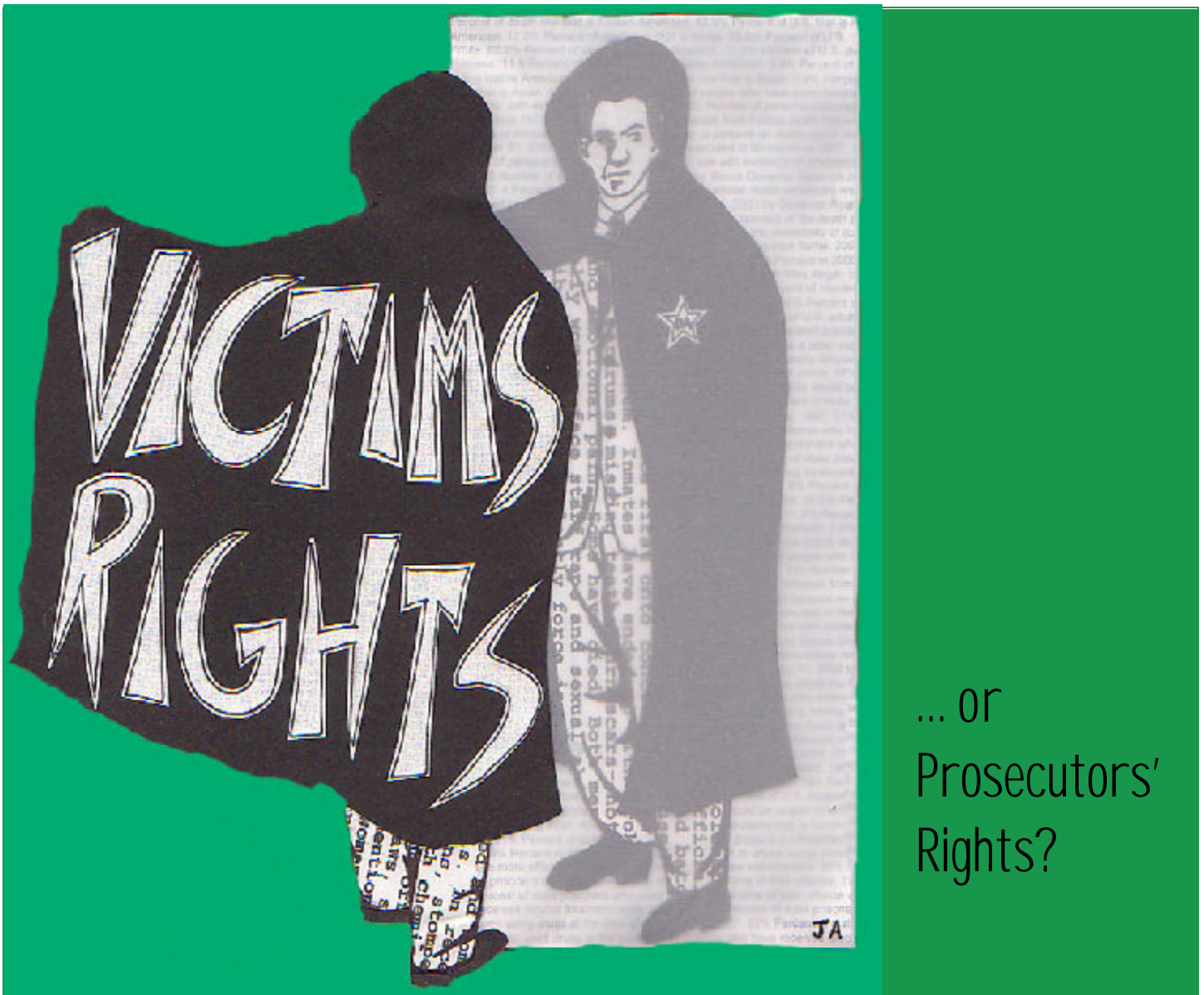


# JUSTICE MATTERS

The Newsletter of the WESTERN PRISON PROJECT

FALL 2004

Vol. 6 No. 4



... or  
Prosecutors'  
Rights?

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As I write this, we are still days away from the 2004 election. Many election issues, from who will be our next president to important statewide ballot measures, are too close to call. But one thing is certain: tens of thousands of new voters are participating in this election. In our region, thousands of these new voters are people with past felony convictions. Many of these folks thought they had lost the right to vote forever, and nobody was telling them different.

In 2002 we launched our VOICE Project to make sure that people with past felony convictions knew their rights. Fortunately, we live in a region where many states value democracy. In Oregon, Montana and Utah, people with felony convictions have the right to vote as long as they are not in prison. In Oregon, this includes people in county jails. In Nevada, a state that used to take away voting rights from felons for life, a new law has restored the right to vote to first-time, non-violent offenders. A similar law in Wyoming restored the right to some people with past felonies, and in Idaho your right to vote is restored once you complete your full sentence (including parole and probation).

In this issue of *Justice Matters*, we report on the accomplishments of the VOICE Project over the past few months. Thanks to dedicated staff and volunteers from WPP and our partners, at least 25,000 people with past felony convictions have been educated about their voting rights. Thousands of them have registered to vote, many for the first time.

We learned something interesting as we registered people with past felony convictions to vote: about half of these new

voters chose "no party affiliation," which means they are neither Democrat nor Republican. What does this mean? While we don't know for sure, I have a good guess. When it comes to criminal justice issues, both parties have taken the cynical, and lazy, way out by focusing on "tough on crime" policies that have sent millions of Americans to prison, and created policies that makes it hard to succeed once you get out. Neither party has championed sensible solutions like expanded drug and alcohol treatment, alternatives to incarceration, and an end to the current "cookie-cutter" approach of mandatory minimum sentencing.

When it comes to criminal justice issues, we must work together to hold our elected officials accountable, and to educate them on the many ways we can reform our criminal justice system and save millions in tax dollars and still keep our communities safe. Registering to vote is an important first step, but don't let it stop there. We need to raise our voices and talk with our elected representatives every chance we get. We need to let them know that it is not okay to keep warehousing people in cages, that there are alternatives, and that we demand our tax dollars be spent more responsibly.

The criminal justice system affects many people, and if we want to see changes made, the voices of all of us directly affected by the system need to be heard. Here at the Western Prison Project, our staff, board and volunteers include incarcerated and formerly incarcerated people, family members of prisoners, and survivors of crime and violence. Many of us fall in more than one category, and so do many of you who are

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PRISON  
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The Western Prison Project is a 501(c)3 non-profit organization based in Portland, OR. We exist to build and strengthen the criminal justice reform movement in OR, WA, ID, MT, WY, UT, and NV.

### Texas Justice

Texas Criminal Courts Judge Faith Johnson decorated her courtroom with balloons and streamers to greet Billy Wayne Williams, who had been convicted in absentia of aggravated assault after he disappeared a year ago. She even had a cake decorated with his name and put one candle on top to signify the amount of time he was on the lam. Williams, who has an extensive criminal record spanning 20 years, was accused of choking his girlfriend until she passed out. He had failed to appear for his trial last November and was captured last month outside of Dallas.

Judge Johnson told Williams that everyone was so excited to see him that they decided to throw him a party before she sentenced him to life in prison.

The executive director of the Texas Commission on Judicial Conduct, Seana Willing, said that she was troubled by the incident. "It's the kind of thing I look at and scratch my head and wonder, 'What was she thinking?'"

An investigation into Judge Johnson's judgement will begin once a formal complaint has been filed. So far no one has complained.

Source: AP



### Army Reservist Sentenced to 8 Years

The last issue of *Justice Matters* was a special issue devoted to looking at the connections between the torture and abuse of incarcerated people in Iraq and in the United States. Since that issue went to print, seven military police and intelligence officers have been charged with abuse at the Abu Ghraib prison in Iraq, and 2,000 people are still being indefinitely held in Abu Ghraib without charge.

One U.S. army reservist, Sgt. Ivan Frederick, agreed to a plea bargain and was sentenced in October to 8 years in prison. The judge also ordered a forfeiture of pay, a reduction in rank to private, and a dishonorable discharge. A prisoner who testified at Frederick's trial stated that he and other prisoners were physically and mentally abused, stripped naked, and forced to wear women's underwear. Prisoners were forced to sleep naked in flooded cells with bags over their heads. No senior army officials have been indicted, held responsible, or resigned over the torture of incarcerated people at Abu Ghraib.

Source: BBC News

### FBI: Abuse Nothing New

A document recently released by the F.B.I.'s counterterrorism division shows that F.B.I. agents witnessed harsh treatment of detainees at the Abu Ghraib prison in Iraq in 2003. The agents said that they did not think they were witnessing abusive treatment worth reporting. They also believed that the treatment of prisoners which they observed were well within the Defense Department guidelines.

The report, which was released in response to a lawsuit by the American Civil

Liberties Union, said an agent saw a naked or partly clothed inmate made to lie prone on a wet floor. Another agent reported seeing inmates stripped naked and put in isolation cells. The report said that what was seen was similar to what the agent had seen in prison strip-searches in the United States.

Source: *The New York Times*

### More Women in Prison

The number of women incarcerated in the United States has increased at nearly twice the rate of men according to a report released by the Justice Department. At the end of 2003 there were a total of 1,368,866 men in prisons and 101,179 women in prison (these numbers do not reflect how many people are incarcerated in jails). This is an increase of 3.6% for women and 2% for men. In terms of the total population what these numbers mean is that one in every 109 men are in prison and one in every 1,613 women are in in prison.

Marc Mauer of The Sentencing Project, which advocates for alternatives to long prison terms for some crimes, attributes the increase to longer sentences for drug crimes. Mauer also says that fewer prisoners are being granted parole or probation, which helps expand the prison population.

The federal prison system incarcerates the largest number of women - 11,635. The state of Texas has highest number of women in state prisons with 13,487.

Source: *The New York Times*

### **ID: Idaho Sentencing Practices Equals Expensive, Overcrowded Prisons**

In August, the Idaho Department of Corrections revealed that it needed another \$6.7 million from the state general fund to be able to pay prison costs through the end of this budget year.

Idaho's prison population is growing faster than anyone predicted. In August of this year, the prison population was at capacity. The Idaho Department of Corrections is developing a new budget that will ask taxpayers to cover the costs of hundreds of additional jail and prison beds and 96 additional correctional workers. The Idaho DOC is also making plans to increase the monthly supervision fee for felons from \$40 to \$50 per month.

While the state sentencing practices are driving the prison population growth, the state legislature is not planning on addressing the source of the problem. In 2001, the governor requested that more money be spent on drug treatment programs in prison, but funding for these programs was stopped because of the economic recession.

*Source: Idaho Statesman*

### **MT: Judges Order Private Missoula Attorneys to take Indigent Cases**

In August, the Missoula County Public Defender's Office stopped taking new cases. Normally, the office has 11 attorneys, but the number of attorneys fell to 4 in August. Low pay and high caseloads mean that hiring new attorneys is a challenge for the county. Many choose the higher pay and lower workloads

of the private sector. Public defenders in Missoula have a caseload of 150 each, and the office receives two new cases a day.

In September, District Court judges ordered private attorneys to take indigent cases. Eighty private attorneys are currently working with the public defenders office, but that doesn't seem to be enough. 54 out of a total of 172 cases have not been assigned to attorneys.

These problems are not unique to the Missoula office. The American Civil Liberties Union filed suit against the State of Montana for inadequate defense of indigent people. The case is on hold until the Montana legislature has a chance to consider a bill to reform the system, at which point the case will either be re-opened (if the changes do not address the basic nature of the problem) or dropped.

*Source: Missoulian.com*

### **MT: Education may lose out to Private Prison Greed**

Bill Slaughter, Corrections Department Director, stated that his department was again going to compete with the Department of Education over scarce state resources. Mr. Slaughter is requesting an \$18 million increase to the corrections bud-

get for the next two-year budget cycle. Twelve million dollars of that total will be used to ex-

pand the private, Corrections Corporation of America (CCA) prison in Shelby. The private prison, Crossroads Corrections Center, currently holds 500 people. The state's \$12 million would be spent to expand the facility to hold 1,000 people. CCA and the state are negotiating to ensure Montana keeps a minimum number of those new beds filled.

The remaining \$6 million of the \$18 million request would be used to expand community corrections programs including hiring more staff and adding 100 beds to a Bozeman pre-release center.

*Source: Associated Press*

### **MT: Private Corrections Company Loses Prisoners, Maintains Contract**

On September 2, four inmates escaped from a private prison transport van when the guards stopped at Burger King for a dinner break. TransCor, the company transporting the inmates, is owned by Corrections Corporation of America (CCA). CCA is the private corporation that runs Crossroads Correctional Facility in Shelby. TransCor's contract was suspended during an investigation and reinstated after CCA agreed to pay for the search and agreed to follow additional guidelines such as only stopping at secure facilities.

In April, the state contracted with TransCor to transport prisoners across Montana. Previously, prisoners were transported by county law enforcement officers, but the counties never received the funding they requested for the service. In February, they gave notice that they would no longer transport people. TransCor was hired in April.

The state also recently looked into



TransCor's offer of a job to Corrections Director Bill Slaughter days before the company's contract went into effect. Auditors who investigated found no indication of anything improper.

Sources: *Helena Independent Record, Billings Gazette*

### **MT: Prison Town Welcomes Expansion**

Citing projections that Montana's prison population will grow 5 to 6 percent in the next few years, DOC officials are crafting legislation to secure funding for expanding Shelby State Prison. The prison currently has 500 beds and is owned by Corrections Corp. of America (CCA). Initially the DOC wants to add 500 more beds but the prison could be increased to hold 1500 prisoners. Joe Williams, head of the DOC's Centralized Services Divisions said "if a new prison isn't built by next year, the state will probably be exporting prisoners to prisons out of state." Jim MacDonald, CCA's warden at the Shelby Prison said "we built this thing with expansion in mind. We won't even have to replace the fence."

CCA does have some concerns about attracting enough guards for the expanded prison. In an effort to recruit more applicants CCA recently increased the starting pay to \$10.50 an hour.

Shelby Mayor Larry Bonderud said that to the best of his knowledge, there have been no complaints "about anything that's out there...overall it's been a real positive thing." He added that even if the prison in Shelby becomes the largest one in the state, Shelby will never be known as a "prison town" like Deer Lodge. "The schools across the state aren't going to say, 'If you don't be good, you'll go to

Shelby.' They'll still say, 'If you don't be good, you'll end up in Deer Lodge.'"

Source: *Great Falls Tribune*

### **NV: Fast growing prison population means tough choices for Nevada Public Works Board**

Glen Whorton, Assistant Director of the State Department of Corrections, told the State Public Works Board that there were 363 more inmates in April than predicted. The 88 new people in prison per month are twice the number that were estimated. The Department of Corrections did not expect this level of growth in the prison population until 2006.

At the same time the prison population is growing, the cost of construction materials is higher than ever. The State Board of Public Works plans for and tracks state construction projects. It is re-evaluating current projects and creating a tiered list of recommendations for the legislature. The board is prioritizing public safety and health facilities, required maintenance, and furniture for buildings reaching completion. Making it to the top tier are a \$14 million, 200 bed re-entry center for women prisoners in North Las Vegas and \$28 million to expand the Indian Springs Conservation Camp and convert it to a facility for 626 minimum custody inmates.

Source: *Las Vegas Sun*

### **OR: Expensive Software at ODOC**

Problems with a computer program used by the Oregon Department of Corrections are costing taxpayers at least \$1 million. The pro-

gram, called AFAMIS, is ODOC's accounting, budgeting and purchasing system that keeps up with everything from inmate medical care to food. An upgrade did not solve the problems, and analysts at KATU found that work on the system was done inefficiently and without contracts.

Source: *KATU News*

### **Prison Population Reaches Milestone**

There are now 6000 prisoners in Utah's prisons. State and DOC officials view this as only a milestone and not a crisis. If the number of prisoners were to reach 6008 and remain at that number for over 45 days the DOC would be mandated by state law to begin early releases.

Currently that state is renting over 1,300 beds in county jails to ease the overcrowding in the state prisons. There is a major renovation going on at the Lone Peak Correctional Facility, which will open with 300 beds in January. DOC officials will be requesting close to 15 million dollars in the 2005 budget for expansion of existing prisons. This summer legislators did not support a special session to address overcrowding in Utah's prisons.

There has been a 6% increase in the prison population over the past year. And just like the national trend the increase of women inmates is growing at a faster rate than men.

Source: *Deseret News*



Cont. on Pg. 6

Regional News Cont. from Pg. 5

### WA: Modern Poll Tax Aimed at Ex-Felons

The American Civil Liberties Union (ACLU) of Washington has filed a lawsuit, on behalf of five former prisoners, to restore voting rights to ex-felons even if they have not yet paid off their court related fees.

Currently people who have completed their prison terms for felony convictions cannot vote until all debt, including a 12% interest fee, is paid off. Kathleen Taylor, ACLU of Washington executive director said "that the state should not hold hostage the right to vote in order to collect legal-system debts." The lawsuit does not challenge the former prisoner's liability to their debts, only their disenfranchisement due to the debts.

According to information gathered by the State of Washington, more than 90 percent of felony defendants are indigent when they are charged with a crime.

In 2002 45,000 ex-felons were barred from voting because of legal financial obligations.

Source: *Seattle Post-Intelligencer*

### WA: Smoking Ban in Place

October 31st was the last day that prisoners, guards and other prison workers in Washington will be able to smoke in any of Washington's prisons. The Washington DOC said that health concerns were the main reason for the ban. DOC also estimates that more than half of the 17,000 prisoners smoke or chew tobacco. Stafford Creek Prison has been smoke-

less since it opened four years ago and over the past year other prisons and detention centers have instituted the smoking ban. Prison officials said that they are taking precautions in case some prisoners react violently to nicotine withdrawal. Prison officials declined to specify what precautions they are considering.

Source: *KPTV.com*

### WY: Siting for New Prison Moving Forward, Meeting Resistance

The Wyoming Department of Corrections narrowed its search for a site for a new medium security prison. The new prison will hold 650 people and cost \$71 million. The potential sites include Rawlins, Riverton, and Torrington. The final decision will be presented to the Wyoming legislature in early 2005.

Riverton residents have organized the Fremont County Citizens Coalition to Stop the Medium Security Prison, and they are gathering signatures to support an ordinance that would block building

the prison in Riverton or in Fremont County. If the group collects the required 420 signatures, the ordinance will go before the city council. If the city council rejects the ordinance, it will be voted on by the entire city. The Riverton City Council and the county commission both support siting the prison in Riverton.

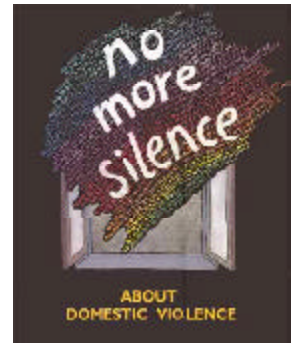
Sources: *Associated Press, The Billings Gazette, Casper Star Tribune*

### WY: For Women Killed by Men, Wyoming Murder Rate 5<sup>th</sup> Highest in the U.S.

Wyoming has the 5<sup>th</sup> highest rate in the country for women killed by men. The rate of women murdered by men in Wyoming was 2.54 per 100,000 people in the state in 2002. The national rate for 2002 was 1.57 per 100,000.

Advocates for victims of domestic violence state that isolation in Wyoming's rural areas and the availability of guns are contributing factors. Law enforcement agents have stated that they often do not arrest men for domestic violence because they don't want men to lose their guns. Nearly half of all survivors of domestic violence do not report the violence they experience as crimes.

Source: *The Billings Gazette*



### **Proposition 66 Fails in California**

The ballot measure which would have amended California's "three strikes" law was defeated, by last minute fear campaigning by Governor Schwarzenegger and the state's correctional guards union. The proposition, which was launched in part by stories of shoplifters serving 25-to-life sentences. Prop. 66 would have limited the use of the "three strikes" law to those convicted only of violent or serious felonies. California is the only state in the country that applies extended sentences to any felony. This has led to long sentences for hundreds of people convicted of such crimes as selling marijuana and shoplifting.

Though the ballot measure had strong support, sponsors of the ballot measure felt that the last minute TV commercials featuring Governor Schwarzenegger falsely promoting the idea that, if Prop. 66 were to pass, violent prisoners would receive "get-out-of-jail-free passes" scared people into defeating the measure.

After the election, Governor Schwarzenegger said that he might be willing to look into the "three strikes" law to see if it needed adjusting. Supporters of Prop. 66 said that they will now turn their efforts to the legislature for reform of this draconian law.

*Source: AP*

### **U.S. Senate Passes Mentally Ill Offender Treatment and Crime Reduction Act**

The Mentally Ill Offender Treatment and Crime Reduction Act was passed in the U.S. Senate in late October. This legislation will authorize federal grants to fund collaborations between mental health,

criminal justice, juvenile justice, and corrections systems to reduce the number of mentally ill offenders in the criminal justice system, to improve the mental health care received by those who are incarcerated, and to increase the number of transitional and discharge programs to help reduce the rate of recidivism of mentally ill offenders discharged from prison and jail.

This legislation will move beyond the current punitive approach to conditions in prisons and jails. It also acknowledges the unique services that mentally ill offenders need while incarcerated and when they are released.

*Source: Human Rights Watch*

### **Supreme Court to rule on Prison Segregation**

The Supreme Court will hear arguments as to whether or not California prisons unconstitutionally segregate black prisoners in the name of prison safety. There is an unwritten California Department of Corrections policy that requires prison officials to assign new Black prisoners to bunk only with other Black prisoners for two months or more. Once prisoners go through the intake process and are assigned to a prison for their sentence, they are, once again, separated by race. The segregation continues with each of their transfers. The DOC defends this practice as a safeguard against gang violence.

Garren Johnson, the inmate who has challenged this practice, says that it violates his constitutional right to equal treatment. However, Frances Grunder, the state's senior assistant attorney general,

told the court that "California is ground zero for race-based prison and street gangs," as she defended the temporary segregation of prisoners. California has more than 165,000 prisoners and violence can erupt if white and black gang members are mixed, she said.

Justice Antonin Scalia said prison officials are smart not to put white and black tattooed gang members in the same cell until officials have had time to assess how dangerous they are. Prisoners lose many rights, Scalia said. "That's one of the consequences of committing a crime." But Justice Stephen Breyer, echoing concerns raised by opponents of prison segregation, said, "With racial discrimination, it's a terrible symbol ... divisive to the whole society."

If the Supreme Court clears California's policy, other states will be able to institute



the policy of segregation in their prisons. Eight states side with California in the case: Alabama, Alaska, Delaware, Idaho, Nevada, New Hampshire, North Dakota and Utah. The Bush administration has taken the side of Garren Johnson.

*Source: AP*

Compiled by Caylor Roling

## Beyond 'Us' versus 'Them': Crime Survivors Speak Up

By Arwen Bird and Kathleen Pequeño

This issue of *Justice Matters* focuses on survivors of violence and crime, challenging some of the ideas about what victims “need” or “want” that have become the staple of the “tough on crime” movement. As we pointed out on the cover, “Victims’ Rights” is more of a mantle or a cloak, being used to build political clout rather than to really change lives for most victims of crime. We hope the articles in this issue help to give this perspective more depth and clarity for our readers.

Here at Western Prison Project we are focused on creating safe, healthy communities, where people do not have to live with the constant fear of violence or crime. The “tough on crime” movement offers the simple idea of shipping “bad people” off to prison, where they are out of sight, and presumably, they deserve whatever violence they are subjected to. This short-term thinking merely creates second-class citizens, while at the same time failing to address the conditions that contribute to crime happening (such as poverty, addiction or unemployment). We are working toward systems that respond to the real needs of survivors of crime, and offer fair, humane treatment of people who have been convicted of crimes, and recognize international standards for their treatment while they are separated from the community, with a focus on *successfully returning them to the community and their families*. There are many points at which, then, we have to address violence, and many pieces of the system that need to be challenged.

We lead off with an article about the movement to amend the U.S. Constitution with a new “Victims’ Rights” amendment. We look at some of the conditions that have led to the growth of this movement, and why it is unnecessary to change the U.S. Constitution to get victims what they need.

Many people who talk “tough on crime” talk about how prison is for the “worst of the worst.” We have a pair of articles to offer a different perspective. The first is an interview with a community organizer, from Communities Against Rape and Abuse (CARA), a Seattle-based group that specifically works on issues of rape and violence. In the next article, a member of SAFES (now Crime Survivors for Community Safety), talks about her perspective as a survivor of violence, and also someone who has done time and had a loved one behind bars.

Next follows “Black on Black Violence”, written by Dan Bell. This is an exploration of how this issue does not lend itself to the easy “us versus them” that is central to the “tough on crime” debate, but rather is part of the broader issue of racism.

Continuing along our theme for this issue is an article that discusses a few myths surrounding of the “F” word, associated with restorative justice: *Forgiveness*. We want to dispel the notion that all people need to do is learn to forgive to mend the deep rifts caused by crime and violence.

We close with a one page “Just Facts”

sheet, with some comparisons showing the amount of resources that are spent on punishment, compared to services and resources for survivors.

Throughout this article and this issue of *Justice Matters*, we refer to “victims” or “crime victims” and “survivors.” We use the words interchangeably, because we are referring to the same people. “Crime victims” is the commonly used term, and many people who have experienced violence refer to themselves as “crime victims.” We also consciously borrow the term “survivor” from the movement to end sexual and domestic violence. This word can be empowering for people using it to describe themselves. “Survivor” also helps to symbolize that our experience of violence has become an important part of the fabric of our life, but does not victimize or dominate who we are. We are still here, surviving every day.

We hope that this issue of *Justice Matters* offers some new voices and perspectives, along with some interesting facts and ideas to consider. We are committed to promoting a vision in which there are no outsiders, where “prisoners” or “criminals” are not words used to strip people of their humanity, where people surviving crime can expect to receive the support they need to heal, and the whole community comes together to help mend the damage that has been caused by crime and violence.

## An Illusion of Victims' Rights: the Victims Rights Amendment

*By Arwen Bird*

These days, there is often a call to use “common sense” in creating the laws that govern us. So, let’s use common sense to answer this: how should government treat people who have been victimized by crime?

Using common sense, community members can often reach some basic agreement about how the criminal justice system should respond to a person who has been victimized. Common sense tells us that crime victims should be able to get the counseling, medical attention, information and assistance that they need to help them to recover as best they can. However, the reality is that the majority of survivors are not served by our current system (according to the Bureau of Justice Statistics, less than half of crime is ever reported), and those who do connect with the system know that services and resources are not adequate to meet their needs. Because of our system’s intense focus on punishment, services to survivors are concentrated during the prosecution and conviction of a defendant. Outside of prosecution, survivors are largely left to fend for themselves.

It’s clear that something needs to change. But given the reality of our current system’s inadequacy at meeting the needs of crime survivors, the organized push to add the Victims’ Rights Amendment (VRA) to the United States constitution simply does not make sense. Along with many of its counterparts in individual state constitutions, the VRA

outlines a victims’ right to information, participation and restitution. However, it does nothing to actually provide these “rights.” The VRA is more like window dressing than an actual solution to the problem of inadequate victims’ services.

As survivors of crime who are also United States citizens, we benefit from the fundamental protections that are guaranteed through our state and federal constitutions. The federal Bill of Rights ensures certain protections for all citizens; this includes those who have been victimized by crime. The amendment before you would do nothing to improve upon our rights as survivors of crime. Sadly, this amendment would only erode our rights as citizens.

*Julie Goldscheid, July 17<sup>th</sup>, 2002 United States Senate, Committee for the Judiciary*

### **Some background on the call for a Victims’ Rights Amendment**

One of the outgrowths from the victims’ movement in the early eighties was to address the fact that survivors had been intentionally excluded from criminal proceedings. Survivors had to organize and advocate, building their voice within the criminal justice system. By going public with their stories of surviving often terrible experiences and losses, it became clear that the crime victims’ movement had a

message that the public wanted to respond to. At some point, prosecutors figured out how much power this voice had and decided to make it their own. Victims’ Assistance offices within individual District Attorney’s offices were developed and DA’s took control of representing the views of crime survivors. As a result, there are limited examples of what a crime victims/crime survivors movement would look like separate from the grasp of District Attorneys and the focus on criminal prosecution as “healing” for survivors.

Today, of the seven states in the Western Prison Project’s region, five of them (Utah, Nevada, Idaho, Oregon and Washington) have amended their state constitutions with a “Victims’ Rights” amendment. The constitutional amendments of two states, Oregon and Washington, *give specific power to prosecutors to identify the victim* and therefore who will be informed, able to participate and seek reparations in a case. The fact that the National District Attorneys’ Association has endorsed the VRA is no surprise—these amendments give them the power to choose *who* the crime victim is based on who will provide the best support for their efforts to prosecute and convict people of crimes. But in all of these states, victims’ services are still small compared to the resources spent on prosecution and incarceration, and the amendments do not affect that part of the problem.

*Cont. on Pg. 11*

### **A few key issues to consider before you choose to support the VRA**

The Victims Rights Amendment is an amendment to the United States Constitution. The purpose of the Federal Constitution is to ensure our basic civil rights (such as freedom of speech, freedom of religion, voting rights). Statutory law is intended to specify how government fulfills the obligations set forth in the Constitution. For example, the Constitution guarantees the right to vote, and statutory law lays out how voting will work. Knowing this, here are a few things to consider about the VRA:

- Many of the ‘rights’ sound more like statutory law, just because of what they will do: providing information, being able to participate and *receiving* restitution are all service-oriented rather than ‘rights’ equal to freedom of religion, speech or voting.
- “These rights shall not be restricted except... by compelling necessity.” This basically means the rights listed are unenforceable—it’s the same as offering someone counseling and then when they try to access it, changing your mind and saying, “well, you can’t *really* have *that*. There isn’t funding available for *that*.”
- Because of the vague, open-ended language of the VRA, there is also ample room for unintended consequences (like giving batterers the ability to track the whereabouts of their victim).
- The title begs the question of what victims rights really are. If vast numbers of victims don’t have enough food to eat, a place to sleep or a job—are these really *rights*, or a distraction from the real issues facing survivors?

### **“...Victims need rights too”**

The lead argument from proponents of the VRA is that “Criminals have their rights, victims need rights too.”

The use of the phrase ‘criminals have their rights’ demonstrates how the words people use can ‘spin’ support for their perspective. The wording from the web site for Force 100 (a crime victims group working to pass the VRA) helps give more insight:

*They [crime victims] have learned the hard way, that victims are not protected by that same Constitution. They have been shocked to realize that Crime Victims are not even mentioned in our Nation’s Constitution while the criminal is protected and mentioned two-dozen times, fifteen by Amendments alone.*

The reality is that when the Constitution talks about criminal proceedings, the words ‘the party’ or ‘the accused’ are used to refer to a defendant. The argument that ‘victims need their rights too,’ ignores the fact that victims are already protected by the constitution—crime victims are also people, living in this country, some of whom have been accused of crimes. The Constitution serves to ensure a basic level of protection for a person accused of breaking the law. The Constitution is intended to protect all of us from the power of the state or government. Crime victims are included in this, since after all, crime victims are also people.

The argument “victims need their rights too” also begs the question of what victims rights really are. Common sense helps us see that survivors of crime, just like everyone else, should have a place to sleep, enough food to eat and a means of providing for themselves (employment)—at least. These human rights are not even close to being met by our current system and are not addressed at all by the VRA. We know that living in poverty or living in a neighborhood where poverty is the norm increases the chance that someone will be the victim of a crime. The movement for victims rights needs to be inclusive of the larger picture of human rights for all people, or it will be ignoring large numbers of crime survivors.

*Victims' Rights Cont. from Pg. 9*

### **What would be the impact of a Federal "Victims' Rights" Amendment?**

In the short term, the movement to pass the Victims' Rights Amendment uses precious energy that could be focused on making changes that directly benefit survivors. In the long term, passing the VRA could be damaging for survivors. In her 2002 testimony before the Senate Judiciary Committee regarding the VRA, Julie Goldschied, counsel for SAFE Horizon, the largest victims assistance provider in the country, described the consequences this amendment would have in the lives of domestic violence survivors. She talked about the very real possibility that a batterer could make a false claim that resulted in the arrest of the true victim. Under the VRA the batterer would be considered the true victim and would benefit from the proposed constitutional rights, including opposing release dates and getting information about the victims' whereabouts. These same concerns also apply in cases where the domestic violence survivor might fight back in self-defense and is subsequently charged with a crime.

The concerns of survivors and communities are best served by a trial in which the rights of people accused of crimes are protected. Among other rights, the constitution guarantees that people accused of crimes are considered innocent until proven guilty, informed of their rights, will have access to an attorney and a fair appeals process. If a defendant receives these rights, it will lessen the likelihood of an appeal, or mistrial, both of which could potentially lengthen the involvement of the survivor, and increase the chance that they will feel 're-victimized' by the process. Although the lan-

guage in the VRA specifically conveys that none of these rights should interfere with the rights of people accused of crimes, some interpretations are that the language is so vague that future judicial rulings in favor of the VRA could undermine the rights of accused people.

As we have already noted, most of the 'rights' listed in the VRA replicate rights already outlined in individual state constitutions or by statute (laws that are not part of a state constitution). The fuel in the engine pushing the VRA is the lack of a "safety net" to catch survivors of crime and provide the support services that they need following the trauma of crime. What survivors of crime and violence need is help getting the assistance and rights they are already guaranteed: enforcement of existing rights needs to be a priority. Across the region, survivors of violence are owed millions of dollars in restitution—and yet the burden to help collect money is placed in the hands of parole and probation officers, people whose primary responsibility is supposed to be helping people transition out of prison back into the community. This lack of resources devoted to addressing the needs of survivors is widespread in our criminal justice system; the VRA does nothing to address the real issues that survivors deal with.

Just as the movement for survivors' rights has evolved over time, so does our notion of common sense responses to violence. Statutory laws give us the flexibility to change our policies to reflect these changing norms. At one point the movement to end domestic and sexual violence advocated for mandatory arrest laws: if an officer arriving at a home discovered injuries or heard from victims

that they feared for their safety, they were required to make an arrest. This was seen as a victory, but the reality is that too often batterers make false claims and because officers are required to make an arrest, officers have chosen to arrest *both* parties. The result of the law over the long term is not an upsurge in safety for victims, but rather more people being arrested. If the VRA were to pass and be enshrined in our constitution, and we discovered such unintended consequences, changing it would be virtually impossible.

The sad truth is that the federal and state VRA's do nothing to address the vast unmet needs and unequal treatment for survivors. The fact that none of the amendments (state or federal) are enforceable guarantees their place as an illusion of victims' rights. Considering the long-term, life-changing nature that any crime can have, the reality is that many survivors need help with housing, employment, stable food and health care—none of which is guaranteed by the VRA. But, until there is real prioritizing of victims' services, there will be a forceful group of people calling for the VRA, unaware that it will not guarantee them access to restitution or to the services that they really need.

## Communities Against Rape and Abuse

*Communities Against Rape and Abuse (CARA), was formed in January 2000 as an organization working to undermine the root causes of sexual violence. Spearheaded by survivors who are marginalized from mainstream sexual assault services, they include people who are young of color, queer, incarcerated, poor, and/or have disabilities. CARA is at the forefront of the anti-violence movement, working to create safe, peaceful and sustainable communities.*

Arwen Bird interviewed Theryn Kigvamasud'Vashti on behalf of CARA, Theryn works as a Community Organizer with the Black People's Project.

**AB:** What are the ties between the anti-violence, victims' rights, and movements that address the Prison Industrial Complex?

**TKV:** A lot of CARA's organizing centers around the experience of survivors to create safety and support while developing accountability in the survivors' community. CARA recognizes the connections between interpersonal violence and state oppression. When 1 out of every 6 American women are the victims of attempted or completed rape in their lifetime, we know that sexual assault, though very traumatic, is also disturbingly common. The same cultural conditions that create communities where sexual assault is

common, also create structures like the Prison Industrial Complex (PIC) because both rely on some fundamental cultural values that we think are tenets of rape culture.

**AB:** What is 'rape culture'?

**TKV:** As an organization we are still working on a collective analysis of rape culture but one working theory is thinking of rape culture as a combination of four elements: *Objectification* (treating people as if they are objects), *de-humanization, disempowerment and isolation*. These experiences certainly come up during sexual assault but they are also deeply integrated in institutions such as prisons, hospitals, and corporations.

The communities we serve do not want to replicate the violence of the individual by turning them over to a violent system like the prison industry to be held accountable— because there is a big difference between accountability and punishment. The punishment model is not one that creates a situation for a person to make better choices later on. If you are a violent person,

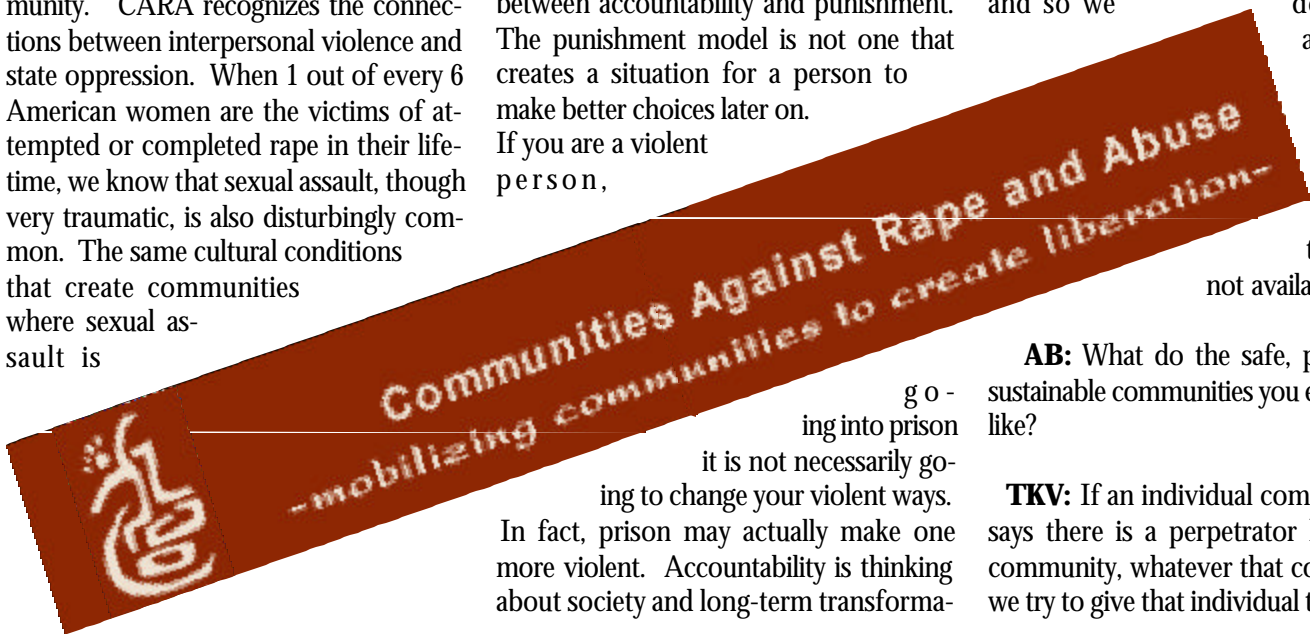
while punishment is thinking about one person and being glad they have been put away.

It is dangerous for the Federal Government to support communities to create alternatives to the Prison Industrial Complex (PIC) because the Federal government has an interest in keeping the PIC open. It is a form of state control and population control of "undesirables" (read: people of color, poor people, people with disabilities, etc.).

Although the Violence Against Women Act (VAWA) does give a little money to organizations to reduce violence against women, the lion's share of that funding goes to policing and prisons. In order to get funding from VAWA you have to have a relationship with law enforcement. What we know about people from the communities we work in is that their interactions with law enforcement create a lot of oppression and distrust and so we don't generally work with law enforcement. Because of that reality that money is not available to us.

**AB:** What do the safe, peaceful and sustainable communities you envision look like?

**TKV:** If an individual comes to us and says there is a perpetrator living in my community, whatever that community is, we try to give that individual the tools that



will pull everyone in the room around that issue. The language and tools already exist in the community, people haven't had the opportunity to use them; so when we get together it is which a specific intention of putting those tools to use. There are multiple examples of how that happens, because there are multiple communities that exist, people are very creative about what they want for safety and accountability.

One activist came to us and said she had been assaulted, she found out there were other women in her community being victimized by this man and she wanted it to stop. The strategy she came up with was to ask all women if they felt safe and if not to recount their experiences. We then went to the male leaders in her community and recounted stories of women—the men accepted what they had to say and asked him to listen to stories of the survivors. They supported the survivors in their request to have him step down from leadership to allow for the community to heal and regroup. After a while, the leaders said, we can talk about you stepping back in. CARA helped find racially specific therapy, and Alisa and I went and facilitated a group meeting about what rape culture looks like.

**AB:** What are the limitations of 'victims rights' under our current system?

**TKV:** It is interesting to see how many states will support a victim to engage in the court system, during the process of convicting someone—but does not provide support for victims in other ways. There is no state support around medical care and psychological therapy for victims in the community. There is assistance from the office of victims' assistance, but that is only during the court process. This really supports the state more than victims.

**AB:** How do the issues and concerns of prisoners and

their families relate to the concerns of survivors of violence?

**TKV:** First of all prisoners are often survivors of violence. Women and men and children incarcerated are surviving sexual violence and exploitation in the prisons. The number of sexual assaults in prison is three times higher than outside prison walls (See Stop Prison Rape [www.spr.org](http://www.spr.org))

Also if people are incarcerated for perpetrating violence then it benefits them and their families to listen to the concerns

of the survivors of violence so that we can end the cycle of incarceration and create community based alternatives for accountability.

*More about Theyrn: Theyrn Kigvamasud'Vashti has been organizing for social change around economic injustice and the death penalty for nearly 10 years. She has trained at the Center for Third World Organizing and has served on the steering committee for the Seattle-Washington Coalition to Abolish the Death*

*Penalty for two years. Currently, she is a steering committee member of the African American Task Force Against Domestic and Sexual*



*Violence where she works closely with faith communities and sits on the Northwest AIDS Foundation African American Task Force Advisory Committee*

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## Survivor Perspectives

By Theresa Huggins

*This feature, 'Survivor Perspectives,' has been carried over from SAFES' publication SAFESpace. The aim of this column is to give survivors a space to talk about criminal justice reform from their own perspective.*

As a rape victim I have found sympathy from others, but as a felon and a wife of a felon I have found none. When I speak to people about my rape the most common thing that people say is "you didn't deserve it" but no one says that about the violence I have experienced during the times I spent in jail. Instead they say I'm to blame. What I hear is: rape was OK as long as it is in the name of "justice."

I was raped when I was 12 years old. I thought I was being cool by taking a ride to the store with a cute man. That night in bed I cried myself to sleep. I took my pillow and stuffed it over my mouth so that my sister, who slept in the other bed in my room, couldn't hear me. I decided that I would rather be dead than to ever let that happen to me again. When I woke the next day I got up, got dressed and went to school. I didn't speak about it for a long time.

For the next 5 years my mother and I argued all the time. I ran away, got expelled from school, and drank everyday until I ended up in Hillcrest (Juvenile Detention Facility) for assault. When I got out I began shooting up drugs. I drank, partied, shot dope and fought anyone who I thought was trying to hurt me, which was most everyone. I met my cur-

rent husband 2 weeks after his release from prison. Nine months later he got sent back to prison.

Waiting for someone I loved was the most difficult thing I have ever done in my life, for two reasons. First, most people think you shouldn't wait for someone, so I received little understanding. And

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**When I speak to people about my rape the most common thing that people say is "you didn't deserve it" but no one says that about the violence I have experienced during the times I spent in jail.**

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second, I found that most people believe that when we send someone to prison we increase their chances of being raped, abused, assaulted or murdered. It's common knowledge. On TV an angry man says, "he'll get his" because he's going to prison; or a talk show host cracks a joke that "a prisoner's life is all about never dropping the soap." What is it that they are talking about? Rape, isn't it?

I found it difficult to control my anger. I got in a fight with the police back then. When the police got me to the jail they stripped me naked and put me in a room, shackled, with only a hole in the floor for a toilet. Some of you have had your clothes forcefully removed from your body, and know what that feels like. I felt like I was being raped again. Afterward, two male officers came to the door and

said, "If you ask nicely we'll take those chains off." I screamed back, "take em' off mother\*\*\*!!!" Six officers came busting in the door, slammed me to the ground, and removed the chains. For the next few days they withheld food asking me to "say please." I kept screaming, "F\* you!" One afternoon a female officer asked me why I was acting this way. I asked her if she was married. She said yes, so I said, "How would you like to tell your husband that some men tore your clothes off and you didn't do anything but say please?" She gave me an overcoat to wear and I stopped

screaming.

As a survivor, I struggle every day to hold back the anger that I feel, but I recognize that we all are only trying to defend ourselves. I have come to realize it is anger at crime that creates laws like Measure 11. I have learned that if we continue to defend ourselves with anger we will continue to commit crimes against each other, because I have seen the extent our horror and anger can create. Approaching crime with anger does not stop crime from happening. It does the opposite. It creates a world where violence is not only tolerated but encouraged, and is seen as the solution to problems, instead of the root of the problem.

## Black on Black Violence

By Dan Bell

Whether you call it a health issue or genocide, “Black on Black violence” is an enormous crisis in the Black community. 1 in 146 black males are at risk of violent death, whereas the ratio for white men is 1 in 189. What do we mean by “Black on Black crime?” It may be described as any-

time a Black person inflicts violent harm on another Black person. In one study by the Bureau of Justice Statistics (covering reported violent crime that occurred between

1993-98) when the offender had been identified, 76% of the time the violence was intra-racial. The effects of this violence in the Black community is tremendous. Violence is very much part of what it means to be Black in America.

What are some of the reasons for this problem? It is in part how we have historically allowed the system to work in America dating back to slavery, and it is in part how Blacks have responded to systematic operation of oppression and dehumanization. But let’s look at some of the factors that have to be considered when trying to come up with solutions.

1) History that leads right up to the present: Since the days that Blacks were involved in the slave system, they have been the recipients of organized violence in this country. When slavery was declared illegal in the 19th century, US laws have often been changed or have been manipulated in order to exclude Blacks from fi-

nancial success, individual freedom, and public participation in our society. As Reverend Harriet Walden, who works on Black on Black violence in Seattle, WA, has said “We cannot talk about this without talking about white supremacy and

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**As Reverend Harriet Walden, who works on Black on Black violence in Seattle, WA, has said “We cannot talk about this without talking about white supremacy and racism.”**

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racism.” From Jim Crow, to redlining, to racial profiling, these barriers have been effective in frustrating Black people’s legal efforts to support themselves and their families. And when people are unable to participate in a legitimate economy, they have at times turned to illegal economies. And those environments support and encourage violence. Since we have not yet achieved a period of true equal opportunity in this country, we are steering some people into illegal activity and lives with more violence.

2) Self-perception: Franz Fanon, the French psychiatrist who treated patients during Algeria’s revolt against France, proposed that the ‘oppressed’ after a period of time adopted the point of view of the oppressor. Racism has sent the specific message to members of the Black community (along with other communities of color) that our lives are worth less. By acting out against others in our community with violence, we are acting on the beliefs that have been drilled into our

heads that our lives are not precious. Larger institutions echo that belief by not taking crimes against Black people seriously.

3) Turning victims into perpetrators: When the criminal justice system responds to crime in the Black community by minimizing it, it often comes down to the same old perception that it is a “Negro” problem. There are not broad efforts to treat victims well, ensure their long-term health, or to take their

harm seriously. Experiencing violence increases the likelihood that a person will use violence against someone else later. So violence in the community is like a snowball rolling down a hill in an avalanche, getting larger as it goes along, sweeping up more and more in its path. Violence is a self-perpetuating problem.

4) All communities reflect the broader community in which we live, and violence or the threat of violence is often used to solve problems. Dr. King, for example, became more outspoken in his opposition to the Vietnam War because he said that he spoke to urban youth who asked him “Why shouldn’t we use violence? Our government does.” Violence in the Black community is part of a broader problem of violence in our culture.

Whether in the Black community, or any community, we know that there are some

*Cont. on Pg. 22*

## The F word: A Quick Guide to a Provocative Word

By Kathleen Pequeño

*In forgiving, people are not being asked to forget. On the contrary, it is important to remember, so that we should not let such atrocities happen again. Forgiveness does not mean condoning what has been done. It means taking what happened seriously...drawing out the sting in the memory that threatens our entire existence.*

Bishop Desmond Tutu

### Forgiveness

Saying that we advocate for survivors of serious and violent crime and work with people with criminal convictions often leads to some confusion. People mistakenly think that what we are advocating for is that people just all learn to forgive each other. Forgiveness is a powerful and important spiritual idea; many world religions and philosophers have discussed it. Change made possible by forgiveness is weakened because of popular myths about the subject. I want to quickly dispel three myths about the role of forgiveness in restorative or transformative justice.

MYTH: *People just have to learn to forgive and forget.*

Nothing about working for transformative justice means that we force people to 'learn how to forgive.' Forgiveness can never be imposed on anyone, or required of anyone. Forgiveness can be very liberating for survivors after we have been harmed by someone. But often, we are encouraged to forgive by people who are uncomfortable seeing our pain, or watching us adjust to the consequences of another's choices. It's important not to

confuse forgiveness with minimizing...telling a survivor that the offense is so slight that it *should* be forgotten.

MYTH: *The goal of restorative justice is forgiveness.*

The goal of transformative justice is to help people learn how to interact with-

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**Everyone says that forgiveness is a lovely idea until he has something to forgive.**

*C.S. Lewis*

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out harming each other further. That might involve forgiveness, but it does not have to. Forgiveness is a great tool, but not a goal. The goal is a healthy, safe family or community. A pair of pliers is very handy, and I keep some in my car, but they don't help me if my car is out of gas. To say that forgiveness is the goal puts all the responsibility on the person who has been harmed to re-build community, rather than sharing that burden among different people.

MYTH: *Forgiveness is something bestowed on an offender.*

When we choose to forgive, it is more for us than for the person who is going to be 'forgiven.' Many people who have let go of the anger they feel towards someone who has hurt them talk about feeling liberated, unburdened. It has been wisely said that forgiveness means letting

go of hopes for a better past. It opens the door on a new future. The process of forgiving can teach us a lot about ourselves, and is more about us than the person who we are learning to forgive.

Knowing the positive effects of forgiveness, some people then tell a survivor: "you should move on" or "you should let this go," as if forgiveness is the aspirin one takes to make a headache go away. There is nothing that simple about it.

When forgiveness is pressured it is based on releasing someone from responsibility for their hurtful actions, or ignoring our uncomfortable feelings, it is not advancing the cause of transformative justice. Transformative justice is about paving the way for new relationships and choices that are not so hurtful, not ignoring things because they are 'yucky.' Violence does cause real and lasting harm in the lives of all involved, sitting with that pain, not ignoring it, is more likely to cause healing in the long run.

In short, if you tell someone that they 'ought' to forgive someone, it is not likely to create the result you are asking for. Go find the people and places in your life that need tending instead, and try to be supportive while your friends find their own paths to healing from harm.

If you really think that forgiving is important, the best way to demonstrate that is by forgiving as deeply and as often as possible, not by telling other people that they need to learn to forgive.

## Just Facts

- Ø Number of crimes reported in the U.S. in 2003: 24 million.
- Ø Percentage of 2003 crimes that were property crimes: 77%.
- Ø Percentage of 2003 crimes that were crimes of violence: 22%.
  
- Ø Amount all state governments spent on criminal and civil justice in 1999: \$57 billion.
- Ø Amount state governments spent on criminal and civil justice in 2002: \$68 billion.
- Ø Average amount of state general funds spent on criminal and civil justice: 13%.
- Ø Average amount states spend per inmate per year: \$23,000.
- Ø Median amount states pay to compensate people who are victims of crime annually: \$2 million. (half of states pay more, half of states pay less. Actual amounts vary from \$500,000 to \$75 million)
- Ø Number of people you can lock up for \$2 million (assuming \$23,000 spent per year per person): 87
  
- Ø Amount granted by the federal government to states for victim compensation under the Victims of Crime Act for FY 2002: \$81 million.
- Ø Amount of federal funds each crime victim would receive, if those federal funds were allocated equally among all victims of crime in the US (assuming only one victim per crime): \$3.50.
  
- Ø Household income level for people most likely to be victims of robbery and assault: \$7,500.
- Ø Likelihood that women who live in poor neighborhoods will be victims of intimate violence versus women who live in more affluent neighborhoods: 2:1
- Ø Percent of women in advantaged neighborhoods that experience *severe* intimate violence: 2%.
- Ø Percent of women in disadvantaged neighborhoods that experience *severe* intimate violence: 6%.
- Ø Percent of homeless people surveyed in a community mental health program who reported being a victim of at least one crime *in the two months* before the survey: 44%.
  
- Ø Rate of mental illness in the general U.S. population: 5%.
- Ø Rate of mental illness in prisons and jails: 16%.

Sources: Statistics about crime and victimization are from Bureau of Justice Statistics, *Criminal Victimization, Summary Findings* <http://www.ojp.usdoj.gov/bjs/cvictgen.htm> or *Drug & Crime Data* <http://www.ojp.usdoj.gov/bjs/pub/pdf/drcr.pdf>. Statistics about funds for the National Institute on Alcohol Abuse and Alcoholism are from National Institute on Alcohol Abuse and Alcoholism, <http://www.niaaa.nih.gov/about/FY2003/FY2003.htm>. Summary statistics about state budgets expenditures on incarceration and criminal justice are from National Governors' Association, *NGA 2004 Winter Meeting Special Session on The National Challenge of Prisoner Reentry* [http://www.nga.org/center/divisions/1.1188.C\\_ISSUE\\_BRIEF^D\\_6538.00.html](http://www.nga.org/center/divisions/1.1188.C_ISSUE_BRIEF^D_6538.00.html). Statistics about crime victim compensation are from National Association of Crime Victim Compensation Boards, [http://www.nacvcb.org/articles/Overview\\_01.html](http://www.nacvcb.org/articles/Overview_01.html). Statistics about California are from the Welcome to California web page [http://www.corr.ca.gov/cdc/facts\\_figures.asp](http://www.corr.ca.gov/cdc/facts_figures.asp). Statistics about intimate violence and income levels are from National Institute of Justice, *Research in Brief, "When Violence Hits Home: How Economics and Neighborhood Play a Role"* <http://www.ojp.usdoj.gov/nij/pubs-sum/205004.htm>. Statistics about mental health, crime and incarceration are from The Consensus Project, Council of State Governments, [http://www.consensusproject.org/infocenter/factsheets/fact\\_crime\\_victims](http://www.consensusproject.org/infocenter/factsheets/fact_crime_victims).

### Western Prison Project Takes on Survivors Organization as New Project

Everywhere you turn these days, it seems as if the “us versus them” mentality dominates the debate. That’s especially true during election year. We live in a world of labels that oftentimes serves to accentuate differences rather than finding common ground.

It’s been that way in the criminal justice arena for years. Prosecutors and rigid “crime victims groups” on one side, prisoners and their families on the other.

That’s why this summer the Western Prison Project (WPP) launched a new project bringing one of Oregon’s largest crime survivors organization under its wings. SAFES (Survivors Advocating for an Effective System) has now officially become part of WPP with a new name: Crime Survivors for Community Safety (CSCS).

Led by Terrie Quinteros (See the sidebar on the right for more info on Terrie), CSCS will continue the work of SAFES in Oregon. Through a fellowship provided by the Open Society Institute, Arwen Bird, the former director of SAFES, will work at WPP to support the development of a voice for crime survivors in other states in our region.

CSCS will be working towards a criminal justice system that reduces violence, meets the needs of survivors, and helps to create safe communities. CSCS will focus on empowering and mobilizing crime survivors who want a change in the criminal justice system. We believe that this new voice is necessary — the voices of survivors will help to complete the

picture of what’s needed to fix our broken criminal justice system.

For the first time – under the umbrella of the Western Prison Project — people who have been harmed by crime and vio-

lence, the people who are doing time, and the families of both will work together to forge new criminal justice policies. These policies will seek to make our communities safer and our criminal justice system more effective.

The Western Prison Project is pleased to announce that we have hired a Director for the Crime Survivors for Community Safety Program: Terrie Quinteros.

Terrie comes to the Prison Project from Bradley Angle House, a domestic violence program in Portland where she has worked off and on since 1993.

Terrie started working around issues of domestic violence in 1989. Her work has put in her contact with literally thousands of women and children who have survived domestic and sexual violence, or have witnessed violence. Terrie has also worked with Women in Community Service, a program to help women successfully transition back to the community by enhancing their life skills and connecting them with mentors and services they need when they return home from prison.

Terrie says that she was drawn to the work of the Western Prison Project because of its community building strategies and willingness to recognize every person’s humanity. She’s looking forward to this opportunity to engage survivors of crime in changes that will benefit other survivors, and more importantly, address the conditions in the community that lead to harm in the first place.

“When people realize how little services there are for survivors, most people are appalled, and rightly so, Terrie says. “So much money is spent on punishment that only a little is left to address all the after-effects of crime, or prevention strategies.”

Terrie is also a recognized leader and trainer on issues of racism and homophobia. This experience, coupled with her personal and professional contact with the criminal justice system, makes her an excellent addition for the Western Prison Project, and we’re looking forward to having her on board beginning in November.



“For years we have polarized people in the criminal justice debate. District attorneys and law enforcement groups tend to fall on the side of advocating for longer, harsher penalties that cost a lot of money and perpetuate the prison industry. Those advocating for a smarter approach to crime than simply more incarceration fall on the other side, and survivors of crime and violence are left to fend for themselves,” said Bird at a September press conference to announce the merger.

“By joining with a regional organization that focuses on better ways to prevent crime and increase public safety, we’re forming an alliance that brings together all those most affected by the criminal justice system. We think this will allow us to develop and push for new policies that protect our communities, better support survivors of crime and violence, and allow us to spend less of the taxpayer money on building more and more prisons.”

In previous years, SAFES has been a major part of the Oregon Criminal Justice Reform Coalition. Now, as we work with legislators and policy makers, we’ll have an even stronger voice to advocate for change.

To us here at the WPP, we’re encouraging people to take a stand to be smart on crime... and that means responding to the needs of crime victims in a much more effective and comprehensive manner. When harm has happened to someone, they have many needs that are simply not met by the current system. The harm of crime takes many forms. There

is harm to the victim of crime.... There is harm to the family members of both the person who commits the crime and the survivor’s family.... And there is harm to the person who ends up in prison because of their actions.... Only by seeing the entire scope of the issue can we truly advocate for policies that will make our communities safer. And then we can advocate for a system that acknowledges all of this harm, and pursues strategies that take into account the humanity of all the people involved, rather than pushing for strategies that dehumanize so many of the people involved.

Let’s look at some concrete examples of the types of issues that CSCS might take on. Under Oregon law, it is the prosecutor who is allowed to decide who the victim is and what services they receive. Yet restitution in Oregon remains largely a myth. One possible solution is to work toward a more community-based approach to victims’ services.

By improving on Oregon’s ability to serve victims of crimes and to secure fair restitution, we are offering a better avenue to recover from the harm that has occurred... and a more effective way for those who have committed a crime to understand the harm that has occurred as a result.

We must remember, too, that the people who commit crimes have often been victims themselves. It’s not as if there is a line that can be drawn, with “The Good People on one side and the Bad People on the other.” That is one of the illusions created and maintained by our current prison system.

Another area where the groups can work together is the issue of programs inside prisons. In many states, largely due to budget cuts, programs that help people in prison – education, alcohol and drug treatment, health care and job skills training – have been shut in efforts to save money.

But that begs the question of what we need to do as a society to make sure that people do not commit or re-commit crime when they are released from prison. Until we ensure that people have the skills they need to make it on the outside, and we address the serious flaws in the re-entry system, we are going to continue to see recidivism levels that are far too high. If we speak as one voice, we can advocate for better programs inside the prison and better transition services to stop the cycle of recidivism. That alone will make our communities safer.

Many may consider this to be the coming together of very unlikely allies. But it makes perfect sense to us. We want a system that works to prevent harm, violence and future crime. We want a system that doesn’t rely on over-incarceration. We want a system that uses tax dollars more efficiently. And that means far more than just locking people up and forgetting about them until they are released. It means taking on the tough questions about crime, violence, and harm and coming up with real solutions rather than sound bites and images of “scary people.” It means creating real change.

If you have questions about CSCS, call, write or email Terrie Quinteros, ([terrie@westernprisonproject.org](mailto:terrie@westernprisonproject.org)).

## The VOICE Project: A Truth Campaign in Oregon

By Cassandra Villanueva

“Don’t even bother asking me. I’m an ex-felon. I can’t. I just can’t.” This is a typical response we heard from people when we asked the big question: “Are you registered to vote?”

The problem here in Oregon is that many people with a former felony or even misdemeanor conviction think that they have lost their right to vote and be heard. But this is simply untrue. As people are released from a state institution, they are told of the many things they can’t do when they get out. What is worse is that people are not told of some things they can do when they re-enter society.

Through the power of voting, our voices, concerns, and opinions about education, taxes, and public safety are heard. And as an added bonus, we can use the power that comes with being a registered voter to tell our legislators what’s on our minds or what we believe is best for our community and families.

Think about it: in Oregon, there are over 30,000 people currently under parole, probation, or some sort of post-release supervision and thousands more with felony convictions – and many of them have no idea that they do have the right to vote. If the majority of these people think, or have been told that they can’t vote, imagine how many voices and opinions go unheard each year. An unheard voice in our community is undemocratic and unfair. Especially when we are affected so many by new laws passed every year by lawmakers and registered voters.

This year, we took a major step to turn this around by launching an extensive “truth campaign” to spread the word that ex-felons are not barred from voting, and encouraging them to register and be heard. The VOICE Project “truth campaign” spread the word far and wide that



*Cassandra Villanueva and Georgia Lawrence deliver ballots to the Multnomah County Elections office.*

as long as you are not in the physical custody of the Department of Corrections, you are eligible to vote. This includes people on parole, probation, post-prison supervision, and even jail prisoners who are serving less than 12 months, or awaiting trial.

The campaign began in July and included visits to about three dozen Oxford houses (peer-led homes for people in recovery). Almost everyone thought that they couldn’t vote and when they

learned that they could, their interest soared. For many, it was their first time filling out a voter registration form and as one person said, “I feel so excited, scared, and hopeful all at once”. Another woman said; “I always thought that after I was released, I couldn’t ever vote on anything. I watch the news and know that there are a lot of things wrong out there and that something needs to be done.... But I never knew that I could have a part in the solution and vote.”

We also visited many social service agencies throughout Portland and Salem. Many of the classes we visited were court mandated and some people said that they always throw away their ballots because it was too confusing. I know this feeling too, and that is why we offered to come back and visit the classes a second time and have a “ballot party” where we talked about the voting process and discuss some of the ballot measures. One man said, “You mean, I’m going to get to vote this year because you’re going to help me?” Another person said; “ I don’t vote because I can’t read. But now that I know you are coming back to help us, I will be voting this year for the first time.”

The VOICE Project was a true success in spreading the word about ex-felon voting rights and registering people to vote. Through our hard work and extensive efforts, we were able to educate thousands of people and register hundreds more to vote.

### VOICE Project Reaches Thousands Around the Region

Over the past few months, the VOICE Project has reached thousands of people with past felony convictions in Oregon, Montana and Utah to let them know they have the right to vote. In Nevada, where first-time, non-violent offenders now have the right to vote, our friends at the Progressive Leadership Alliance of Nevada have been putting up billboards, holding community events, and reaching out one-on-one to those ex-felons who now have the right to vote.

In Montana, the VOICE Project partner is Connections, a grassroots group that provides both direct service and leadership for the grassroots Montana Criminal Justice Reform Network.

Connections has been an enthusiastic VOICE partner since 2002, so their efforts this year were building on previous work. In 2003 Connections conducted a survey that showed that half of Montana's county elections offices were unfamiliar

with the fact that people with past felony convictions had the right to vote. Armed with the survey results, Connections was able to get a state grant to reach out to ex-felons across the state and educate them about their voting rights.

In September, Connections combined their voter registration work with a tour of most of the Parole and Probation offices in the state. They registered new voters and surveyed people about their priorities for criminal justice reform. They reached over 1,100 people in Montana (including people in prison) with the survey, and are using the results to shape their advocacy agenda for 2005. The survey showed that in Montana, like other states in our region, there is an urgent need to focus reform efforts on issues like earned-time sentence reductions and parole reform.

In Utah, the VOICE Project partner is the Prisoner Information Network (PIN), a grassroots group led by family members of prisoners. PIN's voter education/registration efforts centered around their "Release Day" activities, where they go to the prison every Tuesday to greet people who are being released to the community and offer support with personal items, transportation, and other resources.

PIN volunteers, encouraged by the positive responses they were getting at Release Day where they registered hundreds of returning prisoners to vote, expanded their outreach to

other locations in the community where they were likely to find people with past felony convictions. PIN's consistent efforts to attend community events led to them reaching into the Latino, Asian, and Polynesian communities, and registering individuals from these communities.

#### Recent VOICE Project Accomplishments:

Ex-felons educated about their voting rights through mailings, allied voter registration drives, community corrections, and social service agencies using VOICE Project materials:

Oregon: 17,950  
Montana: 10,000  
Utah: 1,500

Ex-felons educated in person by VOICE Project staff and volunteers:

Oregon: 2,141  
Montana: 1,000  
Utah: 1,000

Ex-felons registered to vote by VOICE Project staff and volunteers:

Oregon: 650  
Montana: 819  
Utah: 569

Over 2,000 people with past felony convictions are now registered voters thanks to the VOICE Project.

Over 25,000 people with past felony convictions have received voting rights information letting them know they have the right to vote.



Members of the Prisoner Information Network (PIN) ready themselves for another Release Day

*Director's Message Cont. from Pg. 2*

reading this. It is important that we bring our full humanity to this work—as people who may have been hurt, as individuals who may have caused harm, and as family of both.

In August, Western Prison Project launched a new program, Crime Survivors for Community Safety (CSCS), to advocate for those who have been harmed by violence or crime. The CSCS program is the result of the unification of SAFES (Survivors Advocating for an Effective System) with Western Prison Project. To our knowledge, this is the first time in the U.S. that the survivors of crime and violence, people who have been convicted of crime, and the families of both have joined together to advocate for criminal justice reform. To a person who has never been affected by violence, or has never been in or known anyone in prison, this might seem like an odd alliance. But to those of us who have been affected in multiple ways, this makes sense. We welcome the CSCS program and look forward to working for reforms that create a more fair and balanced system, a system that reduces crime and violence by better meeting the needs of all of us who have been most affected.

In closing, I'd like to thank Arwen Bird, a co-founder of SAFES and current Justice Advocacy Fellow with WPP, and Kathleen Pequeño, long-time WPP staff member and member of SAFES, for guest editing this issue of *Justice Matters*, which focuses on survivors of crime and violence.

Brigette Sarabi  
Executive Director

*Black on Black Violence Cont. from Pg. 11*

factors that correlate with a lower rate of violence. Two of the leading ones: economic stability and strong social networks. Communities in which people have their basic needs met correlate with a lower incidence of violence. Both of these will be difficult to achieve until racism is addressed (see reason number one) and Blacks achieve equal opportunity. The work of Reverend Walden in Seattle and others working on this issue has been based on breaking the silence, and promoting Black leadership on this issue.

We are not making excuses for violence by saying that past injustices (like slavery) justify it. Many would agree with the teachings of Martin Luther King Jr., who reminded us that those who have been constantly abused and humiliated can still hold the moral high ground. We can either choose the path of acting out, and respond to violence with violence... which will then likely lead to more violence, what Dr King referred to as the path of mutual destruction. We can devise plans to change this problem. But, we can't do it alone.

### **Resources and More Information about Black On Black Violence (these resources are primarily available via the Internet)**

Bringing the Anti-Violence Message to Young Black Males, By: Bridget Murray: Monitor.V34 #Jul/Aug 2003 <http://www.apa.org/monitor/julaug03/bringing.html>

Violence and the African-American Community: Violence in the African-American Community as a Public Health Issue. Vernellia R. Randall Professor of Law and WEB Editor. Article By Kimberly Chipman, Rn 2<sup>nd</sup> year law student. University of Dayton School of Law. Fall 1998  
<http://academic.udayton.edu/health/01status/98chipman.htm>

Black Genocide? Preliminary Thoughts on the Plight of America's Poor Black Men, By Robert Johnson and Paul Leighton: Journal of African Men, v1#2, Fall1995, <http://www.paulsjusticepage.com/reality-of-justice/backgenocide.htm>

Families Affected by Violence (FAB Violence) is based in Portland, Oregon. You can find them on the web at [www.blackonblackviolence.com](http://www.blackonblackviolence.com), or you email Joe Bean Keller at [joebean@blackonblackviolence.com](mailto:joebean@blackonblackviolence.com)

Reverend Harriet Walden is part of the Silent War Campaign, they're working to break the silence on Black on Black Violence, and are based in Seattle, Washington. You can reach Reverend Walden via email at [harrietwalden@aol.com](mailto:harrietwalden@aol.com).

**Justice for All Act of 2004**

The Justice For All Act of 2004 was the most comprehensive criminal justice legislation before Congress this session. This Act (meaning it changes statutory law) addresses the rights and protections for all persons involved in the criminal justice system through two different, but complementary, mechanisms: (1) a new set of statutory victims' rights that are both enforceable in a court of law and supported by increased funding for victims' assistance programs; and (2) a comprehensive DNA bill that seeks to prevent the conviction of innocent people.

The Justice for All Act passed overwhelmingly in the House on October 6, 2004, by a vote of 393-14 and by voice vote in the Senate on October 9, 2004. The legislation was signed into law on October 13, 2004. **Crime Victims' Rights (Title I):** Title I outlines common 'victims rights', as well as mechanisms to enforce these rights. Most importantly, this title allocates \$155 million in funding over the next 5 years for victims' assistance programs at the Federal and state level. **DNA Testing (Title II, III, IV):** The Advancing Justice Through DNA Technology Act is the product of a bi-partisan effort to combine concepts from previous legislation (the Innocence Protection Act) with other efforts to prevent the conviction of innocent people.

This critical legislation will provide funds to test the DNA backlog, provide funding for victims' services through grants to prosecutor and defender offices, and ensure access to post-conviction DNA testing for those who may be in prison or on death row for crimes they did not commit.

**YES, I WANT TO JOIN WESTERN PRISON PROJECT!**



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Suggested membership donations: Prisoners, \$7.00, non-prisoners, \$15-\$25. WPP relies on member support --- any gift you make above \$25 helps us a great deal. If you are a prisoner or low-income in our region (**OR, WA, MT, ID, UT, NV, or WY only**), and cannot afford to make a donation, you can still become a member by checking here:

- Sign me up for the Oregon Action Alert list
- Sign me up for the Washington Action Alert list

Checks/money orders can be made payable to Western Prison Project.

**NEW!** You can also give using a **Visa** or **Mastercard** by filling in the information below:

Name as it appears on card \_\_\_\_\_

Signature \_\_\_\_\_

Visa/Mastercard number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Contact me about making a monthly pledge using my credit/debit card or checking account!

11/04

Volunteer for a grassroots criminal justice reform group in your state! To find out what groups are closest to you, go to [www.westernprisonproject.org](http://www.westernprisonproject.org) and click on "state info." Prisoners can request a free copy of our newly updated *Prisoner Support Directory* for a list of groups in the region.

Join the Oregon Action Alert List (see page 23 to sign-up), or encourage family/friends to join. We're gearing up for the 2005 legislative session, and recruiting a few dedicated volunteers for our Legislative Action Team. If you are willing to make trips to Salem, Oregon to monitor legislative committee hearings, provide testimony, or meet with legislators, consider getting involved. For more information, contact Western Prison Project at (503) 335-8449 or email [info@westernprisonproject.org](mailto:info@westernprisonproject.org).

Provide a WPP membership to a prisoner. Gift memberships for prisoners are just \$7.00. Your gift helps support WPP and provides a prisoner with a subscription to *Justice Matters*.

**Western Prison Project is proud to announce the publication of  
*Writings by Children of Incarcerated Parents***

This collection of essays, poems, short stories and art work reflect the fear, anger, loneliness, love and hope that children with parents in prison experience. We are offering this booklet to prisoners, free of charge as long as supplies last. Available in mid-December. Write and let us know if you would like a copy.

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