OMNI.

JUSTICE SYSTEM, JUVENILE JUSTICE, DEBTORS’ PRISON, SOLITARY CONFINEMENT, MENTALLY ILL IN PRISON, MASS INCARCERATION, AND MORE

USA NEWSLETTER #4, March 9, 2015.

http://jamesrichardbennett.blogspot.com/2015/03/prisons-and-jails-newsletter-4.html

COMPILED BY DICK BENNETT FOR A CULTURE OF PEACE and JUSTICE.

What’s at stake: The struggle for fairness within the struggle for democracy.

Blog:
War Department/Peace Department
http://jamesrichardbennett.blogspot.com/

Newsletters
http://www.omnicenter.org/newsletter-archive/

See Justice Newsletter

Index:
http://www.omnicenter.org/omni-newsletter-general-index/

For a knowledge-based peace, justice, and ecology movement and an informed citizenry as the foundation for change.
George Will’s Questions to Nominee Loretta Lynch
One Felon’s Story by Hannah

Criminal (In)Justice
Money
Timothy Noah Reviews Taibbi’s *The Divide*, Money Distorts Criminal Justice System
Hedges, Disproportionate Sentences
California Reduces Some Felonies to Misdemeanors

Solitary Confinement
Lisa Guenther, *Solitary Confinement*
Keith LaMar, 21 Years in Solitary

Debtors’ Prison
Greenwald’s Film, *To Prison for Poverty*
Debtors’ Prison: Nobody’s Reading Dickens?

Mentally Ill in Prison
Christie Swanson, Effort to Keep Mentally Ill Out of Jails in Arkansas (see Comstock below)

Mass Imprisonment
Simon, *Mass Incarceration on Trial*
Truthout Against Mass Imprisonment

Juvenile Justice
Peace Alliance, Carol Chodroff, for Youth Promise Act, Youth Prison Reduction
Neil Bernstein, *Burning Down the House*, End Juvenile Incarceration (her previous book: *Children of the Incarcerated*)

**Privatized Prisons**

*The Nation*, Prison Profiteers

Chris Hedges, Prison Food: Aramark

**Arkansas Prisons and Jails: Overcrowding**

Jon Comstock’s Suggestions for Reform in Arkansas, Prison Overcrowding

**Newsletters 1-3**

**George Will: Questions for attorney general nominee Loretta Lynch**

President Barack Obama listens at right as US Attorney Loretta Lynch speaks in the Roosevelt Room of the White House in Washington, Saturday, Nov. 8, 2014. (Carolyn Kaster/AP)


Senate confirmation hearings put nominees on notice that, as a Michigan state legislator reportedly once said, “I’m watching everything you do with a fine-toothed comb.” Loretta Lynch, a talented lawyer and seasoned U.S. attorney, should be confirmed as attorney general. Her hearing, however, should not be perfunctory. Questions like the following would highlight some festering problems: [I have reproduced only the items on prisons. Full column: http://www.washingtonpost.com/opinions/george-will-questions-for-attorney-general-nominee-loretta-lynch/2015/01/09/a3c1e11c-9774-11e4-aabd-d0b93ff613d5_story.html?hpid=z2 –Dick]

George F. Will writes a twice-weekly column on politics and domestic and foreign affairs. He began his column with *The Post* in 1974, and he received the Pulitzer Prize for Commentary in 1977. He is also a
Much ink and indignation have been properly expended concerning the torture of some detainees by counterterrorism personnel. But what about the promiscuous use — currently impacting thousands of prisoners — of long-term solitary confinement in prisons? In 1890, the Supreme Court said of such punishment: “A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still committed suicide.” Given its deranging effects, does this practice constitute torture as defined by federal law — conduct “specifically intended to inflict severe physical or mental pain or suffering”?

Years pass, studies are written and vows are made, yet the scandal of prison rape persists. When will the government stop this crime against inmates in its custody?

The U.S. incarceration rate is nearly five times Wales and England’s, nine times Germany’s, 14 times Japan’s. In 2010, more than 200,000 inmates — approximately the nation’s total number of prisoners in 1970 — were over the age of 50. How can this be necessary?

When choosing between two evils, Mae West said, “I always pick the one I never tried before.” The number of drug offenders in federal prisons is 20 times the number in 1980 and accounts for more than half of our federal mass incarceration. The “war on drugs” is horrendously expensive (in money and shattered lives) and hardly effective (drug prices fall as quality rises). Is it time to consider decriminalizing some controlled substances?

In California, which spends almost as much on corrections and rehabilitation as on universities, approximately 2,000 people who have committed no violent or
otherwise serious crime are serving 25 years to life under the state’s “three strikes and you’re out” law. It mandates such sentences for any third felony. Do you think that mandatory — and often draconian — minimum sentences prevent judges from judging? And that the threat of such sentences, by extorting guilty pleas, can vitiate the right to a trial?

ONE FELON’S STORY by Hannah McGhee

UA JOURNALISM
STUDENT’S PROFILE OF
ABEL TOMLINSON

Hannah McGhee <hmcghee@email.uark.edu>

Nov. 22, 2014

Hello everyone!

... The link to my story is provided at the bottom of this message. If you have any questions or comments about my article you may contact me at my email address, hmcghee@uark.edu, or my phone number, (901) 461-1928, or you may contact my professor, who is copied on this email, at bjschult@uark.edu.

Thank you again and I wish you all a wonderful Thanksgiving!

Sincerely, Hannah McGhee

“Low-class people do low-class things.” What’s notable in this reflexive dismissal of those with modest means are not the words themselves. Rather, please turn your attention to the person whom Matt Taibbi, in his ambitious new book documenting America’s unequal administration of justice to rich and poor, quotes saying them: a private attorney hired by New York State to defend low-income people in criminal court. We never learn his name, but Taibbi calls him Waldorf because he resembles the grouchy old balcony heckler on “The Muppet Show.”

Waldorf’s casual contempt for his defendants (and tacit approval of the sloppy policing dragnet that puts them at his mercy) is voiced at the conclusion of a grimly comic vignette worthy of Joseph Heller — one of many deeply reported, highly compelling mini-narratives of dysfunction within the criminal justice system that make “The Divide: American Injustice in the Age of the Wealth Gap” as infuriating as it is impossible to put down.
A 35-year-old black man named Andrew Brown is arrested for “obstructing pedestrian traffic” in Bedford-Stuyvesant. Brown, having been similarly harassed by the cops countless times before, refuses to provide ID and accept a summons, and is consequently brought into court. Once there, Brown explains to Waldorf that he was talking to a friend outside his own apartment building after getting off work, and that, given the lateness of the hour (shortly before 1 a.m.), there wouldn’t have been any pedestrian traffic on Myrtle Avenue to obstruct.

None of this seems to register with Waldorf. “What are you arguing?” he asks. He wonders aloud whether Brown was “being a wise guy” with the cops, and expresses surprise that a person such as Brown would have a job. He advises his client to pay the $25 fine.

Brown refuses and explains it all over again to the judge. The judge turns to Waldorf and asks whether Brown will pay the $25 fine. Waldorf explains, for the second time, that Brown won’t pay, his manner suggesting that for the life of him he can’t figure out why not.

Only then does the judge bestir himself to ask the arresting officer whether he saw any other people on the sidewalk that night. No? “O.K., then,” the judge sighs. “Not guilty.” Out in the hallway, Taibbi asks Waldorf why white people never get arrested for obstructing pedestrian traffic. Oblivious to the lesson that has just played out, and puzzled as to why Taibbi would want to include any of this in a book, Waldorf replies, “Low-class people do low-class things.”

Taibbi wrote “The Divide” to demonstrate that unequal wealth is producing grotesquely unequal outcomes in criminal justice. You might say that’s an old story, but Taibbi believes that, just as income disparities are growing ever wider, so, too, are disparities in who attracts the attention of cops and prosecutors and who doesn’t. Violent crime has fallen by 44 percent in America over the past two decades, but during that same period the prison population has more than doubled, skewing heavily black and poor. In essence, poverty itself is being criminalized. Meanwhile, at the other end of the income distribution, an epidemic of white-collar crime has overtaken the financial sector, indicated, for instance, by a proliferation of record-breaking civil settlements. But partly because of an embarrassing succession of botched Justice Department prosecutions, and partly because of a growing worry (first enunciated by Attorney General Eric Holder when he was Bill Clinton’s deputy attorney general) that any aggressive prosecution of big banks could destabilize the economy, Wall Street has come, under President Obama, to enjoy near-total immunity from criminal prosecution. It had more to fear,
ironically, when George W. Bush was president.

The argument isn’t laid out in a particularly rigorous or nuanced manner, but it seems plausible enough. Taibbi, a longtime Rolling Stone writer who is currently developing a publication about political and financial corruption for First Look Media, has in the past written in a blustery style that put me off, but here the gonzo affectation is kept largely in check. What I failed to notice previously — or perhaps what Taibbi shows off to especially good effect here — is what a **meticulous reporter** he can be, with a facility for rendering complex financial skulduggery intelligible. Especially noteworthy are Taibbi’s detailed accounts of self-dealing amid the dismantlement of Lehman Brothers — which involved, among other things, hoodwinking Lehman’s bankruptcy judge — and of a vicious harassment campaign waged by hedge fund managers against the employees of a Canadian insurance company whose stock they’d shorted. In both instances, one is struck that, however tricky the standard of proof may be for the white-collar criminal class, the evidence available nowadays in the form of compromising email communications would make Eliot Ness weep with gratitude. And yet the gangsters got away.

Taibbi is **similarly skillful** at explaining how bureaucratic imperatives in the criminal justice system can spin scarily out of control. In New York City, you start with a “broken windows” theory that says cracking down on petty crime can prevent little criminals from becoming big criminals. Possibly because that’s right, violent crime goes down. But paradoxically, that makes a cop’s life more difficult rather than less, because criminals are getting harder to find even as new computer systems are enabling the police commissioner to keep track of which precincts are making the most arrests. The solution turns out to be aggressive use of a stop-and-frisk policy that gives cops a blank check to “search virtually anyone at any time.” The police start behaving “like commercial fishermen, throwing nets over whole city blocks.” Some of the fish get prosecuted or ticketed for ever-pettier offenses; 20,000 summonses, for instance, are handed out annually for riding a bicycle on the sidewalk. But most fish aren’t guilty of anything and must grow accustomed to being routinely cuffed and ridden around in a police van before they are tossed back into the water. These fish are, of course, typically black and poor. Anecdotal evidence suggests that throwing a similar fishnet over entire Wall Street firms would produce a criminal yield at least as high as any random ghetto block. But innocent Wall Street fish would have a much bigger megaphone with which to proclaim their constitutional rights, and guilty Wall Street fish would have much better lawyers.
One theme implicit in Taibbi’s reporting is the extent to which the justice system’s newer kinds of inequalities are driven by technology. Computers encourage both the government and the banks to operate on a scale at which consideration of individual circumstance isn’t really possible. The result is unstoppable error by government (say, the frequent miscalculations that leave welfare recipients at constant risk of being wrongly accused of fraud) and unstoppable fraud by banks (say, robo-signing endlessly repackaged and resold mortgages and credit card debt). For both government and banks, such scaling up inevitably creates injustices for certain individuals, but so long as the victims are powerless there won’t be much of a legal or political reckoning. The person tossed into jail for welfare fraud he didn’t commit or tossed out of his house because he was mistakenly judged not to be paying his mortgage may or may not get it all sorted out in the end, but even if he does the feedback loop won’t impose too much pain.

We may be approaching a day when any kind of personal attention from a large institution that wields substantial control over your life becomes a luxury available only to the few, like a bespoke suit or designer gown.

THE DIVIDE

American Injustice in the Age of the Wealth Gap

By Matt Taibbi

Illustrated by Molly Crabapple

416 pp. Spiegel & Grau. $27.

Timothy Noah is a contributing writer for MSNBC.com and the author of “The Great Divergence: America’s Growing Inequality Crisis and What We Can Do About It.”


DISPROPORTIONATE SENTENCES

Chris Hedges, The Play's the Thing

Chris Hedges, TruthDig, Reader Supported News, 16 December 13

Hedges writes: "The 28 men in my class have cumulatively spent 515 years in prison. Some of their sentences are utterly disproportionate to the crimes of which they are accused."
Prop. 47 passes, reducing some crime penalties

Cells within the Men's Central jail in Los Angeles. (Jay L. Clendenin / Los Angeles Times)

By PAIGE ST. JOHN CONTACT THE REPORTER

California voters lift felony penalties for drug possession #Prop47
Petty theft, drug possession in California no longer a felony #Prop47

Proposition 47, to reduce sentences for some crimes, passes, AP reports. Penalties for common drug and theft crimes in California will be reduced from potential felonies to misdemeanors, shortening the time some offenders spend behind bars. Crimes covered by the measure include drug possession and the following offenses when less than $950 is involved: shoplifting, check and credit fraud, forgery, theft and possession of stolen goods.

As with other misdemeanors, the new maximum sentence will be one year in jail, down from a maximum of three years. Those with histories of violence or sex offenses will be ineligible for the lighter sentences.

Most offenders affected by this measure already serve their sentences in county jails, and many are released early.

POLITICS

Prop. 47 puts state at center of a national push for sentencing reform

However, anyone already serving prison time for a felony conviction on a reclassified crime may be able to petition for a new sentence -- even those incarcerated under the state's “three strikes” law.

Any reductions in state prison spending that result from Proposition 47 will go to a fund for crime victims, the state jails commission and the California Department of Education.

Why the living death of solitary confinement is both a form of political and racial violence and an attack on the structure of being itself

In this profoundly important and original book, Lisa Guenther examines the death-in-life experience of solitary confinement in America from the early nineteenth century to today’s supermax prisons. Documenting how solitary confinement undermines prisoners’ sense of identity and their ability to understand the world, Guenther demonstrates the real effects of forcibly isolating a person for weeks, months, or years.

In an unusually vigorous interrogation of philosophy and the social sciences, Lisa Guenther addresses one of humanity’s greatest inhumanities and its perversely long, extensive history in America. Guenther offers a compelling critique of solitary confinement, in the course of which she pushes phenomenology beyond its classical limits, revealing our inherent intersubjectivity, our need for both interaction and anonymity, and the moral imperative that America end this cruel and barbaric form of punishment. An urgently needed, powerfully argued study of one of the nation’s gravest moral and socio-political failings. *Orlando Patterson, Harvard*

There's So Much Life Here: A Death Row Prisoner Looks Back on Over 20 Years in Solitary Confinement

[www.truth-out.org](http://www.truth-out.org)

Keith LaMar has been in solitary confinement for more than 21 years.

DEBTORS’ PRISON

ROBERT GREENWALD FILM, *TO PRISON FOR POVERTY*

Dear Dick --
This season reminds us that there are a lot of things to be thankful for.

For instance, not having to go to jail for minor infractions like parking tickets.

But sadly, that's not the reality for everyone. We live in a world where government and corporations continue to make money off of those who are poor, hungry and desperate.

*To Prison for Poverty* exposes two private probation companies who exploit and make million of dollars off of people who can’t afford small fines.

Watch the documentary and subscribe to our channel here:

As we give thanks this holiday season, let's continue to challenge the systems that profit off of poverty.

Want to take more action? Sign up to host a screening.

Together we can continue to exposed poverty profiteers and give everyone more to be thankful for.

Thanks for all that you do.
Robert Greenwald, President
Brave New Films

Brave New Films · 10510 Culver Blvd, Culver City, CA 90232, United States

**DICKENS AND DEBTORS’PRISON, Google Search, Nov. 25, 2014.**

David Perdue's Charles Dickens Page - Little Dorrit charlesdickenspage.com/dorrit.html

Dickens' readers were not aware of his intimate relationship to the prison, the story ... Itself a close and confined prison for debtors, it contained within it a much ...

Debtors' prison - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/Debtors'_prison

Wikipedia

A mid-Victorian depiction of the debtors' prison at St Briavels Castle. .... The father of the English author Charles Dickens was sent to one of these prisons (the ... Category:Debtors' prisons - Accomac, Virginia - Worsham, Virginia

Debtors' prisons are back: how heart-warmingly Dickensian ...

www.washingtonmonthly.com/.../debtors_prisons_...

Washington Monthly

Apr 7, 2013 - The latest creepy relic from the darkest recesses of the Dickensian past that appears to be making a comeback these days are debtors' prisons.

Georgia's Debtors' Prisons Belong in a Dickens Novel - The ...
Advocates Work To Keep Mentally Ill Out Of Jail


By Christie Swanson

Sunday, December 7, 2014

Too many mentally ill people who aren't criminals go to Arkansas jails.

It costs taxpayers because a jail bed and jail medical care are more expensive than a treatment bed. It frustrates law enforcement who aren't trained and equipped to handle the mentally ill inmates. And it incarcerates people for being sick.

At A Glance
Prison Forum

Former Circuit Judge Jon Comstock will host a public form on the state’s criminal justice system from 10 a.m. to 2 p.m. Tuesday. “Promises: Prison, Parole and Probation” will be held in the Shewmaker Center at NorthWest Arkansas Community College in Bentonville. Inmates with mental illness are just one topic to be discussed by a panel of judicial system experts.

Source: Staff Report

At A Glance
Task Force

The Judicial Equality for Mental Illness task force is a coalition of stakeholders including members of law enforcement, mental health professionals, judiciary and families addressing the problem of person with persistent or episodic mental illness who end up incarcerated.

The group meets on the second Wednesday of each month and rotates between the Washington and Benton county jails. The next meeting is Jan. 13 at the Washington County Jail in Fayetteville.

More information about the task force can be found at www.facebook.com/JEMICoalitionNWA.
At a time when state legislators are considering a new, $100 million prison, mental health advocates offer a partial solution to the overcrowding problem: a statewide network of regional crisis centers with Northwest Arkansas serving as a pilot program.

These centers would be staffed 24-7 and be a place law enforcement officials could take people in mental crisis. Individuals could go there for help. Each center would include up to 16 residential beds for patients, which would be partially paid for with Medicaid dollars.

*Sen. Uvalde Lindsey, D-Fayetteville, is working with Sen. Jon Woods, R-Springdale,* on a proposal to create a $150 drug court fee, which would double the number of drug courts in Arkansas. Mental health programs such as the crisis centers could also be partially paid for through the fee, Lindsey said.

"This is a lot less expensive way to divert some people from the criminal justice system than building a new jail," he said. "I think prisons are the best training grounds for criminals."

Charlie Green, interim director of the Arkansas Division of Behavioral Health Services, said the agency is requesting an additional $3.8 million to expand services, including crisis intervention, which could include the crisis centers. He said the state spends over a half a billion dollars annually on mental health services.

"We like to divert people away from more expensive and less effective care," he said. "We're going to work hard to educate our new and returning legislators on the importance of intervening as early as possible."


**MASS INCARCERATION**

*[See Newsletter #3: Alexander, The New Jim Crow]*

**The New Press**

Available: July 2014

224 pages

Also available as an e-book

**Share:**

**Jonathan Simon**

@MassIncarcerati
Mass Incarceration on Trial

A Remarkable Court Decision and the Future of Prisons in America by Jonathan Simon.

An innovative look at the radical Supreme Court ruling on California prison conditions as a national wake-up call on mass incarceration, by the award-winning author of Governing Through Crime.

“One of the outstanding criminologists of his generation.” —Nikolas Rose, London School of Economics

For nearly forty years, the United States has been gripped by policies that have placed more than 2.5 million Americans in jails and prisons designed to hold a fraction of that number of inmates. Our prisons are not only vast and overcrowded, they are degrading—relying on racist gangs, lockdowns, and Supermax-style segregation units to maintain a tenuous order. In short, mass incarceration has proven to be a fiscal and penological disaster.

A landmark 2011 Supreme Court decision, Brown v. Plata, has opened an unexpected escape route from this trap of “tough on crime” politics and points toward values that could restore legitimate order to American prisons and ultimately lead to the dismantling of “mass incarceration.” Berkeley law professor Jonathan Simon—an internationally renowned critic of mass incarceration and the war on crime—argues that, much like the epic school segregation cases of the last century, this new case represents a major breakthrough in jurisprudence. Along with twenty years of litigation over medical and mental health care in California prisons, the 2011 Brown decision moves us from a hollowed-out vision of civil rights to the threshold of human rights.

Exposing the priority of politics over rational penal policy—and debunking the premise that these policies are necessary for public safety—this perceptive and groundbreaking book urges us to seize the opportunity to replace mass incarceration with a system anchored in the preservation of human dignity.

Praise

“A masterful job of assessing the qualitative shift in the court’s analysis on human rights concerns as they apply to our notorious prison system, the book points the way to a legal strategy premised on human dignity as a means of challenging mass incarceration.”

— Marc Mauer, executive director, The Sentencing Project, and author of Race to Incarcerate

“In this groundbreaking book Jonathan Simon has with his usual clarity shown a route out of America’s damaging and ineffective experiment in mass incarceration.”

— Baroness Vivien Stern, senior research fellow, International Centre for Prison Studies, and member of the House of Lords

See Review in Stand (Winter 2015), the ACLU magazine for members.

TRUTHOUT VS MASS INCARCERATION

I was heartened that, in his State of the Union address on Tuesday night, President Obama mentioned prison reform. However, the president implied that the worst was over: Incarceration rates are on their way down, he said.

The president forgot to mention that incarceration rates have declined so slightly that the actual number of people behind bars increased in 2013 (the last time it was measured). Two and a half million people in this country, primarily poor people of color, are still living in cages. That towering injustice has rippling effects that touch us all.

At Truthout, we know that mass incarceration will not fall without a massive movement against it. Neither will the racist policing that not only spurs brutal violence, but also serves as the gateway to prison.

These movements need a courageous media behind them: journalists who speak the truth about this system and the deep-seated injustice that drives it. Truthout's work on this topic has long been unparalleled. Since we don't ally ourselves with political parties or advertisers, we aren't afraid to tell you what's really going on, even when it doesn't line up with the rhetoric spewed by politicians and corporations who benefit from keeping people behind bars. That rhetoric is imprisoning our minds.

Truthout is breaking down that rhetorical prison every day. We are fueling the struggle for justice and as long as this organization is around, we're not letting up. We just need you to join us so that we can keep doing this work! Will
JUVENILE JUSTICE

SUPPORT THE YOUTH PROMISE ACT

National Action Call Saturday w/ Carol Chodroff

Matthew Albracht, Peace Alliance <info@peacealliance.org>

Dear Dick,

This Saturday, August 9th at 1:00 pm ET and 10:00 am PT, is our big national Peace Action call. Special guest will be Carol Chodroff.

Carol was the original lead drafter of the Youth PROMISE Act for Congressman Bobby Scott, and she is the one who came up with the bill’s name (Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education). She was the lead attorney for the bill in the U.S. House of Representatives from 2009 - 2012, and she helped secure 235 bipartisan co-sponsors in the House, and 16 bipartisan co-sponsors in the Senate in the 111th Congress. She has given presentations about the bill before Congress and on panels and at conference all over the country, and she remains passionate about and active
on behalf of the legislation to this day. She is determined to see this bill signed into law!

Join Carol for an informative discussion about Youth PROMISE Act and Q&A. We will also hear reports from Action Teams around the country as well as discuss this month's big action. We will be writing letters to our Senators in support of Youth PROMISE Act. Our monthly Action Sheet with instructions can be downloaded here.

✔ **Sign up now to be a part of the inspiring conversation!**

See you there!

**In Peace,**

Matthew Albracht  
Executive Vice President

---

**National Monthly Peace Action Call Saturday, January 10th**

**Author: Nell Bernstein, *Burning Down the House***

✔ **Sign-up to be a part of this inspiring conversation**

Dear Dick,

We are pleased to be joined on this month's Peace Action Call by Nell Bernstein. Her recently published book, *Burning Down the House: The End of Juvenile Prison*, is a clarion call to end juvenile incarceration and bring our children home. She was featured recently on NPR’s *Fresh Air*, MSNBC and many other media outlets.

The San Francisco Chronicle writes that the book “offers promising alternatives to jail and issues an urgent and unequivocal moral indictment: We’ve purchased peace of mind at the cost of the health, and in some cases the lives, of children - a bargain perhaps as criminal as the worst of youthful offenses.”

The call will be on **Saturday, January 10th at 1:00 pm ET, 10:00 am PT.**

Join Nell during the first half of the call for an important conversation and Q&A on the
challenges of juvenile incarceration and how we can move towards more effective solutions, followed by a discussion of this month’s collective action -- focusing on enrolling our members of the House of Representatives as initial co-sponsors of the Youth PROMISE Act as the bill is re-introduced. We will also hear inspiring reports about victories our Action Teams from around the country have achieved.

✔ Sign up now to be a part of this important conversation

More about Nell Bernstein:

Nell Bernstein is also the author of All Alone in the World: Children of the Incarcerated, and the coordinator of the San Francisco Children of Incarcerated Parents Partnership, which advocates for a Bill of Rights that has been adopted by coalitions and legislative bodies across the country. All Alone in the World was selected as a pick of the week by Newsweek Magazine, a best book of the year by the San Francisco Chronicle, and a top ten book of the year by the Online Review of Books, and has been adopted into the curricula of universities across the country.

Ms. Bernstein has addressed policy makers, grant makers, criminal justice professionals and the public across the country about the impact of incarceration on families, and made numerous radio and television appearances. Her writing has appeared in numerous national magazines, and she has been awarded both a media fellowship from the Open Society Institute and a Journalism Fellowship in Child and Family Policy from the University of Maryland, School of Journalism.

Please join us for this dynamic discussion.

In Peace,

Matthew Albracht,
Executive Vice President

END PRISON PRIVATIZATION

[See Newsletter #3, Hartman and other newsletters]

Fight the Prison Profiteers

The Nation Magazine via uark.edu

Oct 12 (1 day ago)
Dear Nation Subscriber,

Today, 2.7 million children have a parent behind bars. For these kids, losing a parent to incarceration can be as traumatic as losing one to death or divorce.

While phone calls are often the only way these families can stay connected, sometimes even that is not possible. For too long, for-profit prison phone companies have gotten away with charging sky-high rates, making it too expensive for families to stay connected. Prisoners are charged up to $17 for a 15-minute phone call—a call that might cost $2 outside of prison.

We feature one of these companies, Global Tel* Link, in the first video of our "Prison Profiteers" series. Created along with Beyond Bars—a Brave New Films project—and the ACLU, "Prison Profiteers" profiles the powerful corporations making billions of dollars by exploiting our mass incarceration crisis.

As part of the series, we're asking our readers to take action. The Federal Communications Commission took an important first step in August by capping the price of prisoner phone calls made from one state to another at twenty-five cents per minute. But most prisoners are serving time in their home state. Sign our petition and join the nearly 10,000 people calling on the FCC to finish the job and end this predatory practice for all prison phone calls.

All best,

Sarah Arnold, The Nation

Chris Hedges | Food Behind Bars Isn't Fit for Your Dog, TruthDig, RSN, 23 December 13, Reader Supported News
Hedges writes: "Aramark, often contracted to provide food to prisoners at about a dollar a meal, is one of numerous corporations, from phone companies to construction firms, that have found our grotesque system of mass incarceration to be very profitable."
READ MORE

ARKANSAS PRISONS AND JAILS

New Options - Prison Overcrowding
Just wanted you to be aware of my effort. If you can support any of these, or have questions, let me know. Thanks.

Jon  http://www.joncomstock.com

From: Jon Comstock <jon@joncomstock.com>
Date: Wednesday, February 18, 2015 at 10:37 PM
To: <gasperb@blr.arkansas.gov>
Cc: <jon.woods@senate.ar.gov>
Subject: New Options - Prison Overcrowding

Brent,

Senator Jon Woods requested that I reach out to you regarding the potential for new legislation that would help reduce prison population in a way that is logical, fair and safe for the public.

In the order of priority:

Proposals 1 and 2 would accelerate the “parole eligibility” of many inmates who have in fact served significant portions of their sentence. These Proposals do not guarantee early release, but are dependent on the Parole review process.

Proposal 3 deals with reducing probation case loads.

Proposal 4 deals with allowing fines/costs/parole/probation fees to be managed as “civil” matters (rather than criminal) and allow satisfaction through Community Service.

Proposal 5 addresses a needed rollback of some of the parole revocation policies enacted in last 2 years as a result of serious break-down in the Parole process for a certain individual.

Proposal 6 deals with fact that many sentences in Arkansas are in excess of Arkansas’ Sentencing Guidelines.

Proposal 1:
1. Currently, “eligibility” for parole consideration is driven by the term of the sentence imposed by the Court, which is often driven by Arkansas’ rule that an inmate must serve “50% of the sentence imposed” or “70% of the sentence imposed”.

2. Fact: There is a lot a variation in actual sentencing from county to county, judge to judge, as Arkansas’ Sentencing Guidelines are discretionary, not mandatory.

2. Modify this to make “eligibility” for parole consideration (not an automatic release) dependent on Arkansas’ Sentencing Guidelines.

[This would put all persons convicted of same crime on an equal footing for parole consideration. Prosecutors and others would of course still be able to object if they had reasons to do so.] [For example, if a sentence was imposed of 20 years, and the Guidelines call for 15 years, then “eligibility” would be calculated on 15 years.] Immediately, a large pool of inmates who have served significant portions of their sentences would be eligible for parole consideration.

Proposal 2:

1. Currently the Department of Corrections awards “good time credits” to inmates for positive conduct on the part of the inmate.

2. Currently, due to the law that requires that “50% of the sentence imposed” or “70% of sentence imposed” be served PRIOR to parole consideration, a large number of inmates have earned “good time” but are not given full credit as it does not trump the 50% or 70% rules.

3. Modify this to allow an inmate 100% of all “good time credits” awarded by Department of Corrections to further shorten the “parole eligibility” date, from the eligibility date calculated by using the Arkansas Sentencing Guidelines (as set forth in Proposal 1 above.)

4. [For example, if a sentence was imposed of 20 years, and the Guidelines call for 15 years, then “good time” credits would be subtracted from the Guideline eligibility date.]

Proposal 3:

Designed to address the need for additional parole officers.

1. Currently, the Department of Community Corrections has a large number of probationers on “annual reporting” due to their professional assessment that the probationer is very low risk.

2. These persons still require work on the part of DCC and are counted in the probationer officer’s case load.
3. Currently, Arkansas law allows the Court to terminate early a probation term, but this typically happens rarely, and then only when the State and the Defendant file an Agreed Request with the Court.

3. Modify internal rules within DCC to notify probationers on “annual reporting” status that they may APPLY to the Court, with notice to the Prosecutor, for “early termination” of probation. [This does not require a change in any law.]

Proposal 4:

Designed to address the incarceration of probationers and reincarceration of parolees for NON-PAYMENT of fines and fees.

1. Currently, both the Department of Corrections and DCC spend inordinate time and effort in the collection of fines and fees, which often result in further imprisonment.
2. While non-payment should be addressed effectively, it should not be the basis for imprisonment.
3. Modify the law to provide that (a) fines, costs and fees result in the State having a “civil lien” just like any civil judgment; and (b) failure to pay results in a “civil” (not criminal remedy), including in the appropriate case, the right of the court to find an individual in civil contempt; and (c) allow to be satisfied by Community Service.

Proposal 5:

Designed to rollback certain parole revocation policies enacted in last two years.

1. Currently, it is reported that “parole revocations” have increased by 400% as a result of a dramatic reaction to a failure in the Parole process regarding a single person who committed murder while on parole.
2. Conduct thorough review of the rules that were enacted, that may genuinely be deserving of further review and modification. Technical Violators Program or something equivalent should be reinstated.

Proposal 6:

Designed to address fact that sentencing in Arkansas often exceeds the Arkansas Sentencing Guidelines.

1. Currently, most criminal cases are disposed of by plea bargain, that often result in sentences in excess of the State’s Sentencing Guidelines.
2. During the in-court sentencing of most individuals, Guidelines are often not addressed with the Defendant. The Sentencing Commitment Order is routinely prepared by the Prosecutor’s office and submitted to the Judge to sign several days after the in-court sentencing.

2. Modify the law to require the Judge, at the time when the plea is accepted in open court, to require the disclosure to the Defendant the relationship between the State’s Plea Offer and the Sentencing Guidelines, AND require the Judge to state into the record all material facts on which he or she relied to impose a sentence greater than the Guidelines.

Thank you for your consideration. I would be glad to expand on the rationale for any of the proposed changes if you request.

Jon Comstock
479.659.1767
http://www.joncomstock.com

Contents of Prisons and Jails Newsletter #1
Arkansas
A Nation Behind Bars (8)

Contents of Prisons and Jails Newsletter #2
Private Prisons
Webster, Wrongful Convictions
Garrett, Convicting the Innocent
Solitary Confinement

Contents #3, 2.3 Million in Prison, Many in Solitary Torture, Many in Prisons for Profit

Incarceration Stats 2011, 330,000 for Drugs 2011
Stuntz, *Collapse of American Criminal Justice*

Rothberg, Solitary Confinement, Prison Isolation Units, Torture
Ridgeway, Solitary Confinement
“Herman's House,” PBS/POV Film, Solitary Confinement Torture

Hartman, Capitalism and Prisons for Profit

**END PRISONS NEWSLETTER #4**


--
Dick Bennett

Newsletters

Index:
[http://www.omnicenter.org/omni-newsletter-general-index/](http://www.omnicenter.org/omni-newsletter-general-index/)
jbennet@uark.edu
Facebook: [www.facebook.com/OMNIPeaceDept](http://www.facebook.com/OMNIPeaceDept)
j.dick.bennett@gmail.com
(479) 442-4600
2582 Jimmie Ave.
Fayetteville, AR 72703