

# Correctional Forum

MARCH 2007

A PUBLICATION OF THE PENNSYLVANIA PRISON SOCIETY

Promoting a humane, just and restorative correctional system and a rational approach to criminal justice since 1787

## THIS JUST IN

### GOVERNOR COMMUTES LIFE SENTENCE

One month after starting his second and final term, Gov. Rendell used the power of executive clemency to commute the life sentence of a prisoner who served 36 years for his part in a fatal armed robbery. It was the first commutation of a life sentence granted in four years, and only the second in more than a decade.

The Pardons Board voted unanimously in 2003 to recommend clemency for Michael H. Anderson, 54, of Philadelphia. Anderson's sentence will be changed to life on parole after he serves another year at a community corrections center.

In a letter to the Prison Society after receiving the recom-

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## BIG APPLE CORE

By Liz Spikol

Can Pennsylvania learn fundamental corrections lessons from its feisty neighbor to the north?

“Steamroller Spitzer”—that’s what New Yorkers are approvingly calling their new governor. Since he’s taken office, Gov. Eliot Spitzer—true to his history as a dogged attorney general—is asserting his power with the state Legislature, openly opposing members of his own Democratic party and propos-

ing medical spending cuts his predecessor was pressured to back away from. Gov. Spitzer’s first month in office was also marked by an innovative proposal: the formation of a commission to study closing some New York State prisons.

For those involved in criminal justice  
*continued on page 14*

## PA PRISONERS PHONE HOME

By Liz Spikol

Along with the other corrections innovations, New York Gov. Spitzer has announced that his state’s Department of Correctional Services will reduce the cost of inmate phone calls.

Pennsylvania, too, has been developing new strategies to improve inmate access to communication. As of June 2007 all prison phones will be replaced by those of a new service provider, Global Tel-Link. New lower rates—standardized across the system—will become effective as the phones are installed. Significant reductions in surcharges on collect local calls, prepaid local calls and calls across the prison system are anticipated.

In addition, the PA DOC will expand its email services with the assistance of J-Pay, which has been collaborating on a pilot program at SCI’s Albion, Camp Hill, Huntingdon, Houtzdale, Muncy and

Smithfield since last summer. And other companies—Electronic Message Solutions, Inmate Calling Solutions and SECURUS—will come onboard to enhance access.

As for electronic communication, Pennsylvania prisoners will now be allowed to read incoming email that’s been screened for objectionable words (like “escape” or “drugs”). Their responses will be transmitted via snail mail, but the DOC is considering other options, including the forward-looking idea of computer kiosks stationed in common areas.

More developments are likely in New York, as the state Court of Appeals ruled that a challenge brought by the Center for Constitutional Rights on behalf of family members who pay to receive phone calls from incarcerated loved ones will move forward. ■■■

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FROM THE EXECUTIVE DIRECTOR

FAIL SAFE

By William DiMascio

*It is common sense to take a method and try it.  
If it fails, admit it frankly and try another.  
But above all, try something.*

—Franklin D. Roosevelt

There are learned people in the criminal justice field who have committed themselves to succeeding at failure.

You know them. They are the people in titled positions who have assisted in the wholesale destruction of hundreds of thousands of men and women who are too poor (in money or in spirit), too uneducated (in academic terms) or too culturally bereft to be considered part of mainstream society. The sorry state many of these men and women grew up in had them on destructive paths of their own, but it was the gurus of criminal justice who provided harsh, punitive, un-rehabilitative prisons that extinguished any chances of their successfully returning to society. We hear about these failures on a daily basis. They are reflected most often in the recidivism rates of formerly incarcerated individuals that average better than 50 percent.

We have district attorneys who lobby the legislature for the toughest sentencing guidelines possible. They say this will deter crime, even though they know it has minimal impact on future crimes. What they don't say is that they do it because it makes their jobs easier: gives them more room to offer plea arrangements that are

slanted toward getting more convictions—not toward achieving justice or, with relatively few exceptions, improving public safety.

We have lawmakers who care more about getting reelected than about having fair and reasonable levels of punishment for wrongdoers. They typically respond to the most aberrant crimes by mandating unconscionably long sentences. They want the voters to think they are doing something meaningful about crime, even though the architects of these punishments know that mandatory minimum sentencing has failed to achieve any of their goals.

We have judges who excoriate prison administrators for running unsafe and overcrowded jails while they contribute to the problem by permitting courtroom delays that cause county jails to overflow with people awaiting trial and unable to afford bail. Although the public tends to equate judicial robes and courtroom trappings with the pinnacle of justice rendered, the role of judges has been severely limited. Jurists are the individuals responsible for weighing objectively all the evidence presented, but their range of sentences is limited to those imposed by lawmakers who are far

removed from the trial and by prosecutors who set the charges and who are prejudiced parties in criminal cases.

Not all prosecutors, legislators and jurists are committed to this philosophy of failure, but enough of them are so that meaningful reform is consistently blocked. Those who do speak out for improvements get pilloried by talk show hosts and run the risk of losing their seats in the next elections.

And in fairness, we are also to blame for reelecting officeholders who fail to search for effective, long-term solutions. In truth, we may have dressed up our prisons so they don't look like torture chambers and written corrections mission statements that read like biblical passages, but public apathy has permitted our penal system to sink to totally unacceptable levels.

We convict innocent people on a daily basis, even in capital cases, which are supposed to have the strictest standards of proof. We imprison more of our citizens than any other nation. We have a crime rate that is exacerbated by the inability of demonized former offenders to make lives for themselves after being released.

The numbers are so huge that it's difficult to get a grip on them. When you talk in terms of budgeting \$1.6 billion or so, what's another \$170 million? The governor's budget for the next fiscal year earmarks a cool \$1.68 billion for the Department of Corrections.

That's in addition to the spending plans for the Board of Probation and Parole, the Sentencing Commission and the Commission on Crime and Delinquency — other important players in the war on crime. But these and other facets of criminal justice add up to chump change compared

to the DOC. And this is just the operating budget; it says nothing about the capital budget, which includes hundreds of millions of dollars for the construction of new prisons and maintenance of old ones.

The DOC will spend \$33 million to reopen SCI Pittsburgh, which was mothballed in 2002. With incoming prisoners outnumbering exiting inmates by an average of 157 a month, the DOC is looking at a need to open one new prison each year. And with existing facilities already swamped and the long lead-time required to site, build and staff new institutions, the department is already talking about adding three more prisons to the existing 26. They would be built on existing prison grounds in Centre, Luzerne and Huntingdon counties where they could eventually replace aging and inefficient structures at Rockview, Retreat and Huntingdon, if the state ever gets a grip on the escalating population.

At the end of January, the department held 44,625 prisoners in facilities with total capacity of 39,045. We can build more prisons, but history has shown that we'll never get ahead of the number of inmates. It is absurd to think that by continuing to do what we have always done, we will get anything but what we have always gotten.

We need to change our attitudes about punishment, make greater use of alternatives to incarceration, and reduce the length of sentences we impose. Then, we can commit more funds to improving public education, building cleaner and safer communities, expanding public health and welfare and, perhaps, creating a society that is more peaceful, productive and successful.

The time for change is at hand. ■■■

## IT'S MANDATORY

Though anyone involved in the criminal justice system knows that judges are frustrated by mandatory minimum statutes, a recent study—*We're Supposed to Sentence Criminals, Not Crimes*—quantifies the depth of the jurists' opposition.

The survey of 326 Common Pleas judges was conducted by Pennsylvania's Clarion County Common Pleas Senior Judge Charles R. Alexander and St. Mary's College of California professor Rebecca Carroll. A scholar of rhetoric, Carroll conceived the survey while studying public policy decisions that would affect prison overcrowding.

Peter Hall, writing for *Pennsylvania Law Weekly*, broke down some of the survey's results as follows:

- More than 53 percent of judges felt strongly that mandatory minimums are not an effective deterrent to crime.
- Ninety percent said they have felt that a mandatory minimum statute was an impediment to the just resolution of a case over which they presided.
- Nearly 87 percent said they believe that mandatory minimum statutes transfer discretion regarding punishment from the judge to the prosecutor.
- About 66 percent of those who believe that transfer of discretion exists believe it is a bad thing and nearly 96 percent responded on the negative side of that scale.

# PRISON SOCIETY NEWS

## NEW STAFF



### **John Hargreaves**

*Director of Volunteer Services*

In March, John Hargreaves will assume responsibilities as Director of Volunteer Services. He will oversee the Prison Society's network of Official Visitors, work with chapter Conveners to solve local prison issues they or their chapter members have encountered, and build membership in the chapters throughout the state.

John is not new to the Prison Society. He has been involved with the Dauphin County Chapter since 1979 and became co-convenor in 1980. He is a regular Official Visitor to Dauphin County Prison and SCI Camp Hill. In 1995, John was awarded the Official Visitor of the Year Award.

"The need for the public to be involved in prisons and correctional issues is critical," says John, "and the Prison Society is an excellent instrument to address these needs." John has worked as a criminologist for the Commonwealth of Pennsylvania for the past 29 years, serving as a liaison between the state-run juvenile delinquent secure treatment units and county courts. He also taught Outward Bound to juvenile delinquents.

When asked why he has devoted so much of his life to this kind of work, John says, "The stark contrast between my life and the difficult conditions of those incarcerated makes me truly appreciative of what I have. A small effort on my part reaps such large rewards for those whose means are so limited."

John's other interests include travel and competing in triathlons. He has been married for 28 years, and has two children and six grandsons.



### **Liz Spikol**

*Communications Manager*

"In everything I do, I want to give voice to the voiceless," says Liz

Spikol, the Prison Society's new Communications Manager. Liz is responsible for the Prison Society's website, promotional materials, special events, media outreach, and is the managing editor of *Correctional Forum* and *Graterfriends*.

Prior to coming to the Prison Society, Liz worked for eight years as the managing editor of *Philadelphia Weekly*, during which time she won numerous journalism awards from the Keystone Press Association (eight times), Society of Professional Journalists, and the Philadelphia Psychiatric Society. Liz will continue to write her column, "The Trouble with Spikol," for *PW*. She has also taught Spanish, English as a second language and English composition.

Through her work as an advocacy journalist, Liz realized some time ago that there is an increasing overlap with mental health and criminal justice issues. "Working for the Prison Society allows me to address the challenges these issues present to society. I look forward to helping to enhance the profile of the Prison Society, further its mission and increase public knowledge of policy issues and criminal justice reform."

Please feel free to call Liz (215-564-6005, ext. 112) or email ([lsplikol@prisonsociety.org](mailto:lsplikol@prisonsociety.org)) if you have suggestions and comments relating to the Prison Society's communications efforts.

## IN MEMORIAM

**Marjorie Oliver**, Convener of the Philadelphia Chapter and member of the Prison Society, died after a short illness on December 29, 2006. She was a much loved and revered Official Visitor who brought comfort to those she visited and earned respect from prison staff, politicians and civic leaders. Marge was a tenacious advocate for prisoners, their families and prison reform. She will be missed by so many.

**Norman Goerlich** died early this year and the Prison Society extends condolences to his family. Norman had been a Prison Society board member in the late 1990's before moving to South Carolina and he was active on the board's Development Committee. He was ever-present in the office and well known by the staff for his words of encouragement and humor.

## STUDENT CHAPTER FORMED AT INDIANA UNIVERSITY OF PENNSYLVANIA

Rosemary Gido, Prison Society board member and professor of criminology, spearheaded formation of the Prison Society graduate student chapter at the Indiana University of Pennsylvania Criminology Department. Most recently, the student chapter participated in a National Issues Forum on "Violent Kids: Can we Change the Trend?" at SCI Pine Grove. The forum was facilitated by inmate Stephen Knight (Prison Society Prisoner of the Year, 2004), Prison Society board member Joan Porter, and Jim Smith, then director of volunteer services. IUP

criminology department faculty members Dan Lee (Chapter Advisor) and Rosemary Gido attended. Student participants included Shelly Clevenger (chapter president), Amanda Cox (chapter vice president), Lisa Carter (secretary), Murat Gulcan, Jamie Welden, Renee Lamphere, Kathleen Madland, and Duffy Greba. The chapter was formed last fall and is completing a toy collection drive for the children's visiting trailer at SCI Muncy.

Corrections issues posters prepared by the student chapter will be on display at the Prison Society's Annual Meeting on May 9.

## 220TH ANNUAL MEETING MAY 9, 2007 AT 4 PM

Independence Visitor Center  
Independence Mall West  
Sixth and Market streets  
Philadelphia

- New board member and officer elections
- State of the Society Address
- Awards: Prisoner of the Year, Corrections Professional, Meritorious Service
- Guest Speaker
- Reception follows

All members of the Prison Society are invited to attend.

## WELCOME NEW MEMBERS!

Maria Weick	Derel Britton	George Yoder	James Zetterman
Susan Craig	Donald Sherrill	Joel Mensch	Dennis Lennon
Emma DiBona	John Mark Shedden	Barbara Dantley	Thomas Fitzgerald
Craig Stock	Wayne Mitchell	Stacey King	Edward Stinson
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Cheryl Wunsch	Joshua Coene	Michael Whitby	Lakeith Amir Sharif
Catherine Meyers	Bahiyah Muhammm	Dumont Bush	Bernard Tynes
Regina Miller	Stephen Wachter	Richard P. Mohring	Troy Adams
Raphael McNamara	Marck McKinney	Reuben Smitely	Gina Turella
Margaret McCleary	Patricia Sloan	Theresa Kenask	Theodore Mosely
Andrew Alston	Carlos Lugo	Mark Stevens	Orlando Maisonet
Dennis Spain	Gregory Dunbar	Angela Daniel	Michael Marsilio

## A TIGHT FIT

By Liz Spikol

While Pennsylvania state prisons exceed operational bed capacity, the city of Philadelphia is in hot water for overcrowding. In January, U.S. District Judge R. Barclay Surrick ruled, in a strongly worded 76-page document, that the city's prison conditions last summer violated inmates' constitutional rights. Judge Surrick based the decision on evidence presented by University of Pennsylvania professor David Rudovsky, who assisted 11 inmates in filing the lawsuit, as well as on a tour of the city's Curran-Fromhold Correction Facility. The judge's ruling means that once again Philadelphia's jails will be under federal monitoring—as they were between 1971 and 2005.

Aside from conditions that had prisoners essentially sleeping on top of one another on concrete floors, the judge also condemned the lack of medical care provided to an inmate with Parkinson's disease and AIDS. Despite a hospital visit during which medical staff emphasized the patient's need for regular medication, he was not accommodated while in police custody. Personal hygiene items, like toothbrushes, toothpaste and soap, were not adequately provided. Hot water was in short supply, and toilets were clogged and sometimes unusable.

At the same time the lawsuit was being heard last year, Philadelphia

Prison System Commissioner Leon A. King spoke to Philadelphia City Council during a public health committee hearing and gave his organization an A grade.

After receiving the judge's ruling, Philadelphia City Solicitor Romulo L. Diaz Jr. evaluated the issues raised, many of which he says had



been resolved since that crowded summer came to an end. The judge's opinion, Diaz tells *Correctional Forum*, was certainly "spectacular in language and description, but our issue in connection with the three-page order was that it was narrowly drawn."

Diaz notes that some of the issues had been addressed in the past, like a previous federal order pertaining to prisoner transport. "We're trying to clarify the judge's order," says Diaz, who as of press time was finalizing details of an official response.

But his office is intent on cooperating, Diaz says. "We've identified fixes. We're really working to try to comply with the judge's ruling rather than undercut it." At the

same time, as the weather gets warmer, the number of prisoners is likely to increase, and that complicates matters. "We're trying to reasonably address expected conditions," Diaz says, "and to be reflective of the prison system's capacity to respond."

In January, the average daily population of Philadelphia prisons was 8,750. The prisons have an operational capacity of about 8,977, says Philadelphia prison spokesman Bob Eskind. The Philadelphia District Attorney's Office is appealing Judge Surrick's decision.

These issues aren't unique to Philadelphia. The County Commissioners Association of Pennsylvania's Prison Overcrowding Task Force, in conjunction with Temple University's Department of Criminal Justice, initiated a two-part study in 2003. Last July its summary report, *Controlling County Jail Populations: Exploring Problems & Prospects*, identified concrete steps that could be taken across the board in Pennsylvania. As the full project report says, "Every avoidable jail admission and every unnecessary day spent in jail represents not only a failure to exercise responsible stewardship over county resources but also a breach of the system's duty to do justice for the individuals involved." ■■■

# INSIDE MORTALITY

By Liz Spikol

█ The recent release of two separate but related studies reveal new findings about incarcerated people's mortality rates.

The Justice Department's Bureau of Justice Statistics (BJS) issued a report on January 22 called *Medical Causes of Death in State Prisons, 2001-2004*, by policy analyst Christopher J. Mumola.

Though the numbers garnered a positive corrections spin in the media—suggesting incarcerated people live longer than do people on the outside—the results are more nuanced. While the overall mortality rate of state prisoners was 19 percent lower than among the general population, racial and ethnic makeup was a determining factor.

White and Hispanic prisoners had mortality rates that were higher than their counterparts in the general population, while African-American prisoners have a mortality rate 57 percent lower than their African-American counterparts in the overall population. And while in all age groups under age 45, the state prison mortality was lower than the general population, for prisoners ages 55 to 64, the mortality rate was 56 percent higher (Pennsylvania has a very high percentage of people 60 and over, who obviously have more health problems).

Drexel professor Julia Hall, a Pennsylvania Prison Society board member, says the results aren't surprising, especially when it comes

to African-American males. "The study really just comments on the poor access to quality healthcare in the general population," she says. "Most of the deaths are related to pre-existing conditions, and low-income blacks don't get quality preventive care. On the street people live in less stable environ-



ments. In prison they get three meals a day that meet nutritional standards. There's something to be said for three hot meals and a cot."

On the street, homicide is the leading cause of death among African-Americans aged 15 to 24. Eighty-nine percent of those homicides are committed with a firearm. In prison there aren't any drive-by shootings, and access to drugs and alcohol is greatly reduced.

But Hall worries that some may misinterpret the evidence and say that prison is good for some people. "Prison is not good for anybody," she says.

Information for the BJS report was collected under the Death in Custody Reporting Act of 2000. There were 12,129 deaths reported

between 2001 and 2004, 89 percent due to medical conditions. Eight percent were due to homicide or suicide, while the final 2 percent were a result of alcohol/drug intoxication or accidental injury.

The report does not mention mental illness. Nationally, 16 percent of the prison population is seriously mentally ill, and Pennsylvania's numbers are higher than that. Because mental healthcare services on the outside are so lacking, prisons have become de facto mental health facilities. Hall says that should've been part of the report.

It was a part of a study published in the January 11 issue of *The New England Journal of Medicine*. Conclusions in *Release From Prison—A High Risk of Death for Former Inmates* were based on data collected from incarcerated people released from the Washington State Department of Corrections between 1999 and 2003. Death rates spike sharply in the two weeks after release. In that time period, released prisoners were 12.7 times more likely to die than other Washington state residents. The study reads, "A high prevalence of underlying mental illness and the psychological stress of re-entry may have contributed to the excess risk of suicide. ... Improved transitional planning for inmates with mental illness may help to reduce this risk." █

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**L E G I S L A T I**

**BILL NO. DESCRIPTION  
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**HR 12  
PN 21**

Calling for the Pennsylvania Commission on Sentencing to study the use and impact of mandatory minimum sentences and report back to House with its findings and recommendations within two years.

**HB 80  
PN 104**

Providing for Mental Health Courts with the following objectives: increased cooperation between CJ and MH systems; faster care processing time; improved access to necessary services and support; increased services for offenders with mental illness; reduced recidivism; continued judicial supervision and delivery of mental health services.

**HB 326  
PN 377**

Providing for criminal gang offenses. Also establishing the Criminal Gang Deterrence Fund, community programs, and drug and alcohol treatment.

**SR 9  
PN 13**

That the Senate direct the Joint State Government Commission to study the issue of violent crime, to establish an advisory committee consisting of experts on the issue of violent crime, which is balanced so that it encompasses a wide range of backgrounds and viewpoints, to review proposals that address the issue of violent crime and develop a consensus on the recommendations best suited for Pennsylvania and to report to the Senate with its findings and recommendations no later than November 30, 2008.

**SB 56  
PN 77**

Adds public parks, playgrounds, and trails to drug-free zones.

**SB 73  
PN 92**

Provides for improved organization of criminal justice statutes in Title 42 and Title 61 of the Pennsylvania Consolidated Statutes. Amends Title 42 (Judiciary and Judicial Procedure) and codifies Title 61 (Penal and Correctional Institutions) providing for temporary release from county jails, for parole without board supervision, for judicial power to release inmates and for transfers of inmates needing medical care, providing for state intermediate punishment, adding definitions; provisions relating to general administration of correctional institutions, state and county correctional institutions, the Philadelphia County Prison, inmate labor, medical services, visitation, boot camps, execution procedures and miscellaneous probation and parole matters.

**SB 397  
PN 122**

Imposing fees of \$200 on some criminal convictions to fund the start-up, operation or maintenance of a booking center. Also providing for a countywide booking center plan through Criminal Justice Advisory Boards.

# V E U P D A T E

LEAD SPONSOR	ACTION STATUS	PRISON SOCIETY POSITION
Rep. Greg Vitali (D-Delaware County)	In House Judiciary Committee 1/30/07	<b>Support</b>
Rep. Daylin Leach (D- Montgomery County)	In House Judiciary Committee 1/30/07	<b>Support</b>
Rep. Michael Sturla (D- Lancaster County)	In House Judiciary Committee 2/9/07	<b>Monitoring</b>
Sen. Stewart Greenleaf (R-Montgomery County)	Reported as committed out of Senate Judiciary Committee 2/13/07	<b>Support</b>
Sen. Edwin Erickson (R- Delaware County)	In Senate Judiciary 2/8/07	<b>Oppose</b>
Sen. Stewart Greenleaf (R-Montgomery County)	First Consideration in Senate, 2/13/2007	<b>Support</b>
Sen. Bob Regola (R-Westmoreland County)	Amended and reported out of Senate Judiciary 2/13/07.	<b>Monitoring</b>

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## A DAY IN THE LIFE

By Cameron Murray

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### 5:00 A.M.

Before bells ring, I'm up. Years of waking early from disturbing dreams. Dreams of "what ifs" and "coulda beens." It's only in this moment every morning that I can find some semblance of aloneness. Some semblance of peace. Some span of silence into which I can throw my thoughts without them bouncing immediately back at me, off of the stones. Stone faces and stone hearts.

Or are they wearing masks too? The bad thing is that if you wear a mask long enough, it can become your face. I remember when I was a college student, 1980, Northeastern University, Boston. It was a fun time in Roxbury. New York cats were loved over there.

Then Temple University. Philly. That's where it got major. My major was communications. Always had the gift. Doesn't do much good now. Oh, yes, it does. It helps me

survive. I was a singer and a songwriter, had a few records. What happened? Greed and associations. Wanted it fast. Fast cars. Crash. The bell rings. The world is up.

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### 6:00 A.M.

Breakfast is bad. Dirty trays and monotony. Wash it down with warm water. Got to wash up in this 8-foot cell with another man too close for comfort. There's always tension. Who's my new cellee? Will we have to fight to establish territorial dominance? Or will he, seeing my 6-foot-2-inch 220 lb. frame acknowledge that the bottom bunk belongs to me?

I liked it better when I had a single cell. But they only give them to guys who are homosexual, or dangerously aggressive. I got tired of giving guys floor brush headaches. And I won't give them the satisfaction of being gay, or even faking it like some do. I'm up for parole in a few years. Plus, I'm a man. They

reward the wrong things in here. And punish the wrong things. Makes me wonder how they really want me to come out.

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### 8:00 A.M.

I'm at work now at the mattress factory. I wonder how much money I can make in the street making mattresses. But I'm glad I have a job. Keeps me out of trouble. Always had a job. Worked at ABC television once, long time ago. At coffee breaks we laugh and talk. Sometimes I write. I write a lot. It's like therapy. They barely pay you enough to survive in prison. I make 41 cents an hour. Most guys earn about 20 cents an hour.

They make it hard for you to save any money. When most guys get back on the street, they're poor and desperate again. With mouths to feed. It seems like it would make sense to pay you enough to save. Everybody thinks you don't need any money in prison. You need

money everywhere. If you don't pay a laundryman, your clothes get lost. If you don't pay a kitchen worker, you'll starve on bad food days, which are about as frequent as bad hair days, which force you to pay a barber.

Most guys come to jail because they were trying to get money. With a bad education, and poor social skills or at least inappropriate social skills, it's hard to get money. But easy to make babies, and babies need money and ... I'm just glad I have a job.

---

#### 4:00 P.M.

After work I'm back on the block, and so is everyone else. The block is noisy and crowded. Cursing, laughter, and shifty eyes. But I know some of these guys. There are good dudes here that caught bad situations. Self-defense, gang violence, peer pressure, it's all here. And some straight-out crazy jokers, too. There are some cats here I wouldn't want out on the streets. But I hate to admit that to myself. Cause someone might feel the same way about me. One thing is sure. This is an incredible waste of human potential.

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#### 6:00 P.M.

I'm kind of lucky because my celledoesn't work. So he gets the cell during the day and I get it in the evening. This is my writing time. I write music, I write poetry, I write prose. I'm working on my novel right now. It's about someone who sees the world a little different. I see the world a lot different now than I used to. There was a time when the chances of me spending much of my life in prison was as remote as planes crashing into the World Trade Center. But it's a new world now, and anything is possible.

---

#### 7:00 P.M.

Blam! The lock on my door slams open. Even after 15 years of that sound I still haven't gotten used to it. It's the guards coming to shake my cell down. Oh, yeah—it's not my cell, it's theirs. They force me to strip again. For the 1,000th time. And once again the sight of my shiny brown nakedness brings what looks like hatred to their eyes.

I watch their batons carefully because I know many of them are frustrated wannabe cops. I get dressed and they handcuff me to the cell door leaving me one-armed and vulnerable to attack, while they ransack my cell the way they do the brothers.

They treat the white guys' cells much more respectfully. It's always been that way. Most prisons are run like this one is, by rural white young ex-military, and occupied by urban minority prisoners. Racism and culture clashes abound. White prisoners are a minority and often treated as such by other prisoners. The guards might call themselves trying to even things out, I don't know. What I do know is that the things that you learn in prison, about people and about life, mostly ain't pretty.

---

#### 8:30 P.M.

It's shower time. Get your knife. Hundreds of naked men, close together in a steamy room. The perfect place for revenge. Things do happen. But much more love than war. In fact it's not surprising when acts of violence take place in prison. It's surprising that they don't happen more often.

Many of the guys on my cell block have life sentences. Here in Pennsylvania that means that they'll

never get out. Never. There's no parole for lifers here. So that's it. If you got a life sentence, this is your life, forevermore. But before you think this is some sort of eye-for-eye justice, you need to know a few things.

First, everyone with a life sentence didn't take a life. Some people were just there on the scene when a life was taken. Some like my buddy, Mo, were convicted of conspiracy even though they weren't even there. He lent his "friend" a gun because he was going into a bad neighborhood. His friend ended up shooting and killing someone. In order to get his time cut he said that Mo, who hadn't even been there, told him to do it and gave him the gun. The "friend" got five to 10 years. Mo got life.

Secondly, this isn't a justice system. It's a punishment system. The difference is major. In a justice system everyone who commits the same crime does the same time. In this system it depends on who you are, who the victims are, and where the money is. Judges have discretion, which allows them to legally discriminate. And they do. Murderers get probation and "friends" get life, and the rich get more chances, and the poor get railroaded off to places like this to disappear.

Don't believe the lawyer shows on television. No one I know had lawyers like that, fighting the system for little or no pay, to save some poor kid who was a victim of his environment. Those shows make the public feel good in spite of having this ridiculously large prison population. You watch a "good lawyer" show, believe that everyone is getting what they deserve, and go off peacefully into sleep, not know-

*continued on page 15*

## INNOCENCE UPDATE

Thirty-seven members have been appointed to the newly formed advisory committee established under Senate Resolution 381 and known as the state's Innocence Commission. John Rago, law professor at Duquesne University, was named chairman.

The resolution calls for the committee "to study the underlying causes of wrongful convictions and to make findings and recommendations to reduce the possibility that in the future innocent persons will be wrongfully convicted." The group's findings are to be reported to the Senate by November 30, 2008. The first meeting is expected to be scheduled for early spring.

The availability of DNA evidence has resulted in the exoneration of more than 180 wrongfully convicted individuals, including some who were on death row awaiting execution. At least eight people convicted in Pennsylvania have been exonerated with DNA evidence.

Unlike Innocence Projects that have sprung up across the country, the committee will not be focused on individual cases but will focus on broad systemic issues that lead to wrongful convictions.

Members of the committee represent all facets of criminal justice, including public, private and religious organizations. The Prison Society's Executive Director, William DiMascio, has also been named to the committee.

## LAWSUIT CONTINUES

The Pardons Board's challenge nears its 10th anniversary with lawyers for both sides preparing written arguments for the U.S Third Circuit Court of Appeals.

As of press time, Prison Society Solicitor Stephen A. Whinston anticipated that all briefs would be completed by mid-March and that oral arguments would follow within 90 days.

The Prison Society and the Commonwealth are appealing different aspects of the decision rendered by Judge A. Richard Caputo of the Middle District Court. In that ruling, Caputo upheld the Prison Society's claim that the 1997 referendum violated *ex post facto* protections of the Constitution because it's necessary for life- or death-sentenced prisoners to get a unanimous vote of the five-member board before their clemency petitions could be forwarded to the governor for his consideration. In essence, the referendum made the process more difficult than it was at the time of the commission of the crime.

Although Judge Caputo agreed

with the *ex post facto* violation, he failed to order the Pardons Board to provide relief. Whinston's brief to the Third Circuit points out: "The key issue here is that a remedy be provided for those life-sentenced prisoners who have already been adversely affected by the *ex post facto* application of the 1997 Amendments."

Additionally, Whinston wrote that with regard to death-sentenced prisoners, the impact of the unanimous vote change in the 1997 referendum is identical on life- or death-sentenced individuals. So, the *ex post facto* protections should apply equally to both groups.

A supporting *amici curiae* was filed in the case by the ACLU of Pennsylvania; the Pennsylvania Institutional Law Project; and the National Lawyers Guild, Philadelphia Chapter. These lawyers wrote: "Pennsylvania's barriers to clemency are so high that relief is an illusion. This nearly automatic denial of clemency implicates the minimal procedural safeguards required by Due Process in this situation." ■■■

## MERITORIOUS LIFERS

The DOC recently conducted a survey of its superintendents to update its list of "meritorious lifers." The list is used to determine departmental recommendations for the Board of Pardons in cases where inmates filed for commutations of sentences.

The list of some 4,000 lifers ranks each one as eligible, potentially eligible in the future, or not eligible. Among the eligibility criteria considered are the number of years served, misconduct records, programs com-

pleted and other factors.

At one time, Harvey Bell, former Pardons Board Specialist for the DOC, used the list to conduct seminars for the two groups that needed improvements to become eligible. Since Bell's retirement and the Pardons Board's resistance to clemency for lifers, the meritorious lifer program has been dormant. This current initiative was said to be taken in anticipation of the naming of a new Pardons Board Specialist. ■■■

*Twice in A Decade*  
cont'd from page 1

mendation of the Pardons Board, Anderson said: "If granted my freedom, I will for a time be living with my mother who, by the way, has been with me throughout this ordeal. She lives in the Germantown section of Philadelphia. But I plan, after I do whatever is required of me, to move to Virginia with my wife who also has been with me throughout."

Anderson was married in 2002 in the visiting room at SCI Graterford, according to Superintendent Dave DiGuglielmo.

"He's quiet and well-liked," the superintendent added. "And, he has a good work ethic or he wouldn't have been able to keep his job at Correctional Industries."

DiGuglielmo said prison officials

were working to "fast track" the process for Anderson's release.

The population of life-sentenced prisoners has been generally demoralized because of the drought of commutations over the past decade, so news of Anderson's good fortune buoyed the spirits of others.

Anderson was 18 when he and three friends attempted to rob a passenger on a SEPTA bus. He was knocked down in the middle of a fight with the passenger and one of the accomplices took a knife from Anderson's pocket and fatally stabbed the passenger.

In an ironic twist, the accomplice who did the killing was tried after Anderson and given a sentence of 7 to 20 years. He was paroled after serving seven years, then later rearrested on new, unrelated charges.

The governor has one other life-sentenced prisoner's clemency appeal that was recommended to him by the Pardons Board. That is for George G. Orłowski, 52, of Bucks County, who was convicted as a conspirator in a 1980 killing.

Commutations of life sentences came to a virtual halt under the administration of former Gov. Tom Ridge and following the 1997 Referendum, which required a unanimous — instead of a majority — vote of the Pardons Board before the governor could act.

The last life sentence to be commuted was by former interim Gov. Mark Schweiker in 2003 for Ricki Pinkins. The next commutation before Pinkins was issued by outgoing Gov. Bob Casey for lifer Louis Mickens Thomas. ■■■

## PRISON SOCIETY INDEX

### Adult Correctional Populations, 1980–2005

Population	1980	2005	% Change
Probation	1,118,097	4,162,536	272%
Jail	183,988	747,529	306%
Prison	319,598	1,461,132	357%
Parole	220,438	784,408	255%
<b>Total Adults</b>			
Under Corrections	1,842,100	7,155,605	288%
Adult Population	162.8 million	222.3 million	36%
<b>% of Adults Under</b>			
Corrections	1.1%	3.2%	

**Sources:** U.S. Department of Justice, Office of Justice Programs. *Prisoners in 2005, Bureau of Justice Statistics Bulletin*, by Paige M. Harrison and Allen J. Beck (Washington, D.C.: November 2006), NCJ 215092; U.S. Department of Justice, Office of Justice Programs. *Prison and Jail Inmates at Midyear 2005, Bureau of Justice Statistics Bulletin*, by Paige M. Harrison and Allen J. Beck (Washington, D.C.: May 2006), NCJ 213133 and U.S. Department of Justice, Office of Justice Programs. *Probation and Parole in the US 2005, Bureau of Justice Statistics Bulletin*, by Lauren E. Glaze and Thomas P. Bonozar (Washington, D.C.: November 2006), NCJ 215091

From the Pew Charitable Trust's report *Public Safety, Public Spending: Forecasting America's Prison Population* ([www.pewtrusts.com](http://www.pewtrusts.com))

*Big Apple Core*  
cont'd from page 1

tice issues in Pennsylvania, Gov. Spitzer's actions serve as a catalyst for considering our own challenges here.

As in Pennsylvania, closing prisons is a controversial suggestion in New York State, where so many jobs depend on the sprawling prison system. In some parts of New York State the prisons are the area's largest employer, which may account for the opposition Gov. Spitzer faces from the state's Northern Republican lawmakers and the corrections union.

But the governor isn't entirely without support. *The New York Times* endorsed the governor's idea in a recent editorial, saying, "He is in for a tough battle, but it is well worth fighting."

And given that New York is one of only three states nationwide projecting 0 percent growth in inmate population between now and 2011, it seems a reasonable goal.

In Pennsylvania, the idea of closing prisons may well be a losing battle. Pennsylvania's Gov. Ed Rendell is moving in the opposite direction, petitioning the General Assembly for a prison expansion under the rubric of a \$1.68 billion budget proposal for the coming year. It would be the largest increase in prison spending statewide in more than a decade.

At the moment, Pennsylvania prisons are at 114 percent of their operational bed capacity, making the request for 690 additional beds in three new institutions more a necessity than a luxury.

Similarly, reopening the mothballed prison in Pittsburgh is another vital stopgap to the growing problem. But by 2011, Pennsylvania's prison population is expected to increase by 15 percent.

2004 statistics from the National

Institute of Corrections highlight differences between New York and Pennsylvania. New York's prison system has 70 facilities for 63,751 inmates. Pennsylvania has 41 facilities for 40,931 inmates.

The New York Corrections system supervises 122,027 probationers, while Pennsylvania supervises 167,180. Pennsylvania has 77,175 parolees to New York's 54,524. New York's probationer rate is significantly lower than the national average; Pennsylvania's is well above.

New York's parolee rate is 37 percent higher than the national average. Pennsylvania's is 71 percent higher.

*New York is one of only three states nationwide projecting 0 percent growth in inmate population between now and 2011. In Pennsylvania, the idea of closing prisons may well be a losing battle. Gov. Ed Rendell is moving in the opposite direction, petitioning the General Assembly for the largest increase in prison spending statewide in more than a decade.*

Despite New York City's fierce reputation, the state's overall crime rate is 31 percent lower than the national average. Pennsylvania's is lower by 26 percent. New York has fewer adults in the correctional system overall (including jails, probation and parole) than Pennsylvania.

In fact, New York's supervision rate for its corrections population is 25 percent lower than the national

average. Pennsylvania's supervision rate is 23 percent higher.

But Mark Bergstrom, executive director of Pennsylvania's Sentencing Commission, warns of taking these statistics too literally.

"There's some concern comparing state to state," he tells *Correctional Forum*, pointing to the numerous differences in the way state governments and correctional systems are set up. In fact, he points out, New York and Pennsylvania have almost equivalent incarceration rates now. New York used to have a much higher rate, so its notable decline actually brings it into line with Pennsylvania. "That's an important factor," says Bergstrom.

Bergstrom also points to some structural differences—things like Pennsylvania's so-called min.-max. rule and the state's dramatic probation terms. Elements like these could change, Bergstrom says, but "we haven't quite gotten there yet."

"It's not for lack of trying," he says. "We're always discussing what's practical and effective. But we have to make sure we have the political climate and support."

The political climate has been a huge factor in New York's progressive prison agenda. New York Department of Correctional Services spokesperson Linda Foglia tells *Correctional Forum* that she's proud of the fact that since its peak in 1999, New York State's prison population has declined by 8,000. Foglia attributes much of her state's success—what she calls its "rightsizing"—to four programs that, since 1999, have been taken advantage of by 74,000 inmates.

She cites the Willard Drug Treatment Center in Seneca County, an incarceration alternative for non-violent offenders who suffer from addiction problems; and the state's

Shock programs, boot-camp-style facilities initially conceived for youthful offenders. Recent legislation expanding the age requirements for Shock, she says, is another reason New York's inmate population has been reduced.

In 2005 New York Gov. Pataki signed the "Merit Time Bill" (S-1701), which allows people to earn time off for good behavior. And Foglia says the 2004 reconsideration of the Rockefeller drug laws allowed inmates to be appropriately resentenced.

In all these instances, Foglia notes, legislation was enacted to allow for the programs and other changes. "Legislation is needed," she says emphatically.

Pennsylvania Department of Corrections spokesperson Heather Yates agrees.

"The state is interested in exploring alternatives," she tells *Correctional Forum*. "We recognize we need to do something different."

Some key changes, Mark Bergstrom suggests, might be taking greater advantage of mental health services, diversion programs and problem-solving courts. He also has high hopes for the state's Board of Probation and Parole under Catherine C. McVey, who was appointed chair in 2005. Under her leadership, says Bergstrom, "The Board has done a great job to get a better handle on things. It's much more thoughtful and transparent. There's more cooperation between the Department of Corrections and the Parole Board."

In other words, he says, change is coming, albeit slowly. "We're making progress. There are viable alternatives."

Last year, in the wake of an encouraging study, the Pennsylvania Commission on Crime and Delinquency (PCCD) awarded \$25.2 million in state funding for the

development of one type of alternative: intermediate punishment programs for non-violent offenders. Of that \$25.2 million, \$15.2 was earmarked specifically for treatment-oriented Restrictive Intermediate Punishment (RIP) for offenders with addiction problems. The study had shown that RIP-sentenced offenders were 49.4 percent less likely to be rearrested than traditionally sentenced offenders.

At the time of the allocation, Gov. Rendell said, "When we can safely monitor a non-violent offender in the community and free up jail cells for those who commit more serious and violent crimes, everyone benefits."

Nationally, inmate populations are on the rise. A Pew Charitable Trusts report released in February shows that the number of inmates in U.S. prisons will rise 13 percent between now and 2011. This percentage triples the projected growth of the general population.

Each state will face the challenge in its own way, some with state-funded resources and political support, others with creative grassroots solutions meant to get around official opposition. However it unfolds, Pennsylvania cannot lag behind. ■■■

### HEAD-TO-HEAD

PENNSYLVANIA	NEW YORK
<b>Jail System</b> Counties: 67 Jail facilities: 73 Rated capacity: 31,335	<b>Jail System</b> Counties: 62 Jail facilities: 83 Rated capacity: 40,182
<b>Prison System</b> Inmates: 40,931 Staff: Approx. 15,000	<b>Prison System</b> Inmates: 63,751 Staff: 31,070
<b>Community Corrections</b> Probationers: 167,180 Parolees: 77,175	<b>Community Corrections</b> Probationers: 122,027 Parolees: 54,524

Numbers, as of 2004, from the National Institute of Corrections, [www.nicic.org](http://www.nicic.org).

### *A Day in the Life* *cont'd from page 11*

ing that you were dreaming before you even hit the sheets. While in truth the dirt is so thick that even these hard prison showers couldn't wash it off.

### 9:00 P.M.

It's time to lock in for the night. A little reading, a little television, probably some good-natured lying between cell mates and then lights out. Everything is dictated, from when you wake up till when you go to sleep. The only freedom I have is my mind, so often misused before I came here. So I climb inside there now.

This wasn't supposed to be me. This kind of thing only happens to "them." The uneducated monsters. The uncaring thugs. I felt that way once. But it can happen. It comes gradually. A joint here, a line there, a dubious friend, a misguided adventure. There's no room for youthful mistakes anymore.

Everyone's mad and everyone's hard, as long as it's not their brother, or son, or them. You look up one day and it's here. The voracious monster that you allowed to grow, thinking that it would never come for you.

But it's your turn now. Your turn always comes. You blink and you find yourself in the belly, wiser and much older now. Curled up in a bunk, in an 8-foot cell. Barely remembering how it used to be. Turning off the TV and turning to the wall. Preparing to face another day in the life. ■■■

*Cameron Murray, a New York native, was recently released after 22 years of incarceration. He's a singer-songwriter, welder and writer.*

I have always found  
that mercy bears  
richer fruits than  
strict justice.

—Abraham Lincoln

# Correctional Forum

MARCH 2007

A PUBLICATION OF THE PENNSYLVANIA PRISON SOCIETY

Promoting a humane, just and restorative correctional system and a rational approach to criminal justice since 1787

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