

This Issue's Special Focus and Readers' Survey Results

Special Focus: There Are No Special Prisons

Prison expansion is continuing to plague our region. There is prison construction or plans for prison expansion in the near future in OR, WA, ID, WY, and MT. And there's a new variation on the prison expansion theme: "special prisons." We open this issue's special focus interviewing Judy Greene in "**And the Answer is... Prison! What Was the Question?**" (page 15-16). Judy talks about one of the main forces behind prison expansion: financial interests. Caylor Roling contributes "**Prisons Within Prisons: Control Units**" (page 17-18). Arwen Bird of *Crime Survivors for Community Safety* talks about "**What Prison Expansion is Costing Survivors,**" (page 19-20) specifically what sort of services are losing out in public funding to prison expansion. We wrap up interviewing Barry Holman about "geriatric prisons," or as he described them "**Nursing Homes Behind Razor Wire**" (page 21-23).

This issue's special focus is shorter than usual so we could make room for the "**Oregon Criminal Justice Legislation Round-Up**" (page 11-13) a four page in-depth description of key bills in the 2005 Oregon legislature. We hope to eventually do "Legislative Round-Ups" for other states, but this year we're starting with Oregon.

Justice Matters Survey Results

"...others in seg with me, for some it [Justice Matters] is the only source of information they get on any issue."

Thank you to the hundreds of *Justice Matters* readers who responded to our readers' survey. We read every single survey, and they continue to trickle in.

A majority of readers who responded said that they have read multiple issues of *Justice Matters*, and that they recommended it to others. The vast majority of readers gave *Justice Matters* a high score on our rating scale. You also liked the layout and the writing.

As far as rating our different features, different readers clearly had their preferences. But there were no overall favorites, and more importantly, *no features that people consistently ranked as unimportant*. On the surface, it seemed that our "**Regional News Briefs**" were less popular, but that's because people really want the news briefs on *their own* state, and fewer people want them on *other* states. This highlights one of our struggles here at WPP – how to deliver information that is important on the individual state level even though *Justice Matters* gets delivered across seven states (and more). And you readers understand that... people rated news briefs for other states as "less important" than



news briefs for their own state, but very few people (less than 5 people) actually rated them as "not important." But from **The Good, Bad and Ugly to Legal Update to Just Facts**, you ranked all the features as important. Even though we may not run every feature in every issue, we are not cutting any features at this time.

People had suggestions for *new features* or changes to make. Our main limitation is that *Justice Matters* only has 24 pages – without a lot more paid subscribers, we can't afford to expand it. One common comment was a request for us to include more writing by prisoners. There have been some logistical challenges for us in the past in this area. Our "**Special Focus**" format (which ranked very high) takes a fairly fast writing and editing process to complete. A couple of people suggested some sort of column prisoners could send submissions to, but they didn't say what the column should be. Then someone suggested the feature: **A Day in the Life**, focusing on a 24-hour period in the life of a prisoner, crime survivor, or family member of either. After some discussion, we've agreed to give this a try. There is a call for those submissions on the back cover (page 24) of this issue. Please remember the number one rule of getting published: *follow the guidelines*. We look forward to debuting this feature in our next issue.

Besides that, there were a few people interested in seeing Spanish translations, even if not for the whole newsletter, parts of it. We'll be looking into that in 2006. There was some interest in an electronic version of *Justice Matters*, which we're investigating for 2006. Of our readers outside prison, *a majority said they prefer email to print mail*. We send the printed version of *Justice Matters* to everyone who requests it, but right now we do not have an email version for those who would prefer that. There were readers concerned that an email version should not be "less" than what's in the print version. We agree. An

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Your 2005 Oregon Criminal Justice Legislation Round-Up

The 2005 legislative session included hundreds of bills, many having to do with Oregon's criminal justice system. Here are the bills we followed the most closely. For detailed information, you may want to check the Oregon Legislature's website, which has a bill/laws section that enables you to see the full text of bills and their status when the legislature ended in early August: http://www.leg.state.or.us/bills_laws/

Sentencing Bills (including changes to Oregon's Measure 11) and Prison Expansion

Bill #	What This Bill Proposed	Our Stand	Results
Sentencing Reform: Senate Bill 435	Would expand "Earned Time" for prisoners already eligible for it, so that they could earn 33% instead of 20% sentence reductions.	This sentencing change could take effect fairly quickly to reduce Oregon's prison population, lessening the need for costly new prison construction.	Received a hearing, but did not make it out of the Senate Judiciary Committee. ☹
Sentencing Reform of Measure 11: Senate Bill 436	Allow prisoners serving under Measure 11 to be eligible to earn sentence reductions ("Earned Time") while serving their sentence.	This sentencing change would affect thousands of prisoners serving Measure 11 sentences and lessen the need for costly new prison construction.	Did not receive a hearing. ☹
Sentencing Reform of Measure 11: Senate Bill 437	Would provide an option for a judge to take a "second look" at a youth prisoner halfway through a Measure 11 sentence.	For youth serving under Measure 11, it allows a judge to review the case and transfer prisoners to community supervision	Did not receive a hearing. ☹
Sale of bonds (Certificates of Participation) for Madras Prison	Would authorize sale of bonds for expansion of existing prisons and for construction of new 2,100 bed minimum/medium security prison in Madras, Oregon.	Prison construction is the most expensive and least effective way to respond to crime. Oregon cannot afford to get deeper into debt to build more prisons.	Sale of the bonds were authorized late in the session ☹, but no funds were authorized to operate the new prison.

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Drug and Alcohol Addiction Issues

Bill #	What This Bill Proposed	Our Stand	Results
Omnibus Meth (Methamphetamine) Bills: Senate Bill 907 and House Bill 2485	Expansion of drug courts and community-based treatment for people addicted to meth. Some sentence enhancements but no new mandatory minimums.	We oppose mandatory minimums and support more money for treatment and alternatives to incarceration.	Passed and signed by the Governor. ☺
DOC Budget for Alcohol and Drug Treatment and other prison programs	The Governor's budget proposed cutting \$2 million from drug and alcohol treatment in prison, along with programs such as Pathfinders and Women in Community Service (WICS).	Given that a majority of people in prison have a substance abuse problem, treatment in prison is essential. Money spent on treatment saves money down the road.	The \$2 million in cuts were restored,☺ including restoring WICS and Pathfinders funding.☺ although the final DOC budget included a surprise \$700,000 cut to "Activities Section" programs in prison.☹

The "Gang" Bill

Bill #	What This Bill Proposed	Our Stand	Results
Criminal Street Gang (Racial Profiling Bill):House Bill 2313	Imposes longer sentences on "criminal street gang members" as determined by "... a common style of dress or common identifying signs, colors or symbols."	Allowing prosecutors to selectively pursue longer prison sentences for certain youth will undoubtedly lead to discriminatory treatment of youth of color.	Passed a House committee but did not pass in either chamber. ☺

Redefining Murder in Oregon State Law

Murder is an emotional and highly political issue. We send our condolences to all murder victims' family members even though we may disagree about the following laws. Crime Survivors for Community Safety was tracking the following bills and in some cases offered testimony.

Oregon law creates a category of murder known as "Aggravated Murder" in which a person can be sentenced to death. The bills listed below that would "amend the state's definition of Aggravated Murder," are, in effect, expansions of the death penalty.

Bill #	What This Bill Proposed	Our Stand	Results
Expanding definition of Aggravated Murder: House Bills 3037 and 3492, Senate Bill 712	Expanding Aggravated Murder to include the murder of a witness in a juvenile court proceeding (HB 3037), the murder of a reserve police officer (HB 3492), or the murder of a pregnant woman (SB 712).	Expanding the definition of "Aggravated Murder" literally "ranks" some murder victims above others based on the identity of the victim. We oppose any "ranking" of murder victims for the purposes of prosecution.	We opposed these bills, which failed to pass.
"Unborn Child" Bills: House Bills 2020 and 2379, Senate Bill 440	Would expand criminal homicide to include the murder of an "unborn child" (HB 2379) or recognize an "unborn child" as the victim of a homicide (HB 2020).	These bills are attacks on a woman's right to choose by adding the phrase "unborn child" to Oregon law.	We opposed these bills, which failed to pass.
Driving Under the Influence of Intoxicants (DUII, or drunk driving): House Bill 2828	Enabling harsher punishments by expanding the definition of murder to include a death caused by someone with certain previous DUII convictions.	We consistently prioritize drug and alcohol treatment - including treatment in prison - over harsher penalties, which are costly and not proven effective for dealing with drunk driving.	We opposed this bill, which failed to pass.

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Priority Bills for Crime Survivors for Community Safety

Although Crime Survivors for Community Safety offered testimony on a wide range of criminal justice bills, these are some of the priority bills CSCS identified during the legislative session.

Bill #	What This Bill Proposed	Our Stand	Results
Custodial sexual misconduct: Senate Bill 89	Makes it a crime for corrections staff to have sexual contact with incarcerated people or people under correctional supervision.	This recognizes that since a prisoner/probationer is not in a position to say "no" to sexual advances, they can not give true consent. Oregon was one of only two states that did not have this sort of law.	Passed and was signed by the Governor. 😊
We need research to tell us what works: Senate Bill 240	Officially recognizes the Criminal Justice Policy Research Institute at Portland State University.	We need facts and research about what criminal justice policies work and at what cost.	Passed and signed by Governor. 😊
Personal representative for crime survivors: Senate Bill 198	Would allow in most circumstances for a survivor of a crime to have a personal representative accompany them as they navigate the criminal justice system.	We support all steps to give greater support to crime survivors as they make their way through the system.	Passed (although it was weakened by amendments that limit when a personal representative can be present) and signed by Governor. 😊
Sexually explicit material connected to a crime cannot be distributed: Senate Bill 199	Prevents the dissemination of evidence of a sexually explicit nature that was used in a court proceeding.	This straightforward change would protect the privacy of survivors of crime.	Passed and signed by the Governor. 😊
Fatality Review Teams: Senate Bill 1047	Gives communities the authority to create fatality review teams when a domestic violence homicide has occurred.	Fatality Review committees can help us determine how to serve battered women better, possibly preventing future homicides from domestic violence.	Passed and signed by the Governor. 😊

**“And the Answer is...Prison! What Was the Question?”
An interview with Judy Greene**

We took some time to talk about “special prisons” with Judy Greene. Judy Greene is a principal researcher with *Justice Strategies*, based in New York. Judy has 35 years of experience researching crime and the corrections industry. She agreed to talk with us by phone from her office in New York about prison expansion around the country, and how these new “special prisons” fit in.

Justice Matters: One of the reasons we wanted to speak with you is your knowledge about how privatization has affected corrections policy. Private prisons are of course, disturbing, but privatization has changed the way prisons operate, period. Is there a connection between privatization and this move to promote new “special prisons?”

J Greene: Well, one of the ways that private prisons have damaged this country is that now there is an entrepreneurial spirit – a marketing culture – connected to prison management where there was not before. So now even public prison managers are running their prisons with a for-profit model, comparing themselves to private companies. They’re asking questions like: Who can run this the cheapest? What’s the next market need? What problem is there that prison can solve? How can we sell our correctional services?

JM: And so we see situations like in Montana right now, where the Department of Corrections is accepting bids for “a spe-

cial prison” with everything up for grabs – including who will be confined there, how many people, and what will make it “special.” (Ed note: As reported in Spring 2005 *Justice Matters*.)

J Greene: Yes, in Montana, the process they’re using is like the way you play that game show, Jeopardy. Someone gives you the answer and you say what the question is. They’re saying, “Well, the answer is prison. Tell us what the problem is.” Another strategy is to identify a crisis and

...there is an entrepreneurial spirit – a marketing culture – connected to prison management where there was not before.

then present prison as the solution, which is more common.

JM: Right, in Montana, we don’t know for sure what kind of proposals they’re going to get, but it’s possible that methamphetamine will figure in. Meth isn’t new, but it’s being presented as a crisis... And drug addiction is a real problem. So, is a “special meth prison” preferable to community-based treatment? Can we argue for one over the other?

J Greene: Well, there is not enough research being done to compare treatment in prison with addiction treatment provided in the community. There are various types of treatment that work, we know that. And there is research show-

ing that treatment in prison therapeutic communities here in New York has been effective. But the research on effectiveness goes on as if these two situations are not related. Now, there are ways the treatment picture is brighter on the outside...

A major aspect of drug treatment is the behavioral changes that people are making. People learn how to better manage the things that trigger their addiction in the real world. And they can practice that more effectively in the community. Drugs aren’t available in prison in the same way they are on the outside. Not to mention that in a security-oriented environment like prison, some interventions are not available or appropriate. We know that treatment in the community makes more sense.

But, one of the reasons that judges still sentence people with addictions to prison is the idea that it’s the only place to get them into treatment. We’ve done some research in Wisconsin in which we asked judges what they were seeing and doing. Some said that they were sentencing people to *longer* prison terms because – with long waiting lists for prison programs – they believed it was the best way to make sure that they would get treatment. They overestimate how much addiction treatment is available in prison. But they *were* supportive of wrap-around services that can be offered in the community, and they emphasized that people need to be prepared for gainful employment.

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JM: Here at WPP we support community-based options: solving problems in the community instead of just making people disappear by sending them to prison. Is the call for special prisons showing that people are so used to prisons now they want every “flavor” imaginable, or this is a way to make prison construction seem like it’s something new because there’s a fatigue with plain-old prisons?

J Greene: Yes, it really does seem that a lot of people are tired of the idea ‘we need more prisons because the problem is crime.’ After all, they can see that there is still crime, or that their neighbors in the next state have seen the same changes in crime without prison expansion.

Prison expansion takes on a life of its own... including political pressures. It’s not just the Corrections Departments pushing. People say ‘well, that county got one – what about us?’ because prisons offer the lure of jobs. You’ve got gover-



nors who want to throw a prison at every county they can find and promote it as an economic boom.

Once you build the prison machine the wheels keep turning... what’s turning the wheels of prison expansion are financial interests. Before the corrections officers’ union is even thinking about more members, (which means more dues), you’ve got bankers, bond lawyers, architects, construction companies and their subcontractors. And all the services you can “outsource” to vendors once a prison is operating: companies that sell medical services, sell the food, supply the canteen products.

JM: Speaking of financial interests, for years the financial crisis in many states was part of the call to slow down prison expansion. As fewer states are in a budget crisis, are we going to hear more about these special prisons? Where do you think prison expansion is headed?

J Greene: Well, yes, there are some states that are now in less of a budget crisis. Florida, for example, which is experiencing a home construction boom and steady state revenue from all those construction workers paying taxes. Florida has authorized thousands of new prison beds, both public and private, and has even funded a private sex offender facility (another type of ‘special prison’) to keep people locked up after their prison sentences have been served.

Even once a budget crisis has passed, if you’re spending on new prisons, something else is taking a cut. All these years, during the crises, other parts of state budgets had to take deep cuts... there’s a big question about whether we’re ever going to undo the damage done by budget cuts. I mean, who really needs the money? If we spend it on prisons, who’s not going to be getting it who needs it?

And we also need to come back to some of the basic problems with prisons – the racial injustice of the system. In Connecticut there’s a growing statewide army of grassroots people opposed to prison expansion, and they’re picking up speed. With Connecticut ranked number one for racial disparity in state incarceration rates, state officials have begun to see that sentencing policy reform is a critical issue for those working for racial justice. And it’s working: a state that was at the top of the prison population growth list just three years ago is now “downsizing,” with thousands fewer people in prison.

The state budget crisis has caused a lot of people around the country to question the idea that we can just keep on expanding the prison system. The most important work now is to challenge the notion that prisons are the answer to all our social and economic problems.

You can read and download Justice Strategies’ reports on criminal justice and immigrant detention at www.justicestrategies.org

Judy Greene is the author of the *Oregon Crime Reduction Report*, comparing the crime reduction in Oregon that happened in the late 90’s with New York City and other jurisdictions that achieved similar crime reductions without new mandatory minimums. That report was produced at the request of Western Prison Project, and is available on our website. She was interviewed by *Justice Matters* editor Kathleen Pequeño.

Special Prisons Within Prisons: “Control Units”

By Caylor Roling

In 1972, the federal government created a special kind of prison at Marion Federal Penitentiary in Marion, Illinois. This unit of sixty prisoners, called the “Control Unit,” was going to be on permanent lockdown. The design and methods developed at Marion spread to other federal and state prisons and even jails



across the U.S. “Control unit” is now a term referring to any prison or part of a prison where conditions of extreme isolation exist. This includes places named “Admax,” “SHU” (Security Housing Unit), “AdSeg” (Administrative Segregation) or “IMU” (Intensive Management Unit). An entire prison that operates under permanent lockdown is now often referred to as a “supermax” prison, and the use of supermax prisons has been growing for years. At the same time, activists inside and outside prison have been identifying and resisting the abuse of prisoners within these units... these “prisons within prisons.”

The Reasoning Behind These Prisons

The Federal Bureau of Prisons said the Marion prison and its replacement, the

ADMAX prison in Florence, Colorado, were created to house the “worst of the worst” criminals. It was argued they would decrease violence in prisons by isolating the most dangerous people, and that incarcerating people in control units would permit a decrease in the need for security in other prisons. Some violent people are housed in control units, but there is no research to show that these “prisons within prisons” have decreased overall violence in our penitentiary systems, or how they have affected security levels in other prisons.

Different states wind up with a different proportion of their prisoners in the control units, a discrepancy that flies in the face

of the “worst of the worst” idea. (After all, how many “worst of the worst” are there?) There are no uniform standards to determine who will wind up in extreme isolation. But once these units are built there is a temptation to keep those beds occupied, especially as prisons may face a shortage of low-security beds or other beds.

In practice, control units contain mentally ill people (the severe isolation worsening their illness), political prisoners, prisoner organizers and people who file lawsuits and voice other complaints about the system. Looking at who is in control units gives us some insight into the real reasoning behind their construction: extreme isolation as a way to achieve extreme control over individuals.

What’s So Special About Control Units?

For one thing, prison officials can use administrative rather than disciplinary transfers to move people into control units. People facing disciplinary measures have (limited) access to due process; people transferred for administrative reasons do not have any due process. Because these units are isolated from the even the prison community (by definition) there is less scrutiny about day-to-day conditions. People literally disappear from sight while in these conditions of extreme confinement. Inside control units:

- People have limited access to visits and phone calls.
- They are confined alone in tiny cells up to 23 hours a day.
- People are isolated, and yet under intensive surveillance.
- The short exercise period is typically permitted in a small outdoor cage – in one supermax prison, the corrections officers called the yard “the kennel.”
- There are no communal eating areas, no opportunities to work or attend educational programs, and often there are no communal religious services.
- Most cells don’t have windows, and many have solid doors with slots for passing food trays.
- The cells are designed to keep out sound so incarcerated people rarely hear another human voice.
- Often, lights are on for 24 hours a day.

In some instances people are confined in these conditions for years at a time.

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Supermax Cont. From Pg. 17

Control Units are Especially Hard on Incarcerated People's Mental and Physical Health

Reports from people confined in control units reveal that psychological and physical abuse happens in control units from California to New York. People have reported being gassed, beaten, pepper sprayed, covered in urine and feces, and tied down with restraints for up to three days - one prison had rings installed on bed frames for tying people down. People are strip-searched *even though they have little or no contact with any other people.*

The isolation and abuse has damaging mental and emotional effects, especially for mentally ill prisoners. Healthy people begin to cut themselves and have attacks of anger and paranoia. Even when released, people report psychological problems that started during isolation continuing to plague them.

Internationally, extended periods of isolation are considered to be torture. The United Nations Committee Against Torture determined in 2000 that the conditions in America's supermax prisons violated the Convention Against Torture.

What Can Be Done?

Several groups in the United States are working to abolish control units. *California Prison Focus* works to end human rights abuses and torture in California's prisons. A key part of the organization's work is documenting abuses in Security Housing Units and demanding that the SHUs be abolished.

The *Criminal Justice Program of the American Friends Service Committee (AFSC)* and the AFSC affiliated *Prison Watch* are working to abolish control unit prisons. The

Criminal Justice Program gathers testimonies from people who have survived incarceration in control units, lobbies legislatures for change, and organizes lawyers, clergy, activists, families and other everyday folks to oppose control units. *Prison Watch* focuses on stopping isolation and torture in New Jersey and New York. The AFSC also publishes a Survivor's Manual for people in control units and general information about the prisons. Information about how to get these publications follows.

The inhumanity of these units is unacceptable. While the international community recognizes these units violate the most basic of human rights, the only realistic hope for change lies in the vocal action of people here in the United States. Though the men and women who endure these units are supposed to feel utterly forgotten, we can remember them and then take the next steps: advocacy and education.



Sources & Resources on Control Units and Surviving Solitary

California Prison Focus, www.prisons.org, 2940 16th Street #B-5, San Francisco, CA 94103, they work to close the Security Housing Units (SHU's) in California's prison system.

From Alcatraz to Marion to Florence - Control Unit Prisons in the United States Committee to End the Marion Lockdown,

<http://www-unix.oit.umass.edu/~kastor/ceml.html>. This history and analysis of control unit prisons is available on the web.

Prison Madness: The Mental Health Crisis Behind Bars and What We Must Do About It

By Terry Kupers, 1999, \$29, Book about mental illness in prison that includes information about mental health problems caused by security housing units and supermax prisons.

American Friends Service Committee (AFSC) web site, <http://www.afsc.org/community/criminal-justice.htm> has a number of resources available, including:

Lessons from Marion: The Failure of a Maximum Security Prison, A History and Analysis with Voices of Prisoners (\$3), and **Survival in Solitary: A Manual Written By and For People in Control Units/Solitary Confinement** (free to prisoners, \$2 for others), send orders to: AFSC, Literature Resources Unit, 1501 Cherry Street, Philadelphia, PA 19102.

The Prison Inside the Prison: Control Units, Supermax Prisons, and Devices of Torture by Bonnie Kerness and Rachael Kamel. This 2003 AFSC briefing paper about control unit prisons and the campaigns against them is available on their website <http://www.afsc.org/justice-visions/>. Printed copies available from the National Criminal Justice and Anti-Death Penalty Program, AFSC, 1501 Cherry St, Philadelphia PA 19102. Copies are free to prisoners and \$1 for everyone else.

What Prison Expansion is Costing Survivors

By Arwen Bird

Our current system's focus on prison expansion diverts time and money from prevention and helping survivors of crime and violence heal from the effects of violence. Instead we're paying for new ways of incarcerating people. Across the nation we see this dynamic play out as communities scramble to save funding for treatment programs, victims' services and shelter programs—while decision makers seem ever-capable of finding and spending money to build new prisons. Failing to utilize more effective and creative solutions has huge ramifications for survivors of crime and violence.

If we want to build sustainable and effective responses to violence, we must develop cohesive plans that go far beyond imprisonment. The first step in this process is identifying what's most important to have happen in the aftermath of crime or violence. What do we want? *Healing for all impacted by violence and crime, accountability for those responsible for any act of violence or harm, and future safety for everyone.*

Healing: Everyone affected through an act of violence or crime needs to heal from the experience in order to continue their lives in peace.

Accountability: The system must be guided by and grounded in taking responsibility for personal actions and choices that caused harm by making amends. The same is true about the decisions made by institutions, which at times can be harmful to not just individuals but large groups of people.

Future Safety: The system must work to prevent crime and violence without sacrificing our democratic ideals... so that individuals and our communities have a good quality of life.

For the purposes of this article we focus on meeting the needs of survivors and communities; however, because crime survivors and prisoners come from the same communities, we all suffer under our

...because crime survivors and prisoners come from the same communities, we all suffer under our current system's focus on punishment.

current system's focus on punishment. Survivors and our communities lose out when our system continually prioritizes using resources for prison expansion over programs and services that could be used toward healing, accountability and safety.

How would the system be shaped if it did work to meet these goals, and what sort of programs or policies would it use? Let's look at a few real world examples of programs that can make a difference to survivors of crime and violence.

Restitution Programs: Restitution is one of the few, if not the only opportunity for some form of amends to be made between people who have caused harm and their survivors. Individual state and local governments that prioritize restitution have demonstrated successes. How?

By devoting staff time to tracking survivors and the people who've been harmed to pay! In recent years programs in Colorado have won praise for their comprehensive approach to getting restitution to survivors. Real reform will come when community leaders and decision makers work toward a system that:

- Consistently includes restitution as part of human-centered accountability.
- Funds community based advocates for both survivors and people who owe restitution.
- Adequately funds programs that help people who owe restitution to be able to earn money to pay it, such as job training and employment programs.

Crime Victims' Multi-service Centers: Survivors need community-based services, aimed at helping survivors heal, that they can access *at any point* in their recovery from victimization. For over twenty years, Safe Horizon in New York City has served survivors of crime and abuse across the city. This program works with survivors of all forms of victimization and abuse, including torture, child sex abuse, human trafficking, stalking and domestic violence. After the bombing of the World Trade Center on September 11th, 2001, they established comprehensive programs to assist individuals and families who lost loved ones, those who were injured, residents who were displaced from their homes, and those who were economically impacted as well as the many New Yorkers who witnessed the attacks. Through programs

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Prison Expansion Cont. From Pg. 19

such as these – based in the community rather than prosecutors’ offices and not competing with resources for criminal prosecution – survivors can be served in a manner that truly meets their needs.

Community Based Drug/Alcohol Treatment

For many of the same reasons that people who have been victimized are best served by

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programs based in their community, so are people struggling with addiction served best in the community. This is especially true when you consider that the majority of people in our prisons and jails have a substance abuse problem, and many are also parents. Community based treatment programs are proven to be less expensive and also save money through reducing the collateral costs of incarceration, such as the costs of foster care for the children of incarcerated parents. Treatment services that are based in the community help to hold people accountable by addressing their needs and helping them make good choices, rather than the perpetuation of a revolving jail door for people living with addiction.

New Approaches to Victim Awareness:

Across the country new models that work to build empathy for survivors of crime and violence are gaining momentum. In Oregon, one such model is happening at Oregon State Penitentiary. Instead of a traditional Victims Awareness Panel where survivors share their stories for an audience with little interaction and dialogue, survivors from the outside

as well as prisoners who volunteer to participate share their stories of surviving violence. This model recognizes that many of the people inside prison are also survivors of violence and creates a space for them to share their experiences. This

process helps everyone involved build trust and the ability to truly listen to the experiences of survivors. Instead of a stand-alone

event, the program unfolds over a series of meetings and allows for people to come together and connect on a more transformative level. This model provides an avenue for healing for survivors and prisoners, while making the space for prisoners to change their behavior through a deeper understanding of the experiences of people surviving violence.

We need a system that is capable of meeting the needs of the individuals who perpetuate and/or are harmed by violence. Rather than being treated as numbers (prisoners are known to the system by their ID numbers rather than their names) or witnesses (many victims assistance programs categorize survivors as witnesses to the crime), we need a system

that regards each person as a human being first, and from there guides



them into a specialty program depending on *their* needs (such as stable housing, employment, etc.).

New prisons will not get us there. They will only take us farther away by diverting resources away from the options we’ve described here. Stopping prison expansion in all its forms and funding community-based services is one of the best things we can do for people currently surviving acts of violence and is essential for preventing future violence.

Arwen Bird is an Open Society Institute Fellow working with Crime Survivors for Community Safety, a program of the Western Prison Project.

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email version could be shorter because it would come out more often, possibly monthly. We’re committed to making sure that people inside prison and outside both get access to our materials. We’re working on affordable, timely ways to get you the information you want.

Thank you to the readers who took the time to say how important *Justice Matters* is to you. One reader in prison wrote:

“I make sure every inmate in my cell block has an opportunity to read it, often encouraging them to by asking for their opinion on articles. Then I donate it to the prison library.”

Thanks for sharing these pages with others. We work hard to bring you *Justice Matters* and we look forward to delivering news and analysis to you for years to come.

Kathleen Pequeño
Justice Matters editor

Nursing Homes Surrounded by Razor Wire: Geriatric Prisons An Interview with Barry Holman

From 1997-2002 Barry Holman was Research and Public Policy Director at the National Center on Institutions and Alternatives, NCIA, where he conducted research on the rising number of elderly prisoners, organized two conferences on elderly prisoners and worked with other non-profit groups to encourage the possibility of community supervision of elderly prisoners. We interviewed Barry by phone about a new type of prison: geriatric prisons for older prisoners.

Justice Matters: We're hearing more about older prisoners these days... and "geriatric prisons." When corrections officials say "geriatric prison," what age range are we talking about? Besides being older, what characteristics will the prisoners in this type of prison have?

Barry Holman: What's considered an "older" prisoner varies. Different prisons and states have different ranges varying from 50 and over to 65 and over. In some circumstances for these special units, states combine very old prisoners with



the terminally ill... really, what we're talking about is prisoners who can't be housed in the general population, some because of age and some because they have a medical condition. There are some

people in prison who are functional at age 70 or 75: they're able to get to and from the commissary... they can get around. They stay in general population. But there's also the very old, the frail and the very sick. Essentially these special units we're talking about are nursing homes surrounded by razor wire... people who need intensive nursing and assistance with daily living.

JM: Wow, when you put it like that... help me understand... what's the rationale behind keeping "the very old and the

"One warden... was vocally opposed to the idea of having seriously ill and elderly people in prison."

frail" behind razor wire?

BH: What I've heard from some correctional professionals is, "People have a sentence to serve, and they have to serve it in a correctional facility. Our job is to provide that facility and provide them the care they need." This sounds well-meaning, but there is a false sense that correctional staff shouldn't be involved in policy decisions. I found this quite disheartening, that – for instance – the head of a state's prison medical service felt as though they should just keep quiet and leave the decision making to others. Of course, there are some in the system who disagree. One warden from South Carolina I worked with, who had risen up the ranks from a correctional officer, he was vocally opposed to the idea of having seriously ill

and elderly people in prison.

Really, this is just a function of determinant sentencing. It's about making people serve the whole sentence regardless of the circumstances. Thanks to determinant sentencing, the number of elderly prisoners is growing. Surveys of state DOC's (Departments of Corrections) show that:

- **In 1979 there were about 6,500** prisoners over the age of 55. (Source: Survey of state DOC's by Bureau of Justice Statistics).

- **In 1990 there were more than 19,000** prisoners over the age of 55 (Sourcebook of Corrections Stats by BJS, 1995 version).

- **In 1997 there were roughly 50,000** prisoners over the age of 55 (Survey done by NCIA).

The survey that we did at NCIA (National Center on Institutions and Alternatives) in 1997 showed that there had been a tremendous increase in the number of older prisoners – a seven-fold increase over the course of a generation. And a majority of all these prisoners over 55 – just over half – were in for non-violent convictions. In the Federal system, though, *97% of prisoners over 55 were serving time for non-violent convictions.*

After the study I was involved with an effort to pull together a pilot project. We would've moved some elderly prisoners out of correctional settings into community-based supervision and care. Some of them might have wound up in a nursing home with security, or some in intensive supervision while they resided with fam-

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ily or other community members. The idea was to do individualized planning based on their specific security and care needs.

JM: Sounds interesting... but it doesn't sound like it happened.

BH: No, it didn't. This was a pilot project for the federal system, and we heard from Senators who wanted to know which prisoners from their state might wind up in the demonstration project. The concern was that it might look bad for them later if they approved it.

The perception is that "There's a sentence and we have to stick with it no matter what." There are public relations concerns about releasing any prisoner, no matter how minor the crime. There's also a fear that we would be facing a situation similar to what happened in the 1980's, when people were dumped out of mental health institutions and out onto the street. The argument is that at least in prison they're getting care, maybe even better care than they would be getting in the community. But the idea that we're doing them a favor by keeping them inside is perverse.

JM: But we are concerned that people who need medical care should get it. How does care for the sick or the frail in prison compare to what they could get on the outside?

BH: If you put sick people on a bus and dump them homeless on the street ... well, yes, they would be in trouble. But if you do case planning to deal with security and medical needs, organize an ap-

propriate place to stay and connect them with other supports, that's different. The pilot project was going to be with low-level offenders and we wanted to incorporate better supervision. You can save a lot of money by keeping people in the least restrictive place possible. Plus there's just the human side of it. Talk to any older prisoner and their biggest fear is that they're going to die behind bars.



It doesn't have to be prison every time for everyone. We're better served on a number of fronts if we were smarter with these dollars. The cost of incarcerating elderly prisoners is triple the cost of the average prisoner. It's very inefficient to house the very sick and very old in prison... take for example, a rural facility that has someone who needs dialysis. The transportation costs for that are high. Now for some, that becomes an argument for a central prison with all the most ill prisoners... so it can be done cheaper... but beyond the cost there's just the inhumanity of it. This type of thinking has nothing to do with public safety

or what's really the appropriate way to treat people, it makes them a commodity and dehumanizes them.

JM: To take that example you just used, some people are very functional on dialysis. Certainly just because someone is old doesn't mean they can't be very active. We can't explain this as just "these folks are helpless because they have a medical condition or because they're old."

BH: Yes, which comes back to the need for individualized planning. Does it make sense to have this person here? Does it further public safety? Is it a good use of public funds?

JM: Let's say, though, we're not talking about people with drug or theft convictions, but maybe a prisoner who's serving a life sentence for murder or another serious crime. I'm one of these people in a situation where someone is serving a life sentence for murdering a member of my family. I can totally understand how it could be hard for a surviving family member of a murder victim to hear about a person convicted for murder getting "out early" to be moved to a nursing home. What would you say about those situations?

BH: First, it's important to note what I'm talking about doesn't automatically mean releasing people early. We're talking about individual assessments based on a number of factors, including the nature of the situation, the opinion of mental health experts... people looking closely at how well this person could function safely in

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the community and whether or not they pose a threat.

And we also know that causing someone else to suffer doesn't make up for suffering that was caused to someone in the past. It just can't. There aren't simple ways to just end people's pain. Healing doesn't come from the suffering of another person. There might be a role for victims' family members or survivors in that process, and the prisoner themselves, to assess the risk and determine which way to go. We need to get beyond formulaic justice that doesn't help anyone and needlessly hurts many.

JM: Recently the Bureau of Justice Sta-

tistics released statistics on reported deaths in state prisons and jails. They said prisoners over the age of 45 make up less than 20% of the prison population (17%, actually), but are two-thirds of people dying in prison. And it's possible that this report has substantially undercounted deaths inside, so the problem might be even greater than that. What does that statistic tell us?

BH: Well, first that report tells us there are too many people dying in prison. If someone's been sentenced to a life sentence without possible parole, then we can expect that person will eventually die in prison. There will be accidents and unexpected deaths. We expect a small num-

ber of those. But we should expect people with non-violent convictions, who don't pose a public safety risk and can be supervised and served in the community, *they should not be dying in prison from disease or illness.* That's just a travesty. It's a question for our conscience.

Like the US population as a whole, the prison population is aging quickly. Unless we change our policies, our laws and our attitudes toward them, many will needlessly languish and die in prison for decades to come.

Barry Holman is now Director of Research and Quality Assurance for the Washington DC Department of Youth Rehabilitation Services. He was interviewed by Kathleen Pequeño.

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- **Please send 500 words or less.** If you are handwriting on lined paper, that's the front and back of a page *at the most*.
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