodriguez, Matthew Farris and Jereh Lubrin lost a fierce battle to keep a judge from remanding them to trial on murder charges on March 3, 2016. The Santa Clara County jail guards were accused of beating Michael Tyree, a 31-year-old mentally ill prisoner, to death and attacking a second mentally ill prisoner, Juan Villa, shortly before the fatal attack on Tyree. Superior Court Judge Ron M. Del Pozzo ruled that the criminal case against the trio of guards should move forward. If convicted, they face life in prison.

California: The Kern County Sheriff’s office told reporters that a prisoner crashed a van at the Lerdo Jail in an apparent escape attempt on March 2, 2016. Ramon Castro, 23, was being loaded into a transport vehicle along with six other prisoners when he slipped out of his handcuffs and climbed into the driver’s seat of the running van. Castro was arrested at gunpoint before he reached the main gate, but not until he nearly ran over a deputy, crashed through a locked gate and slammed the van into a jail employee’s personal vehicle. Everyone received minor injuries in the crash, but none of the six hijacked prisoners faced charges. Sheriff Donny Youngblood declined to answer whether it was within departmental policy to leave a vehicle running while loading prisoners.

California: During court testimony in January 2016, former Men’s Central Jail prisoner Bret Phillips, 44, told a jury that Los Angeles County sheriff’s deputies Joey Aguiar and Mariano Ramirez beat him unconscious in February 2009 while he was restrained and awaiting transfer to a medical appointment. Phillips, who was homeless and suffered from bipolar disorder and schizophrenia, said he had been in jail on a probation violation charge for about three weeks at the time of the incident. After deliberation, the jury hung on excessive force charges against Aguiar and Ramirez but found both guilty of falsifying records. On May 12, 2016, Aguiar was sentenced to 18 months in federal prison; Ramirez will serve 13 months. Both must also serve supervised release and community service upon completion of their prison terms. Famed attorney Gloria Allred filed a lawsuit for unspecified damages on Phillips’ behalf in 2014, which remains pending.

Colorado: A loophole in the state’s “Make My Day” law has been closed after prisoners twice invoked the defense to mitigate against murder charges for killing a fellow prisoner. Prosecutors pushed for modifications in the law, which allows for deadly force when defending one’s home, contending that the law could also allow prisoners to defend themselves against prison guards who entered their cells. The statutory modifications passed both the House and Senate and were passed along to Governor John Hickenlooper, who signed them into law on April 14, 2016.

El Salvador: The Toronto Sun reported on March 2, 2016 that prisoners at the Izalco Jail were treated to a skin show by prison officials who hired strippers to entertain the incarcerated men as a reward for the development of a truce between rival gangs. Cellphone video footage of the naked dancers was leaked to an El Salvadorian television station, causing a national uproar and an investigation by Prisons Minister Rodil Hernandez into the 2012 incident, which he said was approved by his predecessor. The Sun reported that gang violence had led to a surge in prison homicides during the first two months of 2016, making El Salvador a contender for the world’s most murderous country.

Florida: A Broward County judge who flashed her judicial ID rather than her driver’s license as she refused a breath test during a suspected DUI stop in 2013 has resigned from the bench. On February 10, 2016, the Sun-Sentinel reported that Cynthia Imperato, a former police officer and sheriff’s department media relations coordinator for the Indiana State Board of Health, said overcrowding and frequent movement of prisoners, prolonged indoor confinement — often with insufficient ventilation — and inadequate negative air pressure rooms often contribute to the quick spread of contagious diseases in lockups.

Indiana: On January 10, 2016, The Herald Bulletin reported that the Indiana State Department of Health had confirmed that 4.6% of the 108 new cases of tuberculosis diagnosed statewide in 2014 were discovered in jails and prisons. The Centers for Disease Control and Prevention website reports that infectious diseases such as tuberculosis are not uncommon in correctional facilities and that up to 6% of TB cases reported nationally were diagnosed among prisoners. Ken Severson, media relations coordinator for the Indiana State Board of Health, said overcrowding and frequent movement of prisoners, prolonged indoor confinement — often with insufficient ventilation — and inadequate negative air pressure rooms often contribute to the quick spread of contagious diseases in lockups.

Ireland: The New IRA claimed responsibility for a bomb blast that injured a prison guard in Northern Ireland on March 4, 2016. The group said it was planning further attacks on other prison officers. The New IRA claimed the guard they tried to kill was targeted because he was responsible for training employees who supervise a Maghaberry jail unit that houses dissident republican prisoners. Stephen Martin, the Police Service of Northern Ireland’s as-
sistant chief constable, warned it was “very likely” violence would escalate over the coming weeks.

Kentucky: Gynnya McMillen was only 16 years old when she died at the Lincoln Village Juvenile Detention Center on January 11, 2016. Employees at the facility had approached McMillen at least three times without response over a three-hour period before they discovered she was dead in her cell. She was offered breakfast, a snack and a phone call, but never acknowledged those attempts to communicate with her and guards never confirmed her physical wellbeing. The commissioner of the Department of Juvenile Justice, Bob Hayter, was fired after McMillen died; a guard involved in the incident, Reginald Windham, was also fired in February 2016. An autopsy attributed McMillen’s death to a rare genetic condition that caused an irregular heartbeat.

Louisiana: St. Mary Parish Sheriff Mark Hebert issued a press release on February 27, 2016 that announced the arrest and firing of jail guard O’Sharra Silas, as well as charges against jail prisoner Joseph B. James for the pair’s involvement in an attempt to bring contraband into the facility. Silas, 20, had worked at the jail for just over 5 months at the time of his arrest; he was booked with no bond and transferred to over 5 months at the time of his arrest; he was booked with no bond and transferred to house new arrestees, though more serious and violent criminals were still being arrested. The dilemma arose when Greene County Sheriff Jim Arnott and Springfield officials clashed over a contract for the city to house prisoners at the county jail. Last April, Arnott announced that the county would no longer accept municipal prisoners due to jail overcrowding. Critics noted that while the Greene County Jail routinely runs over capacity, Arnott has not turned away the $61 per day he receives for housing federal prisoners.

Netherlands: On February 29, 2016, Dutch News reported that Norwegian prisoners housed in a Dutch jail under a contract between the two countries are so happy with conditions at the facility that there is a waiting list for placement there. Prison personnel were also pleased with the behavior of the Norwegian prisoners, and described them as having better manners than Dutch prisoners. Some of the amenities at the Norgerhaven Jail include more time outside and less work. Prisoners are also allowed to keep in touch with their families via Skype and receive more telephone time. PLN previously reported on the advantages of Scandinavian prisons in its January 2014 cover story, “American Apartheid: Why Scandinavian Prisons are Superior.”

Nevada: State officials announced on February 25, 2016 that a 41-year-old former guard who had worked at the Southern Desert Correctional Facility was arrested for smuggling cell phones and drugs into the prison. Michael James joined five other men who were implicated in the scheme; the investigation turned up two cell phones inside and 16 outside the medium-security facility, as well as unidentified drugs. Pris-
Prisoners Michael J. McNeil, Jamel Vincent Harris and Jesus Eduardo Chavarria, and parolee Endrel Deone Pope, were also named suspects in the plot. The sixth man, Shawn Yazzie, faces charges of conspiracy and unlawful communications with a prisoner.

**New Hampshire**: Former Belknap County deputy Ernest Justin Blanchette pleaded not guilty in December 2015 to charges that he assaulted a female prisoner while transporting her between jails. He was convicted of that crime on April 28, 2016. Blanchette also faces charges that allege he coerced five prisoners into having sex with him or each other; he is scheduled to go to trial later this year on nine counts of aggravated felonious sexual assault and one count of felonious sexual assault. Separately, Blanchette was accused of sexually assaulting a woman at a Laconia cemetery.

**New Jersey**: The Trentonian reported on January 6, 2016 that a former prisoner who reported the events surrounding the 2013 death of Robert Taylor, a homeless man who was placed in segregation rather than a medical unit at the Burlington County Jail while he detoxed from alcohol, had filed a lawsuit against the county. Sean Turzanski, who was also in the jail’s segregation unit, detailed what he had seen in the days preceding Taylor’s death in letters that were smuggled out of the jail. His suit alleges that his whistleblowing resulted in retaliation and unwarranted disciplinary actions, as well as problems in his criminal case. The family of Jerome Iozzia, another prisoner who died in 2014 at the Burlington County Jail while under the care of for-profit medical contractor Corizon, has filed a $25 million wrongful death suit.

**New Jersey**: Former Essex County Correctional Facility guard Shawn D. Shaw was convicted on February 5, 2016 on charges of raping a female prisoner and attempting to cover up the 2010 crime. According to court records, Shaw was the only guard on duty during an overnight shift at the jail when he entered the victim’s cell as she slept and forcibly had sex with her. He then lied about the attack when confronted by investigators several days later. U.S. District Court Judge Esther Salas revoked Shaw’s bail after the verdict was announced; he faces up to a life sentence for the sexual assault and 20 years for obstruction of justice.

**New York**: Vanessa Gathers spent 10 years in prison for a robbery and assault she did not commit, then fought for 18 years after her release to clear her good name. On February 23, 2016, Brooklyn District Attorney Kenneth Thompson announced that his office would ask a judge to exonerate Gathers after the Conviction Review Unit examined her case and determined she had falsely confessed. Gathers’ conviction was one of dozens that have been overturned after the discovery of widespread corruption in investigations conducted by now-retired police detective Louis N. Scarcella. PLN recently reported that over $23 million in wrongful conviction settlements had been paid to victims of Scarcella’s misconduct. [See: PLN, Dec. 2015, p.54].

**New York**: Following lengthy plea negotiations, former prison guard Gene Palmer was sentenced to six months in jail on February 29, 2016. Palmer, who had been a guard for 28 years, pleaded guilty to three charges related to assisting prisoners Richard Matt and David Sweat in their well-publicized escape from the Clinton Correctional Facility in June 2015. [See, e.g.: PLN, Feb. 2016, p.63]. Palmer admitted to helping the men carry out their plan by giving them tools and supplies, and allowing them access to a catwalk behind their cells. He claimed he did not know the prisoners were planning to escape. Palmer’s defense attorney, Bill Dreyer, said his client’s sentence could be reduced to four months for good behavior.

**North Carolina**: On February 19, 2016, around 25 protesters marched to Duke University’s “fraternity row” to hold a “teach-in” in front of the Delta Sigma Phi Greek organization to express their outrage at the fraternity’s annual incarceration-themed party. Two days earlier, the frat members and fellow students from Duke’s Kappa Kappa Gamma sorority had held the “Kappa Kops” gathering, which featured a cage/jail cell, a mug shot photo booth, and partygoers dressed as police and prisoners. The protesters represented #DukeEnrage and read a statement that said in part, “Our fellow classmates find it appropriate to so callously ‘party’ around a theme that has brought pain, suffering and violence into the lives of so many. Their acts normalize a system that enacts brutality and violence against low-income communities and communities of color – right here, down the
road, in Durham.”

Ohio: A former director of the Ohio Department of Rehabilitation and Correction, who participated in the execution of 33 men between 2001 and 2010, now says the state’s death penalty is unfair and flawed. In a scathing editorial published on February 24, 2016, Terry J. Collins said the United States continues to be “one of the few industrialized nations to carry out the death penalty even when we know mistakes happen.” He added, “My experience tells me the death penalty isn’t worth fixing. Our justice system will be more fair and effective without the death penalty.” Nine death row prisoners have been exonerated in Ohio between 1979 and 2014. “It is time for state officials to have serious and thoughtful conversations about whether Ohio’s death penalty remains necessary,” Collins concluded.

Oklahoma: Tulsa World reported on March 1, 2016 that a special audit by a forensic accountant and the Oklahoma State Bureau of Investigation will be conducted to determine what happened to nearly $200,000 missing from a Tulsa County Jail account designated to hold funds for prisoners’ commissary and phone call purchases. Sheriff’s office spokesman Justin Green said the funds were first discovered missing in 2012, but the agency was unable to resolve the issue on its own. A state audit confirmed the discrepancy in 2015 and Tulsa District Attorney Steve Kunzweiler ordered the special audit, which was also to focus on a “breakdown of bookkeeping at the jail” that led to problems in the county’s payroll process.

Oklahoma: On February 24, 2016, The Norman Transcript reported that Diana Thurman, 50, filed a multimillion-dollar lawsuit against a former Rogers County District Attorney and the DA’s husband claiming that the couple, Janice and Larry Steidley, approached her to participate in a plan to discredit Sheriff Scott Walton. Walton had called for an investigation into Janice Steidley’s conduct in office and the couple allegedly asked Thurman to sexually seduce the sheriff. Thurman said she initially cooperated in the scheme, but balked when her adult son remained in jail instead of being assigned to a drug court as Janice Steidley had promised. The suit further alleges that the Steidleys then insinuated if Thurman disclosed the plot, her safety and that of her imprisoned son would be jeopardized. Thurman is seeking $3.1 million in damages.

Oregon: The Oregonian reported on February 29, 2016 that Coffee Creek Correctional Facility staff had mixed up bags of breast milk pumped by prisoners for their infants on the outside. Milk program staff at Oregon's only women's prison allegedly gave the wrong milk bags to the babies' caregivers. One of the nursing mothers had hepatitis C, causing the other prisoners to worry about transmission of the disease to their children. Oregon Department of Corrections spokeswoman Betty Bernt said milk program supervisors now require prisoners to check the bags before they are sent to caregivers, and have notified nursing prisoners that hepatitis B and C are unlikely to be transmitted through breast milk.

Oregon: On February 27, 2016, Snake River Correctional Institution prisoner Sou Seng Saepharn, 42, died suddenly as medical staff prepared to transport him to a hospital. Saepharn had complained earlier of not feeling well, but his condition worsened before he was transferred to a medical center and efforts to resuscitate him failed. His death...
closely followed that of 22-year-old Snake River prisoner Michael Teves, who was found dead in his cell on February 25, 2016. Although the investigation into the two deaths was ongoing as of the end of March, Saeapharn’s death was presumed to be of natural causes while Teves’ death was being investigated as “some level of homicide.”

**Papua New Guinea:** In the aftermath of a mass prison break at Buimo Prison, the body count was estimated at 11 dead and 17 wounded from gunshots fired by prison staff. Anthony Wagambie, Jr., the superintendent of the city of Lae, where the facility is located, said “a very big number of prisoners” broke out on February 25, 2016. A report by *The National* newspaper indicated the actual number of escapees ranged between 50 and 90, and Wagambie said an official head count would be conducted to determine the identities of any missing prisoners. According to Acting Correctional Service Commissioner Bernard Nepo, “The situation in Lae is sketchy at the moment. Inmates and prison officers have been injured but it is still unclear as to how many.”

**Pennsylvania:** Westmoreland County paid $92,000 to install nine computers with video visitation software at the county jail, but received much less revenue than the program was expected to generate. Prisoners’ families and friends are charged $15 for a 25-minute video call, but the facility reported on January 25, 2016 that low utilization of the system had resulted in less than $14,000 in income. In-person visits at the jail were cut from 3 times per week to one per week with the addition of two authorized video calls. Officials said three of the computers were non-functional for several months, possibly contributing to the lower-than-expected usage. *PLN* has previously reported on the growing use of video visitation in prisons and jails. [See: *PLN*, March 2015, p.1; Nov. 2014, p.48; March 2014, p.50; July 2013, p.44].

**Pennsylvania:** Approximately 30% of 230 employees and more than 900 prisoners tested negative for tuberculosis, but a lockdown remained in effect at the Lackawanna County Prison according to a February 1, 2016 announcement by Warden Robert McMillan. The warden, whose own test came back negative, said a single prisoner at the facility had tested positive for the contagious lung disease, prompting all prisoners to be confined to their cells and mass TB screenings. McMillan said he expected the prison to return to normal operations shortly. None of those tested, including the prisoner whose test was positive for TB, have exhibited symptoms of the illness. Stephen Pancoast, M.D., an infectious disease specialist at Regional and Moses Taylor hospitals in Scranton, said TB lies dormant in most people who are infected.

**Tennessee:** Janet Utley was charged with two felony counts of introduction of contraband into a penal institution on February 29, 2016. Utley, a freeworld civilian, had conspired with prisoners assigned to landscaping duty at the Riverbend Maximum Security Institution to smuggle in prohibited items. Earlier that month, TDOC officials intercepted three lighters, three rolls of electrical tape, 3.9 ounces of marijuana, 10.6 ounces of loose tobacco, 11 cell phones, two SIM cards, nine USB chargers with charging blocks, 14 air fresheners and 50 cigar wraps. An aggressive investigation was launched, leading to Utley’s arrest. Other outside accomplices are suspected in the smuggling scheme, and the investigation remains ongoing.

**Texas:** In January 2016, former federal prison guard Marshall Thomas pleaded guilty to two counts of sexual abuse of a ward for engaging in sexual relationships with two different prisoners at Federal Prison Camp, Bryan. Thomas admitted that beginning in March 2014, he made inappropriate comments to a female prisoner that led to hugging, kissing and inappropriate touching, and then escalated to forcible intercourse in July 2014. He also admitted that he had used his fingers to vaginally...
penetrate another prisoner who refused his advances on the same day he raped the first woman. On April 15, 2016, U.S. District Court Judge Gray Miller handed Thomas an 18-month prison sentence to be followed by 10 years of supervised release. He must also register as a sex offender.

**Texas:** According to a January 15, 2016 news report, the kitchen at the Central Texas Detention Facility failed a routine inspection when a food inspector found a colony of roaches living and breeding inside the hollow leg of a food prep table. The facility is operated by for-profit prison company The GEO Group under contracts with the U.S. Marshals and Immigration and Customs Enforcement. It houses almost 700 male and female federal prisoners and immigrant detainees.

**United Kingdom:** An unnamed prisoner is suing the HM Prison Service after being knocked unconscious by falling potatoes. A January 24, 2016 news article in the *Daily Mail* reported that Solicitor Rhonda Hesling, who represents the prisoner, said her client was working in the prison kitchen as a vegetable prep assistant. He was returning a box of carrots to a walk-in refrigerator when 11 boxes of potatoes – weighing nearly 240 pounds – fell directly onto him, knocking him out and leaving him with a badly bruised back, muscle spasms and "unrelenting headaches." Prison officials were to blame for the accident, Hesling argued. "It was clear that the prison was responsible for this incident and liability was admitted straight away," she said. "Such a situation would not be tolerated in any other work place in the country and there can be no justification for prison being an exception to this."
Prison Legal News Book Store

SUBSCRIBE TO PLN FOR 4 YEARS AND CHOOSE ONE BONUS!
1. Six (6) FREE ISSUES FOR 54 TOTAL! OR
2. PRISON PROFITEERS (A $24.95 VALUE!) OR
3. THE HABEAS CITEBOOK (A $49.95 VALUE!)

Prison Profiteers, edited by Paul Wright and Tara Herivel, 323 pages. $24.95. This is the third book in a series of Prison Legal News anthologies that examines the reality of mass imprisonment in America. *Prison Profiteers* is unique from other books because it exposes and discusses who profits and benefits from mass imprisonment, rather than who is harmed by it and how.

The Habeas Citebook: Ineffective Assistance of Counsel, by Brandon Sample, PLN Publishing, 212 pages. $49.95. This is PLN’s second published book, written by federal prisoner Brandon Sample, which covers ineffective assistance of counsel issues in federal habeas petitions. Includes hundreds of case citations.

Prison Nation: The Warehousing of America’s Poor, edited by Tara Herivel and Paul Wright, 332 pages. $35.95. PLN’s second anthology exposes the dark side of the ‘lock-em-up’ political agenda and legal climate in the U.S.

The Ceiling of America, An Inside Look at the U.S. Prison Industry, edited by Daniel Burton Rose, Dan Pens and Paul Wright, 264 pages. $22.95. PLN’s first anthology presents a detailed “inside” look at the workings of the American justice system.

Prison Education Guide, by Christopher Zoukis, PLN Publishing (2016), 268 pages. $49.95. Authored by PLN contributing writer Chris Zoukis, this book includes the most up-to-date information on pursuing educational courses by correspondence, including high school, college, paralegal and religious studies. This title replaces the *Prisoners’ Guerrilla Handbook to Correspondence Programs*.


Represent Yourself in Court: How to Prepare & Try a Winning Case, by Attorneys Paul Bergman & Sara J. Berman-Barrett, Nolo Press, 543 pages. $39.99. Breaks down the civil trial process in easy-to-understand steps so you can effectively represent yourself in court. The authors explain what to say in court, how to say it, etc.

The Merriam-Webster Dictionary, New Edition, 939 pages. $8.95. This paperback dictionary is a handy reference for the most common English words, with more than 65,000 entries.


Legal Research: How to Find and Understand the Law, 17th Ed., by Stephen Elias and Susan Levinkind, 363 pages. $49.99. Comprehensive and easy to understand guide on researching the law. Explains case law, statutes and digests, etc. Includes practice exercises.

Deposition Handbook, by Paul Bergman and Albert Moore, Nolo Press, 368 pages. $34.99. How-to handbook for anyone who conducts a deposition or is going to be deposed.

Criminal Law in a Nutshell, by Arnold H. Loewy, 5th edition, 387 pages. $43.95. Provides an overview of criminal law, including punishment, specific crimes, defenses & burden of proof.

Spanish-English/English-Spanish Dictionary, 2nd ed., Random House. 694 pages. $15.95. Has 60,000+ entries from A to Z; includes Western Hemisphere usage.

Writing to Win: The Legal Writer, by Steven D. Stark, Broadway Books/Random House, 303 pages. $19.95. Explains the writing of effective complaints, responses, briefs, motions and other legal papers.

Actual Innocence: When Justice Goes Wrong and How to Make it Right, updated paperback ed., by Barry Scheck, Peter Neufeld and Jim Dwyer, 407 pages. $17.99. Describes how criminal defendants are wrongly convicted. Explains DNA testing and how it works to free the innocent. Devastating critique of police and prosecutorial misconduct.

Cell Workout, by I.J. Flanders, L.C. Books, 234 pages. $35.00. This book, written by a former British prisoner, describes in detail how to exercise in confined spaces without weightlifting equipment to develop a lean and muscular body. Fully illustrated!

Everyday Letters for Busy People, by Debra Hart May, 288 pages. $21.99. Hundreds of sample letters that can be adapted for most any purpose, including letters to government agencies and officials. Has numerous tips for writing effective letters.

Roget's Thesaurus, 709 pages. $8.95. Helps you find the right word for what you want to say. 11,000 words listed alphabetically with over 200,000 synonyms and antonyms. Sample sentences and parts of speech shown for every main word. Covers all levels of vocabulary and identifies informal and slang words.

Beyond Bars, Rejoining Society After Prison, by Jeffrey Ian Ross, Ph.D. and Stephen C. Richards, Ph.D., Alpha, 234 pages. $14.95. *Beyond Bars* is a practical and comprehensive guide for ex-convicts and their families for managing successful re-entry into the community, and includes information about budgets, job searches, family issues, preparing for release while still incarcerated, and more.


Merriam-Webster's Dictionary of Law, 634 pages. $19.95. Includes definitions for more than 10,000 legal words and phrases, plus pronunciations, supplementary notes and special sections on the judicial system, historic laws and selected important cases. Great reference for jailhouse lawyers who need to learn legal terminology.


* All books sold by PLN are softcover / paperback *

FREE SHIPPING on all book orders OVER $50 (effective 1-1-2016 until further notice). $6.00 S/H applies to all other book orders.


Prisoners’ Guerrilla Handbook to Correspondence Programs, by Christopher Zoukis, PLN Publishing (2016), 268 pages.


Actual Innocence: When Justice Goes Wrong and How to Make it Right, updated paperback ed., by Barry Scheck, Peter Neufeld and Jim Dwyer.


Everyday Letters for Busy People, by Debra Hart May.

Roget's Thesaurus.

Beyond Bars, Rejoining Society After Prison, by Jeffrey Ian Ross, Ph.D.


Merriam-Webster's Dictionary of Law.

The Best 500+ Non Profit Organizations for Prisoners and Their Families, 3rd edition (2015)

* ALL BOOKS SOLD BY PLN ARE SOFTCOVER / PAPERBACK *
Hepatitis and Liver Disease: What You Need to Know, by Melissa Palmer, MD, 471 pages. $19.99. Describes symptoms & treatments of hepatitis B & C and other liver diseases. Discusses medications to avoid, diets to follow and exercises to perform, plus includes a bibliography. 1031

Arrested: What to Do When Your Loved One's in Jail, by Wes Denham, 263 pages. $16.95. Whether a defendant is charged with misdemeanor disorderly conduct or first-degree murder, this is an indispensable guide for those who want to support family members, partners or friends facing criminal charges. 1084

Prisoners' Self-Help Litigation Manual, updated 4th ed. (2010), by John Boston and Daniel Manville, Oxford Univ. Press, 928 pages. $39.95. The premiere, must-have “Bible” of prison litigation for current and aspiring jail-house lawyers. If you plan to litigate a prison or jail civil suit, this book is a must-have. Highly recommended! 1077


Sue the Doctor and Win! Victim's Guide to Secrets of Malpractice Lawsuits, by Lewis Laska, 336 pages. $39.95. Written for victims of medical malpractice/neglect, to prepare for litigation. Note that this book addresses medical malpractice claims and issues in general, not specifically related to prisoners. 1079

Advanced Criminal Procedure in a Nutshell, by Mark E. Cammack and Norman M. Garland, 2nd edition, 505 pages. $43.95. This text is designed for supplemental reading in an advanced criminal procedure course on the post-investigation processing of a criminal case, including prosecution and adjudication. 1090


Arrest-Proof Yourself, by Dale Carson and Wes Denham, 376 pages. $14.95. This essential “how not to” guide written by an ex-cop explains how to act and what to say when confronted by the police to minimize the chances of being arrested and avoid additional charges. Includes information on basic rights that police use to get people to incriminate themselves. 1083

Nolo's Plain-English Law Dictionary, by Gerald N. Hill and Kathleen T. Hill, 477 pages. $29.99. Find terms you can use to understand and access the law. Contains 3,800 easy-to-read definitions for common (and not so common) legal terms. 3001

Criminal Procedure: Constitutional Limitations, by Jerold H. Israel and Wayne R. LaFave, 7th edition, 539 pages. $43.95. Intended for use by law students, this is a succinct analysis of constitutional standards of major significance in the area of criminal procedure. 1085

Win Your Lawsuit: Sue in CA Superior Court without a Lawyer, by Judge Roderic Duncan, 445 pages (4th edition 2010). $39.99. This plain-English guide shows you how to prepare a complaint, file and serve papers, participate in settlement negotiations, present a case and much more. The 4th edition has been revised to reflect recent court procedures and includes updated forms. 2014


Subscription Rates

<table>
<thead>
<tr>
<th></th>
<th>1 year</th>
<th>2 years</th>
<th>3 years</th>
<th>4 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoners</td>
<td>$30</td>
<td>$60</td>
<td>$90</td>
<td>$120</td>
</tr>
<tr>
<td>Individuals</td>
<td>$35</td>
<td>$70</td>
<td>$105</td>
<td>$140</td>
</tr>
<tr>
<td>Professionals</td>
<td>$90</td>
<td>$180</td>
<td>$270</td>
<td>$360</td>
</tr>
</tbody>
</table>

Subscription Bonuses

- 2 years - 2 bonus issues for 26 total issues
- 3 years - 4 bonus issues (40 total) or a bonus book as listed on pg. 69
- 4 years - 6 bonus issues (54 total) or a bonus book as listed on pg. 69

Subscribe to Prison Legal News

<table>
<thead>
<tr>
<th></th>
<th>$ Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 month subscription (prisoners only) - $18</td>
<td></td>
</tr>
<tr>
<td>1 yr subscription (12 issues)</td>
<td></td>
</tr>
<tr>
<td>2 yr subscription (2 bonus issues for 26 total!)</td>
<td></td>
</tr>
<tr>
<td>3 yr sub (write below which FREE book you want) or 4 bonus issues for 40 issues total!</td>
<td></td>
</tr>
<tr>
<td>4 yr sub (write below which FREE book you want) or 6 bonus issues for 54 issues total!</td>
<td></td>
</tr>
<tr>
<td>Single back issue or sample copy of PLN - $5.00 each</td>
<td></td>
</tr>
</tbody>
</table>

Books Orders (No S/H charge on 3 & 4-year subscription free books OR book orders OVER $50) Qty.

Add $6.00 S/H to BOOK ORDERS under $50 (PLN subs do not count towards $50 for free S/H for book orders)

FL residents ONLY add 6% to Total Book Cost

TOTAL Amount Enclosed: 

* NO REFUNDS on PLN subscription or book orders after orders have been placed. *

* We are not responsible for incorrect addresses or address changes after orders have been placed. *
Great Self-Help Book Deals From Prison Legal News!

How to Win Your Personal Injury Claim
$34.99

How to Win Your Personal Injury Claim shows you how to handle almost every accident situation, and guides you through the insurance claim process, step by step. Learn how to:

• protect your rights after an accident
• determine what your claim is worth
• handle a property-damage claim
• deal with uncooperative doctors, lawyers and insurance companies
• counter the special tactics insurance companies use
• prepare a claim for compensation
• negotiate a full and fair settlement
• stay on top of your case if you hire a lawyer

Order from Prison Legal News
Add $6 shipping for orders under $50
Prison Legal News
PO Box 1151
Lake Worth, FL 33460
Phone: 561-360-2523
www.prisonlegalnews.org

Prison Legal News
P.O. Box 2420
West Brattleboro, VT 05303
Phone: 802 579-1309
www.prisonlegalnews.org

Dedicated to Protecting Human Rights

If you need to know about prisons and jails or are litigating a detention facility case, you can’t afford not to subscribe to our website!

Online subscribers get unlimited, 24-hour a day access to the website and its content!

Sign up for PLN’s FREE listserv to receive prison and jail news and court rulings by e-mail.

PLN’s website offers all issues of PLN in both searchable database and PDF formats. Issues are indexed and posted as soon as they go to press.

Publications section has numerous downloadable government reports, audits and investigations from around the country.

Full text decisions of thousands of court cases, published and unpublished.

All content is easy to print for downloading and mailing to prisoners.

Most complete collection of prison and jail related verdicts and settlements anywhere.

Order books, print subscriptions and make donations online.

Brief bank with a wide assortment of winning motions, briefs, complaints and settlements.

Links to thousands of prison, jail, criminal justice and legal websites around the world.

Thousands of articles and cases, all fully indexed by more than 500 subjects, searchable by case name, case year, state of origin, court, author, location, case outcome, PLN issue and key word search.

Search free, pay only if you find it!

The highest quality, most comprehensive prison litigation news and research site in the world.

Affordable rates to meet your budget

$19.95 per month • $149.95 per year

Subscribe to Prison Legal News Online! http://www.prisonlegalnews.org
**Subscription Renewal**

Subscriptions expire after the issue shown on the label is mailed. For example, if the label says: EXPIRES 02/2016, then the subscription expires after the February 2016 issue is mailed. Please renew at least 2 months before the expiration date. IF THE LABEL SAYS EXPIRES: 06/2016 THIS IS YOUR LAST ISSUE. Please renew immediately to avoid missing any issues.

---

**Change of Address**

If you move or are transferred, please notify PLN as soon as possible so your issues can be mailed to your new address! PLN only accepts responsibility for sending an issue to the address provided at the time an issue is mailed.

---

**SureShot Books Publishing LLC**

**Books have the power to change lives.**

SureShot Books Publishing LLC, has a long tradition of offering a variety of books, magazines & newspapers for all genres of inmates throughout the correctional institution.

Our award-winning selection of books include over 10,000 titles in fiction, mystery, business, biography, study aids, legal law books, westerns, self-help, health & fitness, and more. Our staff picks section features a wide selection of our booksellers’ favorite titles, providing you with thoughtful recommendations.

Whether you are looking for the latest international news, investment trends, or current sports news, our selection of newspapers and magazines will surely have something to peak your interest.

**Order our NEW 2016 Catalog for $12.95**

We are Now accepting First-Class & Forever Stamps 2 Books (Strips or Books Only No Single Stamps) for payment of Catalog Only. Please do not forward stamps for payment of orders.