

Coalition For Prisoners' Rights Newsletter

Vol. 43-zz, No. 3

PO Box 1911, Santa Fe NM 87504

March 2018

MORE CONTRASTS

UNPRECEDENTED CHANGE

It is hard to believe. There is a new district attorney in Philadelphia PA who campaigned on a strong platform of change and justice and at this early point does seem to be implementing much of it. Larry Krasner is a former civil rights and criminal defense attorney who, in that role, sued police officers, condemned the police, court and penal system for being racist, and criminalized poverty and addiction. He calls for new policies and practices that seek to reduce mass incarceration and to "bring balance into sentencing."

Krasner has instructed the 300 assistant D.A.s to start many plea offers at the low end of sentencing guidelines. For most nonviolent and nonsexual charges, and for economic ones below a \$50,000 threshold, the A.D.A.s are to offer defendants sentences below the bottom end of the state's guidelines. For example, for a first breaking and entering charge, the "normal" sentence would be up to 14 months in jail. Under the new system, there would instead be an offer of probation.

A.D.A.s are now to decline charges for marijuana possession, no matter the weight. Sex workers with fewer than three priors will not be charged with prostitution. Retail theft under \$500 instead of being a misdemeanor has become a "summary offense." When probation charges are made, A.D.A.s are to opt for the lower end of the spectrum. Serious infractions are to be met with no more than two years in jail.

Prosecutors must now calculate the amount of money a sentence would cost before recommending it to a judge, and argue why such a cost is justified. This is based on a cost of \$42,000 a year.

A.D.A.s are not to ask for cash bail for 25 charges; 51 marijuana charges have been dropped. He's pushing to establish a safe injection clinic and receive addiction treatment and he is suing the marketing methods of 10 pharmaceutical companies for fueling opioid use....

And so on. Stay tuned!

ON THE OTHER HAND

Pennsylvania has the second highest percentage of elderly prisoners in the U.S. It is one of six states that have prison sentence of DBI (also known as Life WithOut Parole, LWOP). As of January 2018, the PA DOC reported 10,442 imprisoned people over 50. The leading causes of death in PA prisons are: heart disease, cancer, and liver disease. Older prisoners are at higher risk for self-harm, suicide and victimization by staff and others.

In January 2018, on behalf of all the elderly prisoners of the general population at the Frackville PA prison, proposals were submitted to the Superintendent, the Office of Legal Counsel to the PA DOC and the Deputy Secretary for the Eastern Region of PA stating that the denial of accommodations for elderly prisoners is a violation of the American with Disabilities Act.

The proposal includes the request to implement some commonsensical, little or no cost changes such as housing unit adjustments for the elderly; modifying shower times; providing additional blankets and cold-weather clothing items like gloves and long-johns; and virtual visitation with even older parents. The idea of a pilot program that combines seniors mentoring younger prisoners while getting their help in escorting the elderly in prison was included.

The goals include eliminating lengthy periods of standing for count or in line for medications and commissary or out in the cold between buildings. In addition it seeks to stop staff bullying and harassment of elderly prisoners for memory loss, inability to hear announcements, or time needed to walk though the prison from the cell to the mess hall or to the infirmary. Older prisoners routinely get pushed around, inappropriately rushed, and suffer neglect, carelessness and disrespect. The simplest day-to-day activities can be a challenge.

For more information: Major Tillery AM9786, SCI Frackville, 1111 Altamount Blvd., Frackville PA 17931.

Por el huracán Harvey

En Texas, la agencia de noticias Associated Press (AP) informa que el huracán Harvey liberó muchas más toxinas al entorno de lo que se había informado inicialmente, al provocar inundaciones sin precedentes en la costa del Golfo de Texas el verano pasado. Los reporteros de AP catalogaron más de 100 emisiones tóxicas vinculadas con el huracán Harvey, la mayoría de las cuales no se hicieron públicas, incluyendo derrames de compuestos cancerígenos como bencina y cloruro de vinilo, y la liberación de casi dos mil millones de litros de agua residual industrial mezclada con agua pluvial, solamente en una planta química en Bayton. AP informa que los investigadores de Texas examinaron 89 incidentes y aún no anunciaron ninguna medida a tomar...

Tras de huracán, los puertorriqueños se van, los "ultraricos" llegan.

Después de María, los puertorriqueños cultivan la soberanía alimentaria mientras FEMA entrega caramelos y galletitas Cheez-Its.

To receive the CPR Newsletter by postal mail monthly, send us up to 12 self-addressed, stamped envelopes (with the CPR return address).

Keep sending us address changes and renewal requests in order for us to maintain our only permanent mailing list--the one for our January holiday card/new calendar--as accurately as possible.

Also, note that the *correct* address too be sure to reach us at is: PO Box 1911, Santa Fe NM 87504. Some resource address listings are incorrect in this regard.

And still: NONE OF US ARE LAWYERS OR LEGAL WORKERS; for our protection, please do not mark envelopes addressed to us as "Legal Mail."

Many, many thanks to the Real Cost of Prisons Project for posting our Newsletter on-line for free downloading and distribution. It is at:

www.realcostofprisonsproject.org--this is a GREAT site! Thank you for all your support! *****

Families United to End LWOP (FUEL)

A Project of Fair Chance Project (FCP)
9103 So. Western Ave, Los Angeles CA 90047
323-290-7124, 310-677-7445
fairchanceproject.com
fuelndlwp.com

"LWOP is unconstitutional. It is death by incarceration and offends human reformation
It is Cruel and Unusual Punishment."

Distancing Youth from Adult Courts

Increasingly, states are moving to cover more youth in their "juvenile justice" systems by raising their eligible ages. Over the past 10 years, eight states have done so. *The Sentencing Project* (1705 DeSales St NW, 8th Fl, Washington DC 20036) predicts that soon only five states will "routinely expose 17-year olds to the adult criminal justice system."

A case in point is Massachusetts, which could be the first state to consider 18-year-olds as juveniles in the police, court and penal system. Ten years ago, 13 states didn't consider 17-year-olds to be juveniles when they were arrested. Currently, of the five states not doing so, four are in the process of raising the age of so called "criminal majority" or "criminal responsibility."

Studies in support of raising the age cite that doing so lowers recidivism rates. In Connecticut, 19 has been suggested as an age for "criminal majority." Vermont is in the process of "adjusting forms of sentencing."

The number of young people being jailed is at its lowest level in 20 years.

But then there is Juvenile Life Without (JLWOP).

In 2012, the *Miller* decision by the U.S. Supreme Court banned mandatory LWOP for juveniles in murder cases. In 2016, the U.S. Supreme Court ruled that the *Miller* decision applies retroactively. This would apply to the more than 2,000 people already sentenced to JLWOP. In real life however, there have been a wide range of actions, taken and not taken, by state courts and so the odds of release at some point or continued imprisonment vary widely.

In Pennsylvania, more than 100 of its 517 JLWOP prisoners have been re-sentenced and 58 have been released. Two people have been re-sentenced to JLWOP. In Michigan, prosecutors are seeking new no-parole terms for 236 of the 363 juvenile lifers. In Louisiana, those with juvenile homicide sentences are eligible for release after 25 years. In Missouri, the parole board turned down 20 of 23 juvenile lifers for release. Many JLWOP still imprisoned had rejected plea bargains that would have resulted in their release long ago.

#####

The Police: A Field Guide,

by David Correia, an American Studies Professor at the University of New Mexico, and Tyler Wall

is a new book for those working to reduce police brutality and to promote needed structural changes in police behavior.