

JUSTICE MATTERS

The Newsletter of **PARTNERSHIP FOR SAFETY & JUSTICE** FALL 2006/WINTER 2007 VOL. 8

Formerly known as the Western Prison Project



Director's Message

This is my first Director's Message as the new executive director of Partnership for Safety and Justice. I officially took this position on November 1st. The very first thing I want to communicate is our incredibly deep love, appreciation, and respect for Brigitte. Without her hard work, vision, and dedication, Western Prison Project and Partnership for Safety and Justice wouldn't exist. After eight years of solid leadership, Brigitte was looking for a well-deserved break, and she and I talked about this transition at some point. She will continue to be a close advisor and supporter.

Arwen Bird's tenure with us has also come to an end. A little more than 2 years ago, Arwen was awarded a Soros Justice Fellowship from Open Society Institute. As a fellow, Arwen has worked out of our office to help develop the Crime Survivors for Community Safety Program and to plant seeds for similar work in Washington State. As with Brigitte, Arwen has made amazing contributions to our work, and we definitely plan to stay in touch with her.

I am delighted to welcome two new board members to the organization. In late September, Paul Solomon and Sharon Gary-Smith joined our board of directors. Paul has been an advocate and activist around social justice and prison reform issues for many years and currently works in Eugene with an organization that provides re-entry support for people coming out of prison and jail. Sharon Gary-Smith was born and raised in Portland and has been a leader in a range of social justice movements around the country. She recently came back to Oregon from Atlanta where she was working on both youth justice and women's health issues. We're very lucky to have both of them on board.

At the moment, we're getting ready for Oregon's legislative session, which begins on January 8th. With every legislative session comes both hope and apprehension. Our goal is to convince legislators to pass smart and

effective policies that will create a real shift in the state's criminal justice system. Oregon is in dire need of a system built on the principles of safety, prevention, rehabilitation, and healing, not on punishment.

Although the election results bring a very different political landscape to this upcoming session, it doesn't mean our job will now be easy. The reactionary, tough-on-crime sensibilities are still around, so we must continue to highlight that while Oregon has focused on being tough, it has forgotten to be smart.

Later in this issue we provide a brief overview of our legislative agenda. We're pushing for a **Smart on Crime** approach to Oregon's criminal justice system, which would be a safe and sensible change from the status quo. We define **Smart on Crime** approaches as policies that:

- Reduce the need for prison beds and costly new prison construction
- Save money for the state and local tax payers
- Contribute to lower crime rates

Together with our members and supporters, we look forward to building on past work and creating change in 2007.

David Rogers,
Executive Director



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Partnership for Safety & Justice unites people convicted of crime, survivors of crime, and the families of both to advance approaches that redirect policies away from an over-reliance on incarceration to effective strategies that reduce violence and increase safety. We are a 501(c)(3) organization.

This fall, many of our members and supporters are still getting used to our new name, *Partnership for Safety and Justice*. The name reflects the collaborative nature of our work, and two of our defining values. Have you visited our new website yet or told loved ones on the outside to visit? It's www.safetyandjustice.org. We've re-organized it to help visitors see the work of our four programs. And each of these four programs has been busy this fall:

Safety and Sentencing

Safety and Sentencing looks at the real impacts of harsh sentences on the community and is addressing the human and financial costs of our growing prison system.

Safety and Sentencing produces materials to help people see the impact of harsh sentencing laws. Earlier this year, Safety and Sentencing produced the Oregon Prison Primer, a four-page handout on the size and cost of Oregon's prison system and now we've added a "Corrections Spending Clock" to our website, which shows just how much our state has spent on our state corrections system this budget cycle (based on a \$1.1 billion budget for this two-year budget cycle). *Note to our readers in prison: sorry we can't make the clock available to you.* We've also produced a guide to Oregon's past and future prison construction, featured in this issue on pages 12-13.

This program has also been working hard on our new member and prospective member meetings that we have begun hosting in Salem, Eugene, and Portland. Over 200

people have attended these events this fall. We're using the events to share information about what we have learned about the criminal justice system and to hear from people about what needs to change. The Safety and Sentencing program staff have been attending interim judiciary committee hearings to identify laws and policies the legislature might change in 2007. As we gear up for the 2007 legislative session, we're developing proposals for what needs to change in Oregon's sentencing system that's leading us to keep building new prisons (see legislative priorities on page 4).

Prison Program

Our Prison Program fights inhumane prison conditions, advocates for funding for prison programs, and supports the human rights of prisoners.

This summer we sent a medical conditions survey to over 1,300 people currently in Oregon state prisons. The survey was designed with the Oregon ACLU, and included over 30 questions about medical treatment inside, including questions about orientation information about medical care, accessibility of prescription medication, medical equipment, medical exams, and medical personnel. With over 130 responses (about a 10% return rate, which is impressive) we're now analyzing the hundreds of pages of information to look for patterns of problems. Look for the summary report in early 2007.

Also, in late November, Multnomah Sheriff Bernie Guisto has advanced a proposal for Multnomah County to rent out an existing jail to a private prison company. We're speaking out against the proposal to get Oregon into the private prison business. Learn more about this on page 9.

Crime Survivors for Community Safety (CSCS)

CSCS gives a voice to progressive survivors who see the need for a system that is focused on prevention rather than expensive punishments.

Crime Survivors for Community Safety produced three performances of our Forum Theater performance, "What Would You Do?" In these performances, first the audience watched a short play about a family struggling with domestic violence. The play was based conversations from community members who attended a forum earlier this year who talked about situations in which they have wished there was a way they could intervene when they knew a crime was happening. Then audience members got to insert themselves into the play to see if they could come up with a non-violent solution to the problems the family, their friends and their neighbors were facing. Over 125 people attended the free performances and scores of people jumped into the action.

CSCS is continuing its participation in the Prison Rape Elimination Act (PREA) workgroup for Oregon. Director Terrie Quinteros partnered with Arwen Bird to talk more about PREA in this issue of Justice Matters (see page 20). CSCS program staff have also been meeting with our allies who work with crime survivors in order to identify priorities for the 2007 legislative session and determine how we're going to strengthen services for survivors of violence and crime.

We've also been working to develop a policy analysis tool that groups can use to evaluate policies that will affect the survivors that they work with. It will help groups look past the rhetoric about policies (such as mandatory sentences) that are advertised as a benefit for survivors when they may actu-

ally hurt survivors in the long run. Staff have begun training interested organizations such as the Washington State Coalition Against Domestic Violence. We will have a print version of the curriculum available by the end of the year.

Beyond Barriers

Beyond Barriers works to end the long-term barriers faced by people with a past felony conviction. These barriers make their successful re-entry to the community more difficult and increase the chances that people will wind up back in prison.

Just this fall, we released “Access Denied in Oregon,” a 12-page report on the most pressing barriers faced by people with previous felony convictions. We were featured in radio news coverage of the report’s release, and have begun sharing the information with allies and policy makers. It’s available on our website and by mail (see page 23).

Also this fall, Beyond Barriers launched our “Think Outside the Box” campaign to eliminate “the box” asking about previous felony convictions from the initial Multnomah County job application. Multnomah County employs thousands of people, and has many positions for which a past felony conviction is not an appropriate screening tool. We’re arguing that it’s more appropriate to ask about previous felony convictions later in the process, so that qualified people don’t get screened out or discouraged from applying for employment.

This fall we gained endorsements from over a dozen organizations including Better People, Jobs with Justice, Oregon Action (Portland Chapter), Sisters of the Road, and Central City Concern. We’ve also formed a speakers bureau of people with past felony convictions who are interested in sharing their stories of looking for employment with past felony convictions stacked against them. These individuals have begun doing presen-

tations for community members and will continue to make presentations in 2007. The “Think Outside the Box” campaign will be

presenting our proposal to the Multnomah County Commission in Spring of 2007.

Looking Forward to 2007: Our Legislative Priorities

Thinking about the potential for changing the criminal justice system in 2007? We are, and we’ve announced our state legislative priorities for 2007:

- Passing sensible sentencing reform that acknowledges youth should not be treated as adults in the criminal justice system
- Strengthening community based resources for crime survivors
- Reducing employment and other re-entry barriers in order to promote the success of people returning to the community from prison
- Stopping further investment of tax dollars in un-needed prison construction
- Investing resources in prison programs that reduce recidivism and support positive transformation

Get Involved!

If you haven’t signed up to get our Action Alerts, now is a great time. We send alerts via mail about once a month, and email alerts will be going out two-four times per month during the 2007 legislative session. We’re also creating a new action center on our website, making it easier than ever for you to find your legislator and send them a message once you receive an action alert. The action center will become active in early January, right in time for the legislative session. Go to our home page, www.safetyandjustice.org for the latest information.

Interested in the work of a particular program? Write or email the program staff:

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 Justice Matters or the website:
 Kathleen Pequeno (kathleen@safetyandjustice.org)

To sign up for our action alert list by mail, please write to us at:

PO Box 40085
 Portland, OR 97240

You can sign up for our email alert list at our website: www.safetyandjustice.org

Idaho

Two Corrections Officers Fear Reprisals for Supporting Prisoners

Two Idaho corrections officers, Sgt. Renee Bevy and Correctional Officer Sylvia Henry, resigned in August stating that they feared reprisals from other corrections officers for preparing prisoners for life after prison and standing up for inmates.

The Idaho Department of Correction is conducting an internal audit of the corrections officers' complaint and will conduct a system-wide audit to find out if retaliation is taking place in Idaho's prisons. Acts of retaliation include demotions, being sent into unsafe situations, and transfers to other prisons. The president of the union that represents state workers in Idaho, Andrew Hanhardt, said, "They're pretty spooked over at corrections. I've had employees who have been subjected to involuntary demotions and transfers for filing grievances."

Sgt. Renee Bevy was awarded Employee of the Year, and coordinated a program called Speak-Out that brought youth into the prison to hear inmates' stories. She also worked to improve the visiting areas for families. Corrections Officer Henry supervised a kitchen crew, wrote positive reports when prisoners performed well at their job, and helped prisoners make planning lists for leaving prison. Other officers called the women "Hug-a-Thugs" and both were accused by officers of sexual impropriety when they wrote positive reports about prisoners. Both women are planning to start a non-profit that will assist incarcerated people with their transition from prison to the community.

Source: *Idaho Statesman*

Montana

Abuse Alleged at Treasure State Boot Camp

One to two incarcerated people in the Boot Camp program at Treasure State Correctional Training Center may have been forced to strip in front of other prisoners. Two correctional officers have been suspended with pay while the Powell County Attorney and the State District Attorney's office investigate. If the investigation proves the allegations to be true, the officers will be charged with felony mistreatment of inmates.

Nevada Director of Corrections Glen Whorton has asked the governor for more money to hire 264 more corrections officers.

Treasure State Correctional Training Center has a capacity of 60 men. Prisoners are called, "Trainees" and go through 90 to 120 days of a boot-camp-like prison program.

Source: *Montana.gov* website

Nevada

Dispute Over Open Meeting Law Suspends Parole Board Hearings

On October 2, the Nevada Supreme Court ruled that the state's parole board must follow Nevada's open meeting law. After the ruling, the Nevada Parole Board canceled all hearings, leading the Nevada Supreme Court to issue a stay on their own

ruling at the end of the month. The stay permits the Parole Board to continue hearings without having to comply with Nevada's open meeting law.

State attorneys are asking the court to reconsider its previous decision. They will argue (again) that parole board hearings are judicial in nature and not subject to the state's open meeting law. If the parole board followed those laws, the public would have the right to testify at parole board hearings, the board's deliberations could not be kept secret, and records used during the hearing could be open to public review. The parole board is expected to argue that these requirements will slow down hearings, and that at the very least they need time to adjust to these requirements.

Nevada prisons release 266 people a month to parole, and the Department of Corrections is concerned that a suspension of parole board activities could lead to overcrowding in the prisons.

Source: *Nevada Appeal*

More Money for More Corrections Officers

Nevada Director of Corrections Glen Whorton has asked the governor for more money to hire 264 more corrections officers. That total would increase the number of corrections officers in the Department of Corrections by 20% and cost an additional \$27.5 million over the next two years. That number is in addition to the \$50 million the governor already suggested should be spent on the prison system over the next two year budget cycle.

Whorton says the corrections officers are needed to improve safety in the prison. He stated that when the prison population increased 15%, the number of crimes reported in the prison increased 113%.

Source: *Nevada Appeal*

Planning Board Recommends Prisons Not Schools

The Nevada Public Works Board recommended in September that the state spend half of the public money set aside for construction projects on prisons. The state has \$764 million to spend on capital projects, and the Public Works Board suggested that \$360 million of that should be spent on prisons.

Here's what's on the Department of Corrections construction list: \$60.7 million for 400 more prison beds at the state women's prison, \$51.7 million for two more housing units of 336 cells at High Desert State Prison, \$155.3 million for three new conservation camps, \$34.7 million for maintenance of existing prisons, and \$7.5 million to plan the state's next big prison, and \$48.7 million to build a mental health prison.

The big loser in this process is higher education. Nevada's university system requested \$217 million for construction of a health sciences center--one of its many projects not approved by the public works board. These recommendations will go to the governor for approval before being sent to the legislature.

Source: *Nevada Appeal*

Nevada Shortchanging Rehabilitation Programs

Nevada Assemblyman Bernie Anderson stated that Nevada is spending a lot of

The Nevada Public Works Board recommended in September that the state spend half of the public money set aside for construction projects on prisons.

money on new prisons and is shortchanging programs that might rehabilitate people. Assemblyman Anderson is the vice chairman of the Assembly Select Committee on Corrections, Parole and Probation. This is a new legislative committee that has many responsibilities, including looking into sentencing alternatives for nonviolent crimes.

Prior to the formation of this new legislative committee, a committee that studied the state's correctional system recommended that sentences for minor crimes be lowered. This committee also heard testimony from the general public about women prisoners' lack of access to educational and vocational programs available to men and about problems with the prisons' mental health programs.

Nevada is planning to build three new prisons that will incarcerate a total of 4,500 more people by 2015.

Source: *Las Vegas Sun*

Oregon

Three Men Die In DOC Custody in September

Three people died while in the custody of the Oregon Department of Corrections in the month of September.

On September 13, John Richards was found dead in his cell at Oregon State Penitentiary (OSP) in Salem, Oregon. He was in general population in a double cell. He was serving a 100 month sentence with a 2012 release date.

On September 15, Kenneth Daniel Baker was found hanging in his cell in the Disciplinary Segregation Unit (DSU) at OSP. He was taken to the hospital and died there. He was scheduled to be released in 2007.

The final death in September occurred on the 24th. Uribey Camacho Duque was found hanging in a DSU cell at Snake River

Correctional Institution in Ontario, Oregon. He was scheduled to be released in 2007.

According to the Department of Corrections, the Oregon State Police investigate all deaths in custody.

Source: Oregon Department of Corrections

Violent Deaths Continue in Oregon Prison System

In November, another incarcerated Oregonian died a violent death. Randall Lee James was found bleeding and unconscious in his cell at the Oregon State Penitentiary in Salem. He was taken to the hospital where he died. The Oregon Department of Corrections is calling his death a suicide. Mr. James was the main suspect in the death of John L. Richards, who was found strangled to death in his cell in September. With the death of Randall Lee James, the Oregon Department of Corrections is closing the investigation into John Richards' murder.

The death of Randall Lee James is the third suicide death in three months in the Oregon prison system. Within less than two weeks in September, Kenneth Daniel Baker was found hanging in Oregon State Penitentiary's (OSP) segregation unit (and died a few days later in the hospital); John L. Richards was found dead in his cell in general population at OSP; and Uribey Camacho Duque was found dead hanging in the segregation unit at Snake River Correctional Institution.

Source: *Oregonian*

Utah

Supreme Court Upholds 55-Year Sentence

Utah resident Weldon Angelos sold three eight-ounce bags of marijuana to a

police informant. He had a gun, but it was never used or even taken out during the drug sale. His conviction for possession of a firearm in a drug transaction meant that he was sentenced to the federal mandatory minimum of 55 years.

Mr. Angelos appealed his sentence up through the court system, and it reached the Supreme Court in December. The judge who originally sentenced him called the sentence, “unjust, cruel, and irrational,” and 145 former prosecutors and judges wrote letters or briefs in support of a lower sentence. The Supreme Court let the 55-year sentence stand. The case was *Angelos v. U.S.*, 06-26.

Source: *Salt Lake Tribune*

Washington

Spokane Jail Limiting Access to Local Newspaper

Prisoners in Spokane’s county jail will no longer receive daily copies of the local Spokane newspaper, the *Spokesman-Review*. The corrections officers’ union says that the daily paper is a threat to the safety of corrections officers because there is a possibility that the paper may run names or addresses of corrections officers. The *Spokesman-Review* stated it very rarely runs addresses of law enforcement personnel or corrections officers. But the paper did run a series of articles about violence in the jail, including the death of a prisoner from a fight with corrections officers that the county medical examiner ruled to be a homicide.

The daily papers were paid for by the Inmate Welfare Fund, which is funded by proceeds from commissary purchases and prisoner phone calls (money spent by people imprisoned there).

The Public Defenders Office and providers of GED classes in the jail were against

the subscription cancellation.

Source: *Seattle Post-Intelligencer*

More Prisons and More Money to Run Them

The Washington Department of Corrections (DOC) is preparing its budget for the next two years, and Secretary of Corrections Harold Clarke is asking for a \$175 million addition to his budget over the next two years. That increase, if approved, would bring the total Washington DOC budget to \$1.68 billion. One reason for the increase? New prisons.

Washington’s prison population is expected to grow from 18,157 people today to 20,159 in mid-2009. Washington can’t incarcerate all of its prisoners in its current prisons, and is sending at least 1,000 people to prisons in Arizona and Minnesota. The state pays for another 800 prisoners to be incarcerated in county jails.

The Coyote Ridge Corrections Center now under construction will be fully operational by mid-2008. With its projected capacity of 2,000 people, it will have enough space to incarcerate all those in out-of-state prisons and in jails today. The prison will cost \$231 million to build, and \$117 million of the \$175 million DOC increase will go towards hiring 1,000 additional corrections staff by 2009 for Coyote Ridge and other prisons.

Mandatory minimums are one factor clearly driving prison population growth. The state’s legislators continue to add new mandatory sentences, making the prison population increase at faster and faster rates. During the last legislative session, while the Department of Corrections was sending incarcerated people to out-of-state prisons, the legislature passed at least two new laws that are projected to increase the prison population by 782 more people by mid-2009.

The state DOC expects to need a new prison by 2015 at a cost of more than \$250 million.

Source: *News Tribune*

Department of Corrections Installs New Phone System

The Washington Department of Corrections is installing a new phone system that should make calls cheaper from prisons to phone numbers in Washington State. The system will offer flat-rate collect calls or the option of a pre-paid calling plan. Collect calls to phone numbers inside of Washington State will be \$3.50 for 20 minutes, and pre-paid calls will be \$3.15 for 20 minutes.

This year, the DOC signed a contract with a new phone service company called FSH Communications. Under the previous system, a 20-minute call from a prison in Spokane to Tacoma could cost \$22.

Only McNeill Island Corrections Center will not have the pre-paid option, but prisoners there will be able to make collect calls at the new rates. Prices for out-of-state and international calls will not change.

Source: State of Washington website

Prisoners in Spokane’s county jail will no longer receive copies of the local Spokane newspaper [after] the paper [ran] a series of articles about violence in the jail, including the death of a prisoner from a fight with corrections officers.

King County Jail Under Investigation

The King County Jail serves the Seattle, Washington metro area, and is one of the largest jails in the Pacific Northwest. In November, the county released a damning report about the jail and the federal government began an investigation of the facility.

The county ombudsman reported to the county council that Jail Health Services was putting prisoners at risk. The report examined inadequate staffing of health services and low morale among the health care providers, but the ombudsman's strongest criticism focused on problems administering medication to prisoners. Some of these problems include nurses' failures to report when prisoners experience bad reactions to drugs, incarcerated people being prescribed the wrong medication, and people with life-threatening illnesses being denied medication ordered by their doctors. The human costs of these failures include a diabetic prisoner being hospitalized because nurses gave him the wrong kind of insulin and a mentally ill prisoner being given another prisoner's medications.

Problems with Jail Health Services aren't new. The ombudsman reported that his office has received 192 complaints about medical care at the jail since January 2004. The State Board of Pharmacy failed Jail Health Services' pharmacy in two out of four reviews. The State Board of Pharmacy Inspector, Stan Jeppeson, reported problems in staffing the pharmacy and missing narcotics.

Deaths in the Seattle jail due to a lack of medical and mental health care are part of the federal investigation being conducted by the U. S. Department of Justice Special Litigation Section. One person died in the jail of a MRSA (antibiotic resistant staph) infection, and seven people have committed suicide while in custody of the county since 1999.

The federal investigation also includes inquiries into rape and sexual assault in the jail. Recently, several guards have been convicted of sex-related crimes, and another is awaiting re-trial.

Source: *Seattle Times, Oregonian*

At the end of 2005, there were 2,320,359 people in state prisons, federal prisons, or local jails in the United States. Last year, one person out of every 32 people in our country was either incarcerated, or on probation or parole.

National

Two New Reports on Expansion of the Criminal Justice System

Having good information is an important piece of advocating for changes in the criminal justice system. Some of the most useful, comprehensive statistics come from the federal government's Bureau of Justice Statistics (BJS). The news isn't often good, but we here at Partnership for Safety and Justice get excited about new BJS reports because they provide us with information we can use.

In November, the Bureau of Justice Statistics (BJS) released two bulletins that put real numbers behind the expansion of the criminal justice system in the United States, *Prisoners in 2005*, which includes prison populations at the end of 2005 along

with rates of prison and jail system growth since 1995, and *Probation and Parole in the United States, 2005*.

At the end of 2005, there were 2,320,359 people in state prisons, federal prisons, or local jails in the United States. If we take a step back from that huge number and look at all the people living under the control of the criminal justice system: people in prisons and jails and people on probation or parole, the total becomes 7 million. *Last year, one person out of every 32 people in our country was either incarcerated, or on probation or parole.*

Looking at our region, Montana's prison population increased by almost 11% over the year.

In Oregon, the increase in the state's prison population has averaged around 7.5% a year compared to the national average of 5% a year.

While there are still fewer women in prison than men, women are the fastest increasing part of the prison population. From 1995 to 2005, the number of women prisoners grew 57%, and the number of men in prison grew 34%.

African American men are still over-represented in the prison system. In 2005, 8.1% of black men between the ages of 25 and 29 were in prison. For young Latino men, 2.6% were in prison, and for white men in the same age group, 1.1% were in prison.

Source: Bureau of Justice Statistics

Beginning with our next issue, we will only cover regional newsbriefs for Idaho, Montana, Oregon, and Washington.

Can Oregon Afford to Go Into the Private Prison Business?

Multnomah County Sheriff Bernie Guisto is proposing that Multnomah County move into the prisons-for-profit business, renting an existing jail to the Geo Group, one of the country's largest private prison companies. But is that the future we want for Oregon and Multnomah County? Let's ask and answer some questions about this proposal to move Oregon into the prison-for-profit business.

Why would Multnomah County want to allow a private company to lease one of our jails?

Multnomah County has been unable to find the funds to open the Wapato Jail since construction was completed in 2004. Geo Group is proposing to lease an existing jail (the Inverness Jail in Northeast Portland, which they would expand to twice its current capacity) and pay rent to the county. Multnomah County would use the income to open up the Wapato Jail. The Geo Group (formerly known as Wackenhut, one of the largest private prison companies in the world) would operate it as a prison.

Has Oregon tried private prisons in the past?

Although we've never had a private prison in Oregon, back in the 1990s Oregon sent prisoners to private prisons elsewhere. This included female prisoners that we sent to a private prison in Arizona. That all ended in 1997 when the women we imprisoned in Arizona reported that they were being sexually assaulted by guards. That and other problems led Oregon's legislature to pass a ban on sending Oregon prisoners to out-of-state prisons, a ban still in existence today.

Have private prisons been around a long time?

There's a long history of people and corporations profiting off of people in prison,

but private prison corporations have only been around since the 1980s. By 2000, many of the companies had a lengthy record of violence, lawsuits, and poor financial returns, and didn't have much going for them. But they're one of the industries that have been able to profit in the post-9/11 world. The post-9/11 wave of federal immigrant detention opened up the market, and the companies have been on the rebound ever since. Now, the typical inventory of a private prison includes not only state prisoners and federal prisoners, but immigrants in federal detention.

"Inventory?" What do you mean, "inventory?"

The "inventory" in the private prison business is human bodies. Private prisons can only make a profit if there are people who can be locked up inexpensively. For the private prison industry, there's "market growth" in people failing and winding up back in prison on new charges later. The Geo Group's selling point for a Portland private prison is not that people confined in this prison will be less likely to return to prison... it's just that they can turn a profit and give us a cut. We'll be counting on their profits to fund other services, becoming part of a ghoulish equation that depends on locking people up solely to generate income.

The grotesque quality of the private prison business led the State of Utah to back out of a proposed contract with a private prison company (Cornell Corrections) in

2000, because, among other reasons, some key Mormon church members agreed with activists that the private prison business was a "traffic in souls." But the prison had already been sited, so Cornell Corrections threatened to sue the state, and the state paid them \$1 million rather than go to court.

The company got paid for a prison that it didn't even open? Is that sort of thing typical?

Lawsuits of all sorts go with private prisons. In 2005, the state of Michigan became a defendant in a lawsuit filed because of abuse of youth in a Geo Group youth prison in Lake County, Michigan. The suit focused on abuse of the youth, noting—among other problems—an epidemic of 61 suicide attempts in a six-month period. A legislative audit concluded that the prison was unnecessarily expensive. Faced with the lawsuit and a budget crisis, the state terminated their contract. But the company wasn't satisfied to let the state quietly withdraw, and filed their own lawsuit for wrongful termination. This is what one calls a "Faustian bargain."

"Faustian bargain?" What's that?

That's when a person sells his or her soul to the devil, thinking that he or she is getting something great in the short term. For us, it's when our county tells us that it needs to raise money for a jail by opening up a prison-for-profit.

It's when we start wondering how we're going to pay for drug treatment and we're told that we can't have money for treatment, even though it is less expensive than jail beds and *would reduce the need for jail beds in our county.*

It's when we invest in a future for Oregon that is not based on better education for our children, or developing a model for healthcare that other states can follow. Instead we lay our money on the line hoping that a prison full of human bodies can pay off for us.

Private prisons are not our future.

The Day My Father Was Sentenced

August 5, 2003 as written by YS, who lives in Oregon

It was a hot day almost three years ago, sitting hip to hip with my elderly grandmother, listening to the judge pass down judgment on my father.

Child pornography, intent to distribute child pornography. All I knew up to that point was that he had been involved in major child pornography, something to do with his computer, buying and selling images. I had endured interviews with the FBI, reading articles only partially correct in the paper. But nothing prepared me for the judge reading out loud words my father wrote in a chat room. I don't remember anything else the judge said because all those words shattered my mind in an instant. The FBI agent sat on the other side of the court room smirking. I could see the back of my father's head, the tips of his ears bright red from humiliation. I thought... I thought I would stand by him forever.

I haven't seen him since that day.

He will be an old man when he gets out, I will be a completely grown woman. My children will be young adults heading out on their own. I think about his victims, and that my own father had something to do with this makes me ill.

I miss Dad when I least expect to: the smell of fresh mowed grass, diesel fumes, a mechanic shop. I ache for him, the father I used to have. And in the same breath of feeling him gone like a limb on my body, I wonder if it would have been better if he had died.

YS: Book nerd, coffee loving, singing-out-loud-while-I'm-driving dreamer.

Chow Line

A day in November, 1995 as written by LA when he was in prison in Oregon.

Wake up. Neck is stiff from sleeping in the same position all night. On my back. Certainly not on my stomach. The sounds around me echo the same as yesterday. The same way they did last week. Last year.

My celly farts. His piss is so strong I can almost taste it. He breaths through his nose as he urinates and it makes me feel violent. Sick. Vulnerable, for some reason. Fifty other stainless-steel toilets flush almost in unison. Then again right after I flush myself. Bottom bunks go first, more often than not.

Cursing and clearing throats and farts and burps and moans and sometimes sobbing. Singing, sometimes. Rarely, as it's sure not encouraged. Whistling and singing is breaking the rules in some spots.

Brush your teeth comb your hair make your bed put on your boots read yesterday's mail, again, wash your face, tuck in your shirt, make sure you have your ID card.

"Chow line!"

The cell doors slide open all at once and we step onto the tier. Form a line and take note of where your friends are... where your enemies are.

The C.O. gives the signal, walk out of the unit and down the paved path to the chow hall. Through a checkpoint. Maybe get randomly frisked by the mustached, mullet-wearing guard who breaths his rotten breath into your ear as he pats you down.

Enter the chow hall and feel the atmosphere. Hostile or passive. It's mellow today. Still, the blacks are on their side, the whites on theirs. All the races in their spots, like they want it. The rapists and child-molesters on the fringes, wherever they don't get kicked out of. Heads down, looking at the tray of starchy food. Both arms on the table, guarding the slop with a closed fist full of warning.

Wait in line and grab a plastic tray (metal trays were banned after on fella took one to the back of some poor sods noggin). Hope one of your friends, or at least someone from your own race is serving the main dish. Otherwise, get small portions. Rapists and child-molesters always get small portions. Maybe wonder why that isn't on the paperwork when

they get sentenced as this, among other punishments, are no secret.

Get your grub and grab a seat. Small, round benches bolted to the floor, three or four at each table. Hope you haven't sat down in someone else's spot. Both hands on the table, look grim. Eat as fast as you can and get back to your unit. Maybe get searched again on your way back through the checkpoint.

Go back to your cell. Remember that this is one of those times you might get what's coming to you from some dude who has it out for you. The time when all the cell doors are wide open and only one guard is around. At the officers' station doing last night's paperwork. Wait for the rest of the unit to get back. Breath a sigh of relief considering you made it through one more meal. Two more to go this day.

Everyone's back from chow. The cell doors slam shut with that grinding, nerve-shattering crunch.

"Count time!"

LA: I am an activist, writer, amateur filmmaker, prison abolitionist and ex-convict.

Forty Days to Release

March 15, 2004 as written by PW, when he was in prison in Oregon

With only forty days left before my release I was feeling pretty good.

It had been several weeks since I'd heard from either of my parents. I decided to give my mother a call and talk about plans for my release. Dad had been asking about what he could do to help and what my plans were.

My mother answered the phone on the first ring. She sounded frantic, "Haven't you received any of my messages? Your dad and your sister have been calling there [the prison] for four days trying to reach you. I've left messages with everyone. Your father has cancer, he is terminal. They've taken him off life support; you need to talk to him now."

She'd left messages with numerous people explaining that my father was terminal

and, as the days passed, that he was taken off life support and not expected to last more than a few days. I had heard none of this.

I hung up the phone trying to think what I could do. One of the other inmates said I could have a letter faxed to him. I made the necessary arrangements and sat down and wrote him a good-bye letter, the kind of letter only a son can write to his father. When finished, I took it to the office along with the instructions for where it was to be faxed. I sat back and thought about my dying father and many thoughts that go through your mind when someone you love needs you and you can't be there.

Four hours later one of the guards called me. "You're wanted at the Chaplain's office." I picked myself up and made the solitary walk to his office.

When I arrived, the Chaplain motioned me to come in. He started talking, "There has been a mix-up." He said my father never received the final letter. He was dead.

What could I say? What could I do? I went back to my unit.

Whatever you do, don't let the guards see that you're hurting. I didn't need to throw into isolation and pumped full of drugs. Much worse could happen if they thought I was suicidal.

Just suck it up. Get through it. Grieve when you're out. Just another day in the life of an inmate.

I miss my father.

PW: is a former prisoner who lives in Oregon

Last Day in the Hole

May 19, 2006 as written by MB, in prison in Oregon.

It's 5:15 am, in the DSU (Disciplinary Segregation Unit) at Oregon State Penitentiary. I'm awoken by the lights flicking on and the sounds of the officer's keys, boots and banging doors. Must be almost breakfast. I get up, get dressed, use the toilet, wash my hands, and face, and brush my teeth. I can hear the sounds of everyone else getting up on the tier, can smell the odors of unwashed bodies and all their bodily functions as toilet after toilet flushes. The air is stale and warm from lack of circulation.

"I'm glad this is my last day in the hole," I think to myself. Getting out will almost be like a 'mini' parole date! It's my 120th day here in 'the bucket' and I am so thrilled and overjoyed that I'll be able to see, hug and kiss my kids and family tomorrow. I can almost smell and taste the goodies in the vending machines that I'll gobble up with my kids as we all try to talk at once with our mouths full!

Breakfast comes and goes. I pack up all my stuff and roll up my bedding in preparation. Everyone's up and the sounds are so cluttered and loud that it's almost overwhelming for my ears. Yelling, laughing, clanking, flushing, animal calls, and grunting.

"Please turn on the fan," I finally yell to the officer. Whew, finally the fan's noise drowns out everything else. Lunch comes and goes. What's taking them so long to get me out and back on 'main-line?' The officer's doing his tier check. I ask him what's up with me getting out of 'the hole' and he tells me I have

to talk to the Lieutenant. The Lt. comes down and tells me, "I got bad news for you. I was told not to let you out of the hole."

"What??" My vision narrows and my heart starts to beat faster. Why ain't I getting out? I've done my 120 days, I stayed cool, didn't cause no problems! Well, the Lt. tells me that I'm being shipped out to a different prison, one of the prisons in Eastern Oregon. I feel panic setting in. Millions of thoughts and feelings swirl through my head all warring to be heard, in front of them all, "My kids and my disabled parents will be 400 miles away from me!!"

I yell at the Lt., I yell at the tier cop, words are coming out of my mouth faster and faster and I realize that I'm venting all my anger and frustration on two people that have as little control over the matter as I do. How can this be happening to me? I had 5 years clear conduct before this fight that sent me to the bucket. Is this how I'm rewarded for following the program? All at once my spirits take a dive and instant anger turns to helpless depression. I will not be able to see my kids or loved ones. No one can afford that kind of money, ad my folks can't make that long of a trip. In one instant my family will be torn apart, separated by a financially insurmountable distance!

Dinner comes and goes. Everyone wants to know, "what happened?" I don't feel like talking to them, but I take the time to fill all the guys on the tier in on it. I stay up most of the night looking at my children's photos, praying that they'll forgive me for this. Hoping they understand that it's not my fault. The tier's quiet now, I drift off to sleep.

MB is in prison in Ontario, Oregon serving a 25-year sentence.

Interested in submitting your own "A Day in the Life?"

Submissions must be less than 500 words, about one day in the life of a prisoner, person surviving an act of violence or crime, or as a family member. Give us details about what you see, hear, smell. Make the experience real

for our readers. Please include a brief description of yourself and let us know whether we can edit the piece, publish it in *Justice Matters*, or publish it on our website. Please allow up to six weeks for a response.

What you see here is a detailed description of Oregon's massive prison build-up over the past 20 years. Since 1985, Oregon has built eight prisons, expanded six, and is currently in the process of building another prison in Madras. The human cost of this build up is profound and incredibly hard to quantify. The cost in tax payer dollars has also been

colossal, but is much easier to quantify.

The state has appropriated well over \$1 billion in the past 10 years toward prison construction, and Oregon is likely to squander more public resources on prisons—unless policymakers get smarter about how to effectively maintain public safety. Sadly, while Oregon has spent over a billion dollars on bricks and mortar construction, prison

programs that reduce future crime and recidivism and actually save the state money have been consistently cut.

As we enter the 2007 legislative session, another future prison appears a possibility. This time the Department of Corrections is estimating the cost will be over \$600,000,000.

We have to ask: Is this our Future?

Prison Construction in Oregon Prior to 1985

Name of Prison	Oregon State Penitentiary	Mill Creek	South Fork Forest Camp	Oregon State Correctional Institution	Oregon State Penitentiary Minimum	Santiam Correctional Institution
Year Built	1866	1891	1951	1959	1965	1977
Prison Capacity	1,636	240	130	860	176	330
These six prisons had a combined capacity of 3,372 people in 1985. Construction cost information is not available.						

Prison Construction 1985-1991

Name of Prison and Location	Eastern Oregon Correctional Institution (Pendleton)	Shutter Creek Correctional Institution (North Bend)	Powder River Correctional Facility (Baker City)	Columbia River Correctional Institution (Portland)	Oregon State Penitentiary – Intensive Management Unit (IMU) (Salem)	Snake River Correctional Institution (Ontario)
Year Built	1985	1989	1989	1990	1991	1991
Prison Capacity	1,584	200	186	460	196	648
Prison System Capacity	4,956	5,156	5,342	5,802	5,998	6,646
Cost	\$17,900,000	\$3,262,960	\$4,310,443	\$12,849,115	\$8,671,794	\$42,094,581
Interest on Construction Costs Paid by Lottery Proceeds						

Prison Construction in Oregon

Prison Construction 1995-2003

Name of Prison and Location	Snake River Correctional Institution Expansion (Ontario)	Two Rivers Correctional Institution (Umatilla)	Coffee Creek Correctional Facility (Wilsonville)	South Fork Forest Camp – Expansion (Tillamook)	Powder River Correctional Facility – Expansion (Baker City)
Year Built	1995	1999	2001	2003	2003
Prison Capacity	2,348	1,632	1,360	50	100
Prison System Capacity	8,994	10,626	11,986	12,036	12,136
Cost	\$174,224,646	\$143,755,991	\$138,341,535	\$2,592,436	\$3,293,503
Interest on COPs	\$139,689,948	\$119,828,348	\$130,628,314	\$1,494,478	\$1,772,072

Prison Construction 2005-2008

Name of Prison and Location	Warner Creek Correctional Facility (Lakeview)	Shutter Creek Correctional Institution – Expansion (North Bend)	Coffee Creek Correctional Institution – Expansion (Wilsonville)	Deer Ridge Correctional Institution (Madras)	<i>Junction City or White City</i>	<i>Junction City or White City</i>
Year Built	2005	2005	2006	2008	2012	??
Prison Capacity	400	100	324	1,884	1,672	1,672
Prison System Capacity	12,536	12,636	12,960	14,844	16,516	18,188
Cost	\$25,901,645	\$6,165,571	\$19,187,544	\$190,363,603	\$366,487,074	
Interest on COPs	\$17,459,503	\$3,231,016	\$12,933,734	\$158,678,299	\$304,184,271	

** Text in italics is for estimated information*

COPs = Certificates of Participation, bonds that the State of Oregon issues to fund prison construction.

Prisons Bursting at the Seams: the Effects of Mandatory Sentences

An Interview with Laura Sager

Laura Sager is the national campaign director for Families Against Mandatory Minimums (FAMM), a national organization with close to 40,000 members across the United States. She has worked in numerous states over the last decade for reform of mandatory minimum sentences, working directly with scores of legislators and hundreds of families to change mandatory sentencing laws. She was key to the repeal of Michigan's mandatory drug sentences in 2002.

Justice Matters' editor Kathleen Pequeño interviewed her by phone while she was in her home state of Michigan, planning for a busy 2007 legislative season in several states.

Kathleen Pequeño (JM): *Let's start with a brief history of mandatory sentences... when did all this begin?*

Laura Sager (LS): Mandatory minimum sentences have long been part of the United States criminal code. However, many date the current widespread use of mandatory minimum sentences to the early 1970s, when states were attempting to control drug use and sales through the "war on drugs." New York passed the Rockefeller drug laws in 1975, Michigan passed mandatory sentences in 1978, and other states soon followed. The trend grew after the U.S. Congress passed a number of harsh mandatory minimum drug laws in the mid-1980s. Various forms of mandatory minimum sentences for drug offenses have been the engine that is fueling state prison population growth over the last three decades.

Variations on mandatory sentences include harsh sentences for repeat offenders, such as California's "three strikes" law that requires long prison terms. In Oregon, you have Measure 11, requiring mandatory prison terms for a list of crimes. In recent

years, we have seen mandatory minimum sentences proposed for a whole range of crimes, most recently for sex offenses and gang involvement.

JM: *So what is the alternative? What should we be doing instead?*

LS: Historically there has been a tension between legislators' desire for easy, "sound bite" solutions that impose one-size-fits-all sentences and a system where judges have the authority to impose sentences based on all facts in each individual case. Judges should be able to take into account individuals' criminal record, their role in the offense, the seriousness of the offense and their potential for rehabilitation when imposing sentences.

One criticism of judicial discretion (judges' ability to determine sentences) is that it can lead to wildly different sentences from person to person, even when people's record and the facts of the case are similar. Some states have enacted flexible sentencing guideline systems that help guide judicial discretion, so sentences are more proportionate, while preserving judges' ability to base sentences on a range of factors.

We should also eliminate mandatory sentences and sentencing enhancements that *prevent* judges from sentencing individuals (when appropriate) to treatment, drug courts, or rehabilitation programs that address underlying problems of substance abuse or mental illness and reduce recidivism.

One of the things I often tell people is that opposing mandatory sentences is really a conservative effort to restore the traditional American system of checks and balances in the criminal justice system. When legislators decide on a mandatory sentence for a particular offense, it may appear "fair" because people believe that everyone will then receive the same penalty for the same offense. However, what really happens is that all sentencing authority is taken away from judges (who are supposed to be impartial) and shifted to prosecutors – one party in an adversarial process. Since the sentence is already determined when there is a mandatory minimum, prosecutors effectively control sentencing decisions though their decisions about charging and plea-bargaining.

JM: *People I speak to at community presentations are often surprised to learn that 95 percent of criminal cases are resolved with a plea bargain.*

LS: In many cases, individuals who don't have information to trade—or the means to hire good legal counsel—end up serving mandatory sentences because they have nothing to offer prosecutors to lower their sentence during plea bargaining. Prosecutors also often use the threat of harsh mandatory minimum sentences to discourage individuals from taking their cases to trial – thus driving up sentences overall, even if a mandatory minimum sentence is not imposed. In addition, prosecutors' decisions are made in the privacy of their own offices, without any public oversight or right of defendants to appeal. Judges' decisions in sentencing are a matter

of public record and subject to appeal.

The American system of justice was set up with checks and balances: prosecutors charge crimes and strive to prove them, defense attorneys defend their clients, and objective judges listen to both sides and decide sentences. Mandatory sentences turn judges into rubber stamps.

JM: *What trends are we seeing in the last few years where mandatory sentences are concerned?*

LS: Many state prison systems are bursting at the seams and taxpayers are starting to question the cost, especially for warehousing thousands of nonviolent drug offenders. Increasingly, we see political leaders looking for a way to reduce prison populations by shifting the focus to treatment and alternatives to incarceration for the chemically addicted and mentally ill.

Unfortunately, political candidates still tend to enact new mandatory minimums for a range of other crimes as a way to prove their “tough on crime” credentials. This past year, for example, many states rushed to enact mandatory penalties for sex offenses.

JM: *In Oregon in 2006, our legislature passed an expensive new set of mandatory sentences for sex offenses committed against a child under 12 years old—they reflect what you’re talking about very clearly. We brought a number of abuse survivors and advocates who work with abuse survivors to point out the problems with this law, but it passed with a strong majority. And it’ll cost much more than prevention programs or comprehensive services for families and survivors.*

LS: However well-intended these laws may have been by individuals in the legislature, they are going to blow the roof off prison capacity in many states and, as you noted, many unlikely critics are concerned about their actual impact.

JM: *Yes, the advocates against sexual abuse that we know are concerned that this law will put the wrong kind of pressure on families where abuse is happening. Now the family will have to decide whether or not to report the crime if it means one of the family members will be locked up for 25 years. It’s going to put some parents and kids in an awful position that may mean some survivors don’t get any help at all.*

LS: Unfortunately, legislators continue to enact mandatory sentences that do *not* increase public safety, strain state resources, and too often have a disproportionate impact on people of color – and these kinds of sentences are a key reason why the U.S. has the highest rate of incarceration in the world.

JM: *Can you say more about the impact of mandatory sentences on people of color?*

LS: Most people are aware of state and federal mandatory sentencing laws that punish crack cocaine offenses more harshly than powder cocaine offenses. Although more whites actually use crack cocaine than African Americans, more African Americans are arrested for crack cocaine offenses and are subject to the higher penalties for what is essentially a different, cheaper form of the same drug. A similar unintended consequence can be seen in the punishments for mandatory sentences for “drug free zone” offenses. Legislators designated “drug free” zones around schools and other similar locations hoping to protect kids by moving drug activity away from certain areas. The laws backfired. In densely populated urban areas, the zones blanket entire cities, making virtually the entire population subject to harsh penalties for minor drug offenses. So people in cities, largely people of color, face stiffer penalties than people in rural and suburban areas for the same conduct. Researchers in Massachusetts found that less than one percent of individuals convicted

under these laws in that state actually committed offenses involving children or schools. In addition, these mandatory sentences stop judges from sending people to cost-effective treatment and drug court programs that really work to reduce recidivism – thus actually decreasing public safety.

JM: *So there is some pretty bad news when we talk about mandatory sentences...but do you think we might be heading in the right direction in the next few years?*

LS: There are many reasons to be encouraged. Legislators in many states are taking a thoughtful look at what really works to reduce the prison population. Some states have sentencing commissions that rely on objective data to develop sentencing recommendations, which slows down the rush to legislate based on sheer politics or emotion. The public now understands that drug treatment works, that mental health treatment works, and many incarcerated individuals need access to these programs instead of harsh mandatory sentences.

There is also a national movement to restore discretion to judges. Polls show that the public supports giving judges back the ability to base sentences on all the facts of an offense and that they support smart policies that reduce costs while better protecting public safety.

The recent election showed that changes in public attitude really matter at the ballot box. Advocates can win sentencing reform if they work to educate the public and support those who are champions of fair sentencing policies. It is a long process, but it’s the only way we can change bad sentencing policies. Many states are buckling under the burden of paying corrections costs and, as incarcerated populations age, the price tag for “sound bite” policies will continue to climb. The time is ripe to ask questions about fairness and effectiveness in sentencing policies on both the state and federal level.

Let's Invest in Programs that Make Prisons Unnecessary

by Caylor Roling

Across the Pacific Northwest and the country, states are looking at building new prisons to incarcerate more and more people. An October report by the Washington State Institute for Public Policy explains that if a state invests deeply in programs for adults convicted of crimes, young people convicted of crimes, and children whose families lack resources, they can lower crime rates. This means no new prisons are necessary, and you and me, the taxpayers, save billions – not millions – but *billions* of dollars.

Washington doesn't have enough room for all the people sentenced to prison, and if Washington's prison population continues to grow at its current rate, the state will need two new prisons by 2020 and a third by 2030. What makes Washington different from the other states is that the legislature realized that building more prisons was a very expensive way of dealing with crime, and asked for research to guide their decisions. In 2005, the Washington Legislature told the Washington State Institute for Public Policy to look into programs that could save money, decrease crime, and decrease need for more prisons.

The report by the institute, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, reviews the research on over fifty types of evidence-based programs across the United States and in other English-speaking countries. Researchers selected programs to review from three main areas: programs

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for people in the adult prison system, programs for young people in the juvenile system, and crime prevention programs.

Here's their conclusion: "We find that if Washington successfully implements a moderate-to-aggressive portfolio of evidence-based options, a significant level of future prison construction can be avoided, taxpayers can save about two billion dollars, and crime rates can be reduced."

So what's a "moderate-to-aggressive portfolio?" It means increasing the level of investment for the types of programs that are most effective. The researchers ranked all of the programs they reviewed based on the programs' effects on crime, the costs of the programs, and the benefits to taxpayers and crime victims. They reviewed close to 600 studies on over fifty programs such as Washington's Dangerously Mentally Ill Offender Program, youth and adult drug courts, intensive supervision treatment-oriented programs, and nurse-family partnership programs. They separated the programs into three areas:

- Programs For People in the Adult System
- Programs for Youth in the Juvenile System
- Prevention Programs (in the community)

They determined that a portfolio (combination) of the most successful, cost-effective programs from each of the three areas

would decrease the number of prison beds needed, decrease crime, and save money.

Scenarios for How Washington Can Reduce Crime

- **Today's current portfolio of program spending:** Washington spends about **\$41 million** a year on crime prevention, juvenile programs, and programs for adults in prison. They receive \$1.1 billion of benefits to the state for reduced crime costs as a result of that spending. If the state just keeps funding programs at this level, Washington State will need *3,821 more prison beds by 2020 and 5,955 more beds by 2030.*
- **A moderate portfolio:** If Washington expands its investment in programs at a cost of **\$63 million** a year, it will receive \$1.7 billion in benefits to the state for the reduced costs of crime. At this level, Washington State will need only *1,988 new prison beds by 2020 and 3,331 in 2030.*
- **An aggressive portfolio:** If Washington State supports even more programs and program capacity, spending **\$85 million** a year, it will decrease crime still further and provide \$2.4 billion in savings. It's likely to decrease the need for new prison beds to *208 in 2020 and 806 in 2030.*

For both the “moderate” and “aggressive” implementation plans, each dollar a taxpayer would pay for those programs would return \$2.59 to \$2.75 in benefits to the taxpayer. All total, that means that a strong investment in evidence-based programs avoids new prison construction and saves about \$2 billion in taxpayer money.

That’s the money angle, and what about crime?

Since the 1980s, the crime rate has been decreasing across the United States. In 1980, there were 71 serious crimes for every 1,000 people in Washington. In 2005, the rate was 52 serious crimes for every 1,000 people. Because the programs selected reduced recidivism and decreased crime, if they were put into practice, they can be expected to decrease the crime rate to 48 serious crimes for every 1,000 people.

We all want safe communities, we want programs that rehabilitate youth and adults convicted of crime, and we want our tax dollars to be available for education, healthcare, and things that benefit our community, not tied up in the bricks and mortar of a prison. The report is proof for any doubters that prisons are not our future. The challenge for all of us is to make sure the legislators hear that we know about this report. We have to tell them to take it seriously.

We Can All Benefit from Washington’s Research

If you’re reading this article in Oregon or Ohio you might be thinking, “Well, that’s great for Washington State, but I’m not in Washington.” While this report focuses on many specifics about Washington’s crime rate and prison population, a great deal of

the information applies to any state. The report lists over fifty different evidence-based programs, the recidivism rates of the people who go through the programs, the benefits in dollars to both taxpayers and crime victims, and the costs to run the programs. This information is useful to anyone who wants his or her state to look at cost-effective options for promoting public safety.

The report has already gotten some attention in Oregon. On December 5th, one of the report’s authors, Steve Aos, was a featured speaker at a conference called “What Works: Public Safety and Evidence Based Practices.” Max Williams, the Director of the Oregon Department of Corrections, several state legislators, community corrections directors, service providers and others who work with incarcerated or formerly incarcerated people heard the talk and received a copy of the report.

We have the evidence, and now we face the question, “What will we invest in for our future?”

§

You can read the report for yourself at www.wsipp.wa.gov. Click on “criminal justice” and look for the report’s title. If you’re in prison and are unable to have a copy of the report, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates* mailed to you by family or friends, we can mail you a copy. But, this 44-page report costs us over \$1 each to mail, which adds up quickly. Anything you can send to help cover mailing the report helps.

What does “evidence-based” mean?

If you’re in prison, work in a non-profit, or listen to the news, you’ve probably heard people talking about “evidence-based” programs. That’s a term that gets thrown around a lot these days. It means that a program is studied or evaluated by some researcher or expert. The Washington State Institute for Public Policy uses a specific definition. For their work, “evidence-based” means:

- All the research on a topic is studied, not just a few reports and not just the evidence that supports the notions of the agency or government officials.
- The research includes groups that can be compared with each other. For example, one group of people might participate in a specific drug treatment program. A researcher would then compare the group who went through treatment with a very similar group of people who did not have treatment in order to see what effect treatment had on the first group.
- The programs studied exist in the real world. They’re not just “good ideas” that have never been tried.
- The researchers use statistical tools to determine if the outcomes of the programs that they study can happen in similar situations over time.

Reflections of an Activist: An Interview with Brigette Sarabi

Brigette Sarabi recently stepped down after nearly eight years at the helm of Partnership for Safety and Justice (formerly Western Prison Project) as our founding executive director. *Justice Matters'* editor Kathleen Pequeño sat down with her to reflect on her work over the years.

Kathleen Pequeño (JM): I know that you've worked with so many groups on the issue of criminal justice reform over the years. Tell me what you think you're going to remember the most about the organizations you've met and worked with?

Brigette Sarabi (BS): In this region, what stands out for me is the passion and total dedication of people who've taken on this work at the grassroots level. There's an incredible tenacity. Mostly, the people I'm talking about have been incarcerated or had a loved one incarcerated and they know how important it is to work for change. They've jumped in without money, with no great amount of support, but just because it was the right thing to do, and they keep on doing the work because it is the right thing to do. I'm honored to have worked with so many great folks in our region. There are so many examples... let's take Connections, in Montana: we first met them as "Con Connection" at our Utah conference in 2002. There's Casey Rudd, a former prisoner, who started helping people with post-prison release plans, and helping people find housing. Then she expanded to include voter registration, and she's met with DOC officials about release issues and prison conditions issues, because she knew it had to be done.

In Utah, there's Prisoner Information Network, led for years by Marianne Johnstone, the mother of a prisoner. Here she was, a retired teacher... she could've relaxed a little, but she saw people returning to prison because of not getting the help they need to

The public wants to see a focus on prevention, on re-entry, and they don't want to see harsh penalties for drug addiction.

succeed once they're released. She saw the families in distress, the need. She started with hygiene kits, and clothes for people being released, and rides from the prison into Salt Lake City. And then getting them registered to vote, more assistance, taking on systems that could meet their needs better, like workforce development.

Then of course, up in Washington State, there's Justice Works!, They're a great activist group, largely led by prisoners and former prisoners of color, and their family members. They've taken on a wide range of prison activism and education. Everything from legislative advocacy to a television show on cable access.

And finally, there were all the groups in Oregon, when we started in 1999, that were great to work with: Parents Against Cruel and Unusual Punishment (PACUP), "...after seventeen years..." and Oregon CURE, which is still going strong, and others. I guess the thing that stays with me the most is how incredibly generous the activists and the groups have been with each other. Maybe it's because this is such a hard issue and we need each other—we need our allies. It was amazing to me how people came together and worked together with real solidarity.

JM: And the groups that you're talking about, they're all pretty small but incredibly effective.

BS: Yes, the groups in our region—and this is true around the country—they're small, maybe one paid staff or one or two people making a modest living, and many volunteers, and it's amazing how much they accomplish. Especially when you look at the size of the problem, and the size of the systems that they're taking on. The departments of corrections, with thousands of employees, the legislatures, the district attorneys and the prosecution system—these are massive systems, but we have these intrepid groups of volunteers who are out there saying, "hey, we've got problems with this system, and we have an idea about how to change it." And it's amazing how much people are able to get done.

JM: And over the years, I know you've had a chance to meet and work with activists on this issue from all over the country. How do you think Oregon stands out compared to other parts of the country?

BS: The movement for criminal justice reform is particularly strong in Oregon—it's strong in many states, but one of the things we have going for us is really solid relationships between grassroots activists who have been directly affected by the criminal justice system, and legal advocates, other professionals, and activists on other issues like health care and education. I think this really adds to our strength as a movement.

Now, speaking specifically of Partnership for Safety and Justice, one thing what we have that is unique is that we work with all the constituencies directly affected, including people who have survived crime and violence. I think this is a very powerful approach, and we've seen other groups in this movement around the country who look at this approach and say, "this makes sense." We all know that the communities that are overly affected by crime and violence are also the communities that are disproportionately affected by incarceration. Many of us, our families include people who have been in conflict with the law, as well as people who have survived a crime against them or an act of violence. So we know we need to be involved in policy making about community safety. We have direct experience that can shape new approaches, approaches that really can create safer communities, without an over-reliance on prosecution and incarceration.

JM: *What's been the hardest part of the work for you? The most challenging?*

BS: The hardest thing all along has been to go and talk with our members, especially our incarcerated members, about our legislative priorities, knowing that it's not going to

benefit many people who are incarcerated right now. There aren't quick fixes. I think we all felt bad going into a prison talking to people there who want to see reform, saying, "It's not going to make a difference for you, but it will make a difference for another person, for another family." Many people would say, "We know, we get it." They understand how difficult this work is and that it happens in small steps... they understand that change is going to take a long time. But that doesn't make it any easier.

As an organization, one thing that I've seen that's hard for both Partnership for Safety and Justice and other criminal justice reform groups is that there is just so much to

We have direct experience that can shape new approaches, approaches that really can create safer communities, without an over-reliance on prosecution and incarceration.

be done. We're not a single issue group: we talk about prison conditions, sentencing issues, re-entry barriers and services, the needs of survivors. So the challenge, given this large issue with all these sub-issues, is "How do we focus to be most effective?" I think we've gotten better at it, but it has taken years, and it's difficult because all these issues are huge and we can't work on all of them at the same time.

JM: *Overall, where do you see the movement for criminal justice reform headed?*

BS: I think the movement for criminal justice reform is strong. I think the landscape for reform is mixed, which is better than it was ten years ago, when it wasn't very mixed—it was just bad. But we know that there has been a change in public attitudes about crime and punishment over the past several years. Not that the public wants to simply open the prison gates, but they're much more aware of this monster we've created, this incarceration boom that has led to the biggest population of incarcerated people in the world.

We're seeing this change in attitude in polling, in national polls and California polls, and some polls from the east coast last year: the public wants to see a focus on prevention, on re-entry, and they don't want to see harsh penalties for drug addiction. They see that prison doesn't work for dealing with drug or alcohol addiction or mental illness. This focus on prosecution and incarceration has resulted in this huge and expensive system that's not making us any safer.

States are not putting enough resources into prisoner re-entry, into education and youth services, but this year we're seeing a real surge in prison construction, in state after state. These prison systems are growing in spite of the good, solid work of activists, in spite of the gains that we've made with the public, who see the problems with such a large, expensive prison system.

It's maddening at times, and the fight ahead is pretty tough...but more and more good people are with us. I think we will see some rational, progressive change in the criminal justice arena in the next few years.

The Prison Rape Elimination Act (PREA) Has Created Opportunities for Change

By Arwen Bird and Terrie Quinteros

Rape is about power and control, and creates suffering for survivors and communities. Through the abuse of authority, physical ability, and trust, perpetrators of rape often create life-long trauma in the lives of victims. These dynamics are at play no matter where the rape happens. As a society we need to simultaneously work to prevent sexual assault (rape) from happening and promote systems to help survivors heal.

When rape happens in prisons, we want to keep the same focus on prevention and healing that we use with survivors of rape in the community, but we also want to address the special circumstances of survivors who are incarcerated or under the control of the criminal justice system. It is only recently that our federal government began working to address rape in the criminal justice system through the Prison Rape Elimination Act (PREA). Passed in 2003, the act:

- Covers sexual assaults that happen anywhere from “squad car through post-prison supervision.”
- Mandates that individual states collect data about the number of rapes inside prisons and jails.
- Requires the Bureau of Justice Statistics to collect, analyze and review data connected to the rape of prisoners in correctional settings.

Too often we engage in ‘victim blaming’ around many forms of violence—somehow holding survivors responsible for the violence that was perpetrated against them. When we de-value the experience of a rape survivor regardless of whether she/he was raped in prison or in his or her home, we de-value the person’s rights as a human being. If we believe that every human life has value, then prevention and healing should be prioritized regardless of where rape is happening.

- Established the national Prison Rape Elimination Commission, a body that has convened three public hearings so far in 2006 and is expected to release recommendations for sexual assault prevention and detection in summer 2007.
- Has led to key changes to protect the safety of people who have been sexually assaulted, including the creation of hotlines for imprisoned people to call, improving access to health care after assaults, and transfers to other prisons/jails.
- Created a review panel to look at how different states are responding to prisoner sexual assault and has tied federal funding to compliance with PREA.

PREA’s Potential

The provisions contained in PREA hold potential for both prevention and healing of sexual assault inside prisons. Prevention through the truth-telling about what is happening inside prisons and jails—the demographics of who is being raped, the frequency, and by whom. Prevention through uncovering the numbers of rapes by corrections personnel, and how prison or jail

staff collude in this violence toward prisoners. This information can then be used to determine possible strategies to prevent the violence from happening in the first place.

PREA also contains great potential for healing for survivors of rape inside prisons. Healing first through affirming for survivors that what happened to them was wrong, and not their fault. Healing through connecting rape survivors with existing programs for both crisis intervention and help with long term recovery. Healing that comes from connecting survivors with others who have survived similar trauma.

A profound change due to the passage of PREA is the recognition that all rape survivors have value and deserve healing. Too often we engage in ‘victim blaming’ around many forms of violence—somehow holding survivors responsible for the violence that was perpetrated against them. When we de-value the experience of a rape survivor regardless of whether she/he was raped in prison or in his or her home, we de-value the person’s rights as a human being. If we believe that every human life has value, then prevention and healing should be prioritized regardless of where rape is happening.

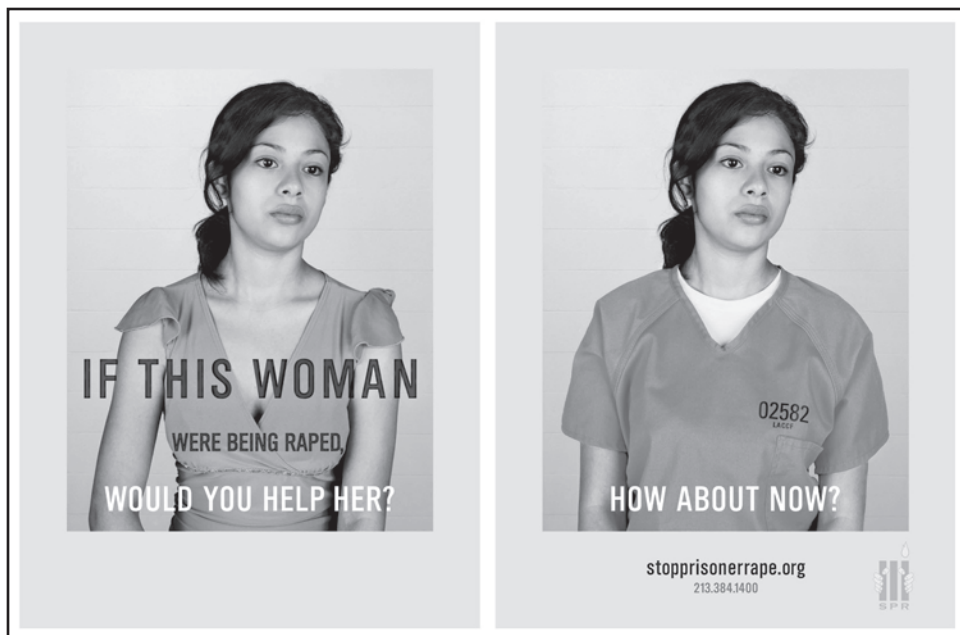
All too often solutions to violence jump right to punishment of people convicted of certain crimes, with little attention paid to

helping victims or actually preventing violence in the first place. Particularly because PREA is focused on methodically identifying the problem through data collection and not focusing exclusively on prosecution—this information can be used to determine how and where strategies to prevent rape will be implemented. Sometimes it can be difficult to let go of old notions that harsher penalties are somehow helpful to victims—but the reality is that individual victims may not see direct benefit from punitive responses. In fact, quite the opposite is true; too much focus on punishment actually draws resources away from the programs and services that benefit survivors.

PREA has opened a door for dialogue that did not exist before, including in many correctional settings where sexual coercion is an issue but has not been historically discussed. Its scope includes police custody, prisons, jails, youth jails, probation and parole, and its requirements will eventually lead to conversations about the prevention of sexual assault in all these settings.

What PREA Looks Like in Oregon

Here in Oregon, we have a PREA workgroup that has been meeting since 2005. In June, 2006, the PREA workgroup brought together heads of justice departments from around Oregon, including the Oregon State Sheriff's Association, the Oregon Association Chiefs of Police, the Oregon Youth Authority, Oregon's Community Corrections Department, and the Oregon Department of Corrections, for a PREA summit. Hosted by Oregon DOC Director Max Williams and Oregon Attorney General Hardy Meyers, the summit was a chance to ensure that



all these organizations could learn what is possible thanks to PREA, and the potential consequences for not following through with PREA requirements (states will lose funding if they are not in compliance with PREA). More people signed on to an ongoing workgroup on PREA in Oregon.

Oregon's Department of Corrections (DOC) has received a \$1 million grant to provide:

- The Special Needs Population Manager
- Cameras in DOC prisons
- An automated reporting system
- An outside hotline for victim support
- Limited training for DOC staff

What's Next For PREA?

The country has been slow to enact the provisions of PREA, in part due to the need to shift the culture among staff inside the criminal justice system and society at large.

Historic cultural attitudes of blaming rape survivors for their own victimization present a major barrier to recognizing the harm that is caused by sexual assault inside prison and jail. We can learn a great deal from the work done by survivors and advocates over the years on sexual assault within families and in the community: that ending victim-blaming is essential to ending sexual assault in any setting.

Culturally and politically, we have to continue to make progress towards prioritizing prevention and healing for survivors of sexual assault, and we still have a long way to go. PREA can be part of shifting the culture of rape inside prisons and jails. It has created an opening for advocates of sexual assault and for survivors to talk about what has been happening inside prisons, jails, and police cars, and what needs to happen so that we put an end to sexual assault in every setting in our community. PREA is a good start, and we still have a lot of work ahead of us.

More about PREA on the next page



If we believe that every human life has value, then prevention and healing should be prioritized regardless of where rape is happening.

Stop Prisoner Rape and PREA

The organization **Stop Prisoner Rape** is the only independent national organization that works to end sexual assaults in the corrections system of the United States. The organization was founded in 1980 by a survivor of prisoner rape and has survivors of prisoner rape involved with the organization on every level of leadership. They played a crucial role in the passage of the Prison Rape Elimination Act (PREA) in 2003, have been monitoring the implementation of PREA, and are pressing for survivor involvement in policy setting and responses to prisoner sexual assault.

In addition to their work documenting sexual assaults of all kinds in America's prisons and jails, Stop Prisoner Rape has developed an impressive library of materials including:

- Training materials for correctional staff on preventing and responding to sexual assault
- Guides for survivors of sexual assault, including a guide to identifying sexual misconduct by prison/jail staff, and legal guides that explain relevant state and federal laws (not to be considered legal advice)
- A guide for family members of imprisoned sexual assault survivors
- Fact sheets on sexual assaults behind bars against adults and youth

Stop Prisoner Rape has also launched protests against prison rape "humor" in movies and television. They have recently created an innovative advertising campaign to challenge people on the outside to take prison rape seriously. We're pleased that they've given us permission to publish that campaign in this issue of Justice Matters (on this page and page 21). For more information, you can write to Stop Prisoner Rape at 3325 Wilshire Blvd., Suite 340, Los Angeles, CA 90010 (incarcerated individuals can address legal mail to Ms. Katherine Hall-Martinez, Esquire) or learn about them on the Internet at www.spr.org.

Prisoner Support Packet

Our Prisoner Support Packet is available to prisoners upon request. Each packet includes a Resource Directory and a complimentary copy of *Justice Matters*.

Our ten-page Resource Directory includes:

- Groups in our Region (ID, OR, MT, WA)
- National Organizations
- Advocacy Organizations
- Child and Family Resources
- Publications/Magazines
- Legal Publications
- Death Penalty Resources
- Resources for Gay, Lesbian, Trans Prisoners
- Resources for Native American Prisoners
- Resources for Sex Offenders

- Books to Prisoners Programs
- Penpal Services (most charge \$)

(Due to the changes in our region, effective December 31, 2006 our resource directory will not include state-based groups for UT, NV and WY.)

Access Denied in Oregon

Partnership for Safety and Justice has released a 12-page report on the barriers faced by people with previous felony convictions in Oregon. It includes information about barriers related to employment, housing, licenses and identification. The report makes six specific policy change recommendations, including changes to the practice of barring people from employment based on arrest records that did not result in a conviction, ending driver's license suspensions for non-driving related crimes, and better preparation of prisoners for re-entry. This publication is also available on our website.



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- Contact me about making a monthly pledge using my credit/debit card or checking account!**
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The theme of this issue is “Looking Back, Moving Forward.” We’ll look at the history of several key criminal justice issues and then ask: what’s next? What’s in our future?

We’ll talk about mandatory sentencing with FAIM national campaign director Laura Sager, and ask Brigette Sarabi about the strengths and challenges of working with grassroots criminal justice groups. We’ll cover the Prison Rape Elimination Act, ask questions about a proposal to put a private prison in Portland, and take a look at Oregon’s history of prison construction.

And as usual, we have several excellent *A Day in the Life* stories sent in by our readers. We hope you enjoy this issue!

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