

Families and Friends Being Misled About JPay

By Kevin D. Sawyer
Journalism Guild Chairman

Families and friends of inmates do not have to use JPay to deposit funds in California state prisoners' trust accounts, state regulations show.

However, effective since October 2014, the California Department of Corrections and Rehabilitation (CDCR) entered into a pilot program called Lock Box with the JPay company, according to CDCR Public Information Officer Cristina Khokhobashvili.

"The Lock Box program was started to reduce hold times on incoming inmate deposits," said Khokhobashvili. "Inmate deposits handled through Lock Box are processed within a 14-day timeframe."

Inmate deposits received through institution mailrooms can take up to 45 days to process because it includes a 30-day hold to ensure the funds clear the bank, Khokhobashvili said.

CDCR officials said prison staff takes negotiable instruments and/or coins (deposits) to the bank on a weekly basis.

However, families and friends may opt to send the funds directly to JPay where processing is faster.

JPay has multiple methods of depositing funds to an inmate's account: Online electronic funds transfer service, telephone calls to customer service and walk-in store cash payments. Each of these methods has a related fee.

The Lock Box program provided by JPay is the only service that does not charge a fee, but

that has not been widely publicized.

Adding to this confusion, San Quentin prison previously broadcast in English and Spanish a series of JPay video slides on closed-circuit television (SQTV). The videos informed inmates: "SQSP Inmate Trust Office will not accept inmate trust deposits after Jan. 31, 2015; they will be returned to sender at the expense of the receiving inmate."

Another video said, "Effective Jan. 1, 2015, all money orders and cashiers checks, must now be sent to JPay" at an address provided in Los Angeles.

And another video informed inmates that forms are available "online at www.JPay.com and in the SQSP visiting area to submit with your deposit." All videos displayed CDCR and JPay logos.

"CDCR does not receive a share of any money routed through JPay"

According to prison regulations, "Funds may be mailed to an inmate in the form of a money order, certified check, personal check or any other negotiable means, except cash and Travelers Check."

Many inmates have complained that their families have had their money orders returned.

An SQTV video painted a rosier picture, saying, "The hold

for money orders and cashier checks will be approximately five business days from receipt. Personal checks will be held for 10 days before deposited into the inmate's account."

The process could take longer.

In October, the CDCR Regulation and Policy Management Branch (RPMB) published a Notice of Change to Regulations (NCR, 15-09, CCR Title 15, Section 3140) which places further restrictions on money orders and certified checks.

Currently these deposits can be mailed to an inmate's trust account without the sender's name or return address on it.

"The department has made a determination to hold these funds until the sender can be identified," the NCR says. "Correspondence containing funds without a sender and return address is an administrative problem when an inmate paroled, or cannot otherwise be specifically identified because of an insufficient inmate address."

Citing the possibility of criminal and gang activity the NCR says, "Unidentified senders could be another inmate, parolee or probationer, trying to circumvent current regulations, which require a warden's permission in order to correspond with inmates inside of the CDCR system."

Meanwhile in the outside world, electronic banking has eliminated wait times for checks to clear.

According to the Check Clearing for the 21st Century Act (or "Check 21") passed by Congress in 2003, the recipient of a

Online			
\$ 0.01	-	30.00	\$3.95
\$ 30.01	-	75.00	\$6.95
\$ 75.01	-	200.00	\$9.95
\$ 200.01	-	300.00	\$11.95
By Phone			
\$ 0.01	-	30.00	\$4.95
\$ 30.01	-	75.00	\$7.95
\$ 75.01	-	200.00	\$10.95
\$ 200.01	-	300.00	\$12.95

Note: Walk in Store Cash Payment Fee is \$5.95

paper check can create a digital version of it, an electronic "substitute check," to do away with a physical check. The act makes it legal to scan checks into computers to make remote deposits to banks.

Khokhobashvili said remote deposits made by the CDCR are not possible at all prisons, "but we are actively implementing remote deposit to go out to all institutions in the future."

"As of July 31, there are currently four institutions active with remote deposits," said Khokhobashvili. "San Quentin is scheduled to begin using remote deposits this fiscal year."

"The new service, Lock Box, has handled \$263,621 since its inception began in October 2014," until May 2015, said Khokhobashvili. "CDCR does not receive a share of any money routed through JPay."

CDCR's contract with JPay is

due to expire on June 30 in 2016.

In 2014, Ryan Shapiro, JPay's founder and CEO, said in a *CNBC* article, "Our goal is to become the nation's digital consumer app company for prisons."

Shapiro started JPay in 2002. Today it is the largest money transmitter for correctional departments in 31 states, according to the *South Florida Business Journal*.

"In 12 years, JPay says it has grown to provide money transfers to more than 1.7 million offenders in 32 states, or nearly 70 percent of the inmates in U.S. prison," the online website publicintegrity.org reported.

According to the Center for Public Integrity, JPay handled nearly 7 million transactions in 2013, generating more than \$50 million in revenue. This year the company expects to transfer more than \$1 billion.

James Kilgore Gives Instructions on Mass Incarceration

By Juan Haines
Managing Editor

BOOK REVIEW

James Kilgore's instructional breakdown about mass incarceration in America preaches to the choir. That being said, doesn't every choir need a strong melody and a conductor who knows what he or she is doing?

Understanding Mass Incarceration: A People's Guide to the Key Civil Rights Struggle of Our Time (2015) is a well-orga-

nized analysis of the far-reaching aspects of U.S. criminal justice policies.

The book examines lock-up policies, root causes of mass incarceration, gender biases in laws and those who profit off prisons. It also offers solutions.

Kilgore looks at key indicators that contribute to mass incar-

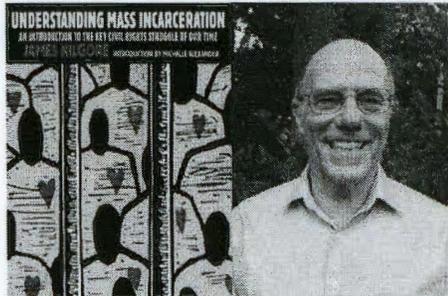
ceration such as prison and jail expansion, deportation of immigrants, punitive school discipline, harsh sentencing laws, the use of solitary confinement and juveniles sentenced to life without parole.

There is an assumption in the U.S. that it's fair to lock up criminals as long as they're given treatment and education while incarcerated. Therefore, shouldn't those leaving prisons reflect this rehabilitation policy? High recidivism rates show either this assumption is not true or that incarcerated Americans are not getting the services they need.

On the other hand, Michelle Alexander argues in her 2010 book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* that treating criminal behavior more compassionately might yield better results.

"We could seek for them the same opportunities we seek for our own children; we could treat them like one of 'us.' We could do that," Alexander writes.

Marie Gottschalk, author of *The Prison and the Gallows: The Politics of Mass Incarceration in America* (2006) said *The New Jim Crow* was one of the "most interesting original books" she'd ever read. "It thoroughly explains the consequence of today's mass incar-



James Kilgore

ceration policies and the lasting effects of being labeled a felon."

The Prison and the Gallows examines long-term crime rates and finds no direct relationship to incarceration rates, noting, "Deviance is not a property inherent in any particular kind of behavior, rather, deviance is a property conferred upon a certain behavior by the majority or by the powerful."

Angela Davis addresses how Americans think about prisons in her 2003 book, *Are Prisons Obsolete?* "We take prisons for granted but are often afraid to face the realities they produce," she writes.

When California courts began to investigate people in segregated housing units, "they found it wasn't inherently cruel or unusual; but it was devastating for (individuals) suffering from

mental illness to be put in solitary—they became the 'walking dead,'" author of *Mass Incarceration on Trial: A Remarkable Court Decision and The Future of Prisons in America* (2014), Jonathan Simon said in an interview with *The Crime Report*.

Kilgore prods at the ethical dilemma of hyper-lockup policies by citing a May 2014 *New York Times* editorial.

"The American experiment in mass incarceration has been a moral, legal, social and economic disaster. It cannot end soon enough," the editorial states.

The effort Kilgore puts into *Understanding Mass Incarceration* shouldn't be taken for granted. It's useful information every concerned citizen needs to have in order to talk about and understand the future of public safety in America.

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Facebook Founder Tours San Quentin

Facebook founder and CEO Mark Zuckerberg traded in his signature black hoodie for a white shirt and slacks when he toured California's oldest prison.

The 31-year old social media CEO, his wife, Dr. Priscilla

Chan, and some Facebook staff members toured San Quentin State Prison, including the entrance to the Death Row area in East Block, on Oct. 13.

See Facebook Czar on Page 20



Photo by Alan Barnett of CALPIA

San Quentin News team interviewing Mark Zuckerberg 'Prison System Isn't Changing Anything'

By Rahsaan Thomas
Staff Writer

A well-rounded life has shaped Inspector General Robert A. Barton's view of rehabilitation. He visited San Quentin State Prison to discuss talking at the TEDx event planned for early 2016.

"We can keep locking people up or we can try to change some-

thing because the prison system isn't changing anything," said Barton. "AB 109 was a Band-Aid. Long-term rehabilitation is the only solution."

The Inspector General oversees the California Department of Corrections and Rehabilitation and makes recommendations.

See CDCR on Page 4

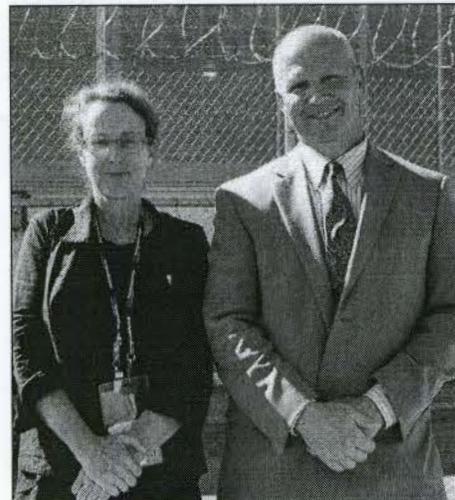


Photo by Eddie Herrera

Delia Cohen and Inspector General Robert A. Barton

To participate in December's "Bay Area Hygiene Drive for Homeless Youths" See Page 7



Photo by Eddie Herrera

Judge Henderson watches a video with inmates of his ground-breaking achievements

Cheers of Inmates Greet Judge Henderson's Visit

By Kevin D. Sawyer
Journalism Guild Chairman

It is not every day that a federal district court judge visits a prison to talk to inmates. That is exactly what happened in September at San Quentin.

A crowd of about 150 inmates and guests greeted Judge Thel-

ton Henderson with cheers and a standing ovation as he entered the Protestant Chapel in a wheelchair (he has a progressive muscle disease.) Henderson shook hands with inmates as he made his way down the aisle to the stage area.

"I appreciate that he is a judge that will take the time to come

to a prison to see for himself both sides to make an informed decision on what he should do, whether it's conditions of confinement or excessive force," said inmate Tim Young.

No corrections officers escorted the judge. One captain

See Judge on Page 10



Photo by Sami Hainline

Efrain Lara, Robert Bagwell, Ellen Dahlke and Rodolfo Medina-Barragan listen to intense conversation about prison problems and programs

The School-to-Prison Pipeline Teachers Explore Remedies at SQ News Forum

Bay Area teachers ventured inside prison to discuss the school-to-prison pipeline and how best to tackle it. San Quentin News hosted the October forum that allowed 14 educators and 21 inmates an opportunity to exchange ideas.

The teachers are troubled by the ever-increasing trend of student suspension, expulsion and arrest fueled by overreaching policies such as "zero toler-

ance." Because of this, they accepted an invitation to discuss these issues with inmates whose delinquency started in the public school system.

"The school-to-prison pipeline has to do with bias," said Deborah Mendoza, a former probation officer who works for the Oakland Unified School District (OUSD). She said kids are

See Teachers on Page 11

The last edition of San Quentin News printed a Choose1, 3-Strike article submitted by F. Jones, next month we will print a revised version, which will also be posted on our website

Judge Henderson's Cheering Welcome to SQ

Continued from Page 1

stood in the back of the chapel watching, seemingly more out of curiosity than anything else.

As one of the three judges that preside over California prison health care, Henderson is known for his rulings which resulted in an order for California Department of Corrections and Rehabilitation (CDCR) to reduce its prison population.

"I'm not going to be on the bench forever," Henderson told the audience.

Initially, inmates and guests assembled in the Protestant Chapel to watch *The Thelton Henderson Story*, a film documentary that chronicles the judge's life, produced by Abby Ginzberg in 2005.

"Thank you for your support of Judge Henderson," said Ginzberg as her film crew recorded the event. She plans to change the ending of the film to reflect work that Henderson has done since its completion 10 years ago.

Henderson was forthright with inmates as he spoke about tackling prison issues during his tenure on the bench.

In 1993, Henderson presided over a trial in which inmates identified as gang members at Pelican Bay State Prison were housed in the security housing unit (SHU) for indeterminate periods of time.

"When I got the Pelican Bay case I had five issues; one was solitary confinement," said Henderson. "I think the policy will change."

"Henderson's decision (on solitary confinement) outlined a blueprint for reform," the film narration said.

According to the *Associated Press*, the CDCR settled the *Ashker v. Brown* lawsuit in September, agreeing to stop housing validated gang members in SHUs for indeterminate lengths of time.

Henderson said the gang validation policy is coming under "strict scrutiny" as prisons consider it.

"Solitary was a tough case," said Ginzberg. "We're moving as a society and keeping pressure on the decision makers; shout out to Michelle Alexander for her work" writing *The New Jim Crow*.

Henderson said when he attended law school in 1962 students were taught three purposes of prison; they were punishment, deterrence and rehabilitation. He said rehabilitation has gone away.

In the film Henderson said, "Those who have transgressed the law are still human beings." Henderson said there were 30,000 inmates in California prisons when he became a judge, reaching a peak of 180,000 decades later due to the tough-on-crime movement that got out of hand.

"I'm determined to see an improvement in the prison system," Henderson said in the film.

Referring to Realignment (AB 109), Henderson said the result is a decline in the state prison population. "The offshoot of that is the counties are

overcrowding," he said.

According to Henderson, Republicans and Democrats have agreed that long prison terms do not help. He said they realize it costs too much to house inmates.

"I've been pushing Governor Brown to push new legislation to help reduce the population," said Henderson. "It serves no one to send people to prison for long periods of time."

The inmate turnout did not reflect the number of those who signed up to attend the event. More than 250 inmates were approved to attend Henderson's visit and the film screening.

"People sign up, but people don't come," said Lt. Samuel Robinson, SQ Public Information Officer. "For those who didn't, I'm sure it's their loss. I think it (attendance) was still paltry."

"I'm very glad to have seen your path of life," said inmate James Metters. "Your walk has inspired me as it has all of us. You're an example to follow."

Inmates serving lifer terms beyond the schedule in their sentencing matrix raised their concerns about the legality of the matter.

"There's nothing the legal system can do about it," said Henderson. "It's a political matter."

Henderson referred to the late-1980s case of Willie Horton. He said no politician wants to shoulder the responsibility of releasing a lifer on parole, who commits a heinous crime.

Inmate Forrest Jones asked Henderson about his opinion on California's Three-Strikes law.

Henderson said to warehouse someone for the period of time under three-strikes does no good for the prisoner or for society.

"It's not rational. It's too punitive," said Henderson. "We are one of the few countries that doesn't treat its prisoners as if they are citizens. I believe further changes need to be made."

The film chronicled Henderson's life from his childhood days living in the Los Angeles area of Watts to his days at the University of California, Berkeley, and on to its School of Law at Boalt Hall.

In 1962, the U.S. Department of Justice (DOJ) recruit-

ed Henderson to work as a civil rights attorney. He worked in the deep South documenting violations of civil rights laws.

Older Black inmates viewed the film in silence as they watched footage of police dogs attacking Blacks protesting for their civil rights in the South.

"In the face of brutality Thelton Henderson still believes very much in the law," the film's narration says. "He was a little bit of all worlds that were colliding."

In 1968, Henderson questioned Stanford University's administration as to why in its history it had not graduated any Blacks from its law school. The university responded by hiring Henderson to recruit Blacks to attend Stanford Law School. Within six years 20 percent of Stanford's students were minorities.

"Thelton still has the problem of being a Black man in power in America," the film narration says.

In the 1990s Californians voted on Proposition 209 which banned affirmative action in California. Henderson blocked the proposition which led to accusations that he silenced voters. A three-judge panel of the Court of Appeals, Ninth Circuit reversed Henderson's decision, and the U.S. Supreme Court later refused to hear the case, leaving the proposition intact.

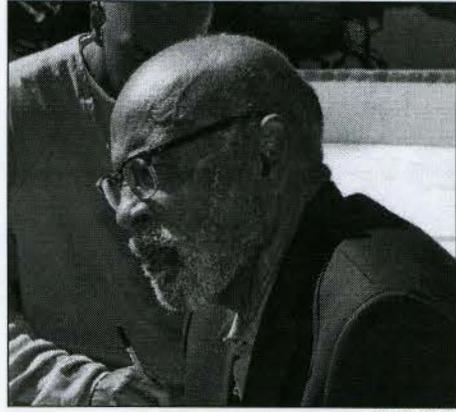
According to the film, Henderson became a target of impeachment from the bench because of his rulings.

Henderson said he is going to retire and has already hired his last clerks. He said a replacement judge will get randomly assigned by a computer, and 14 of the 20 active district court judges in his court are bright judges appointed by President Barack Obama.

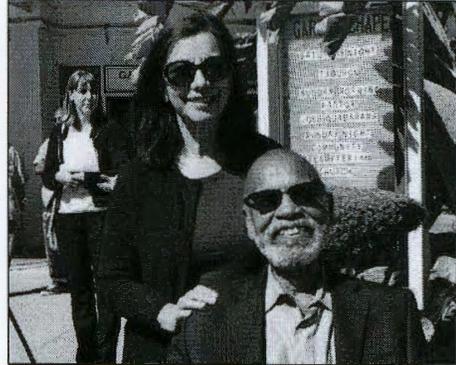
"I didn't know what to expect," said attendee Kyla Rowe, a law clerk for Henderson who graduated from Hastings College of the Law in May. "It was eye-opening."

"One of the most touching moments was when you all applauded the judge," said Michelle Lamy, another one of Henderson's law clerks and a June graduate of Stanford Law School. "It was overwhelming."

—James R. Abernathy Jr. and Nyerere Jase contributed to this story



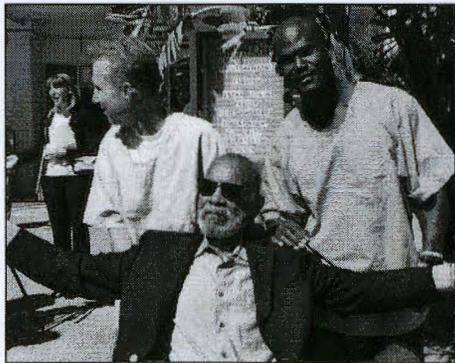
Judge Thelton Henderson talks to prisoners outside in the Central Plaza



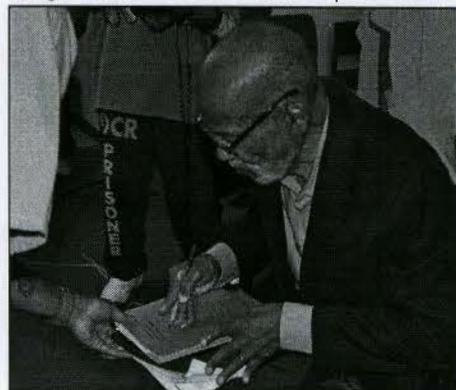
Dr. Maria Luisa Alaniz with her husband Judge Thelton Henderson



Pastor Mardi Jackson shares a laugh with Judge Henderson as Curtis Roberts helps him outside



Curtis Roberts, Judge Henderson and John Windham enjoying each others company



Judge Henderson signs a Title 15 for a prisoner

Teachers Tackle the School-to-Prison Pipeline

Continued from Page 1

labeled based on their affiliations. "We have this idea that public safety is investing in law enforcement."

Kelli Riggs works for the San Francisco Unified School District (SFUSD), where she teaches fifth grade at Bret Harte Elementary School in the city's Bay View district. She said schools that adopt zero tolerance policies condition some teachers to have biases against some students.

"I can't remember a time when I went to school when a teacher was for me," said inmate Shaded Wallace-Stepter. He said now that he is older he recognizes the value of education and how much teachers are on the front line.

Omar Hunter is a teacher, originally from Detroit, Michigan. He has worked for OUSD and now works in the Hayward Unified School District. He said school administrators need to understand the ethnic and racial makeup and the environment schools are in.

"I believe the school-to-prison pipeline begins with class and race oppression," said Hunter. He said issues are escalated because of demographic differences, and schools need to keep the law out of it.

For some teachers, walking onto the grounds of San Quentin seemed all too familiar.

"Walking up to the physical building looks like a lot of schools," said Keith Brown, who teaches sixth and eighth grade in the OUSD. "Walking on the (prison) yard was like walking through a high school at lunchtime."

"I've never sent a kid to detention because I see behavior as more of a symptom"

According to Brown, zero tolerance policies for kids who break rules such as dress code and talking back to teachers are a basis for students to get labeled. The majority of these students are Black and Brown.

Inmate Borey Ai said his family arrived in the U.S. from Cambodia. "I found myself going to school and not connecting to other kids because of the language barrier," he said. "The way I coped with things was to join a gang."

Brown said this year he is teaching students who are new to the U.S., and he can now relate to Borey's story. "I'm definitely going to share your story with my colleagues," he said.

Inmate Rodolfo Medina-Barragan, 18, listened to the older inmates' stories about their school disciplinary problems and delinquency that eventually led them to prison serving life sentences in California's dangerous Level Four, maximum-security prisons.

Medina-Barragan said the California Department of Cor-



Photo by Sam Hoernes

Prisoners and teachers discussing solutions to stop the School-to-Prison pipeline



Photo by Sam Hoernes

Top Row: Leron Barton, Trevor McNeil, Keith Brown, Darell Ross, Bottom Row: Karin Drucker, Deborah Mendoza, Kelli Riggs, Michell McKnight, Omar Hunter, Susanna Kershtholdt-Molloy and Samuel Franklin

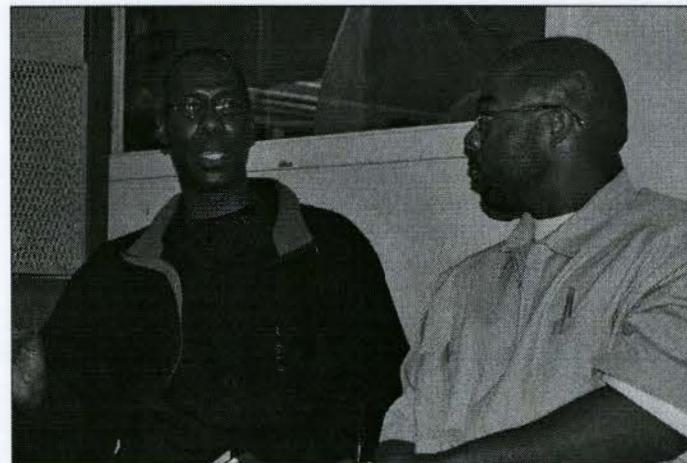


Photo by Sam Hoernes

Darell Ross explains to Gary Roberson how his school operates

rections and Rehabilitation (CDCR) Youth Offender Program (YOP) helped him out by not sending him to a Level Three or Level Four prison.

"I'm grateful that I'm here (San Quentin) so I don't have to go through that," said Medina-Barragan.

"I've never sent a kid to detention because I see behavior as more of a symptom," said Trevor McNeil, who teaches seventh grade English. He said it makes sense that kids are defiant when they are hungry or abused.

Darell Ross, an assistant principal in Oakland, said when he started teaching he was given guidelines, rules and directives on how to deal with students.

"Looking back, I would start out with the end in mind," Ross said.

Ross said different choices can be made by talking to inmates. He said educators need to learn from people who have been through certain experiences, and education administrators need to incorporate that in college training programs.

Toward the end of the forum, *San Quentin News'* Editor-in-Chief, Arnulfo T. Garcia asked the inmates to share the moment in which they knew it was time to change their lives for the better.

"I had an epiphany moment when I saw a Death Row inmate escorted in shackles," said inmate Philip Melendez. "That could have been me."

For other inmates, change came with time.

"Hearing my mother cry when I got sentenced crushed me, but it didn't change me," said David Monroe. "Maturity made me see life differently." He said San Quentin Utilizing Inmate Resources Experiences and Studies (SQUIRES) allowed him to see kids who reflect exactly who he was at their age.

Teachers were asked what their biggest takeaways would be from participating in the forum and hearing directly from those who fell into the school-to-prison pipeline trap.

Susanna Kershtholdt-Molloy said she did not like how kids are systematically targeted.

"My take-away is to reach out to families," said Kershtholdt-Molloy. "I don't blame the kids for what they bring to the table."

Ross said, on behalf of educators who are doing their best, he wanted to apologize for anything they've done that led inmates to where they are today. He apologized for their failures.

"This instilled more awareness in what it takes to raise a child," said Ross. "Instead, we look for ways to isolate and separate. We have all that we need to solve problems, but we have to come together."

This initial forum will lead to future San Quentin forums with educators in the community who are interested in reaching out to at-risk students.

**-Kevin Sawyer,
James R. Abernathy Jr.**

Ice Extiende Carceles Para Mujeres Inmigrantes

El numero promedio de inmigrantes ha descendido 23% del promedio diario del año pasado

Por Salvador Solorio
Escritor del Gremio
Periodístico

Oficiales de inmigración han anunciado planes para extender facilidades de detención para mujeres en el Sur de California. La Inmigración y la Aduana anunciaron que 640 camas se

añadirán a la Institución de detención de Adelanto en el desierto noroeste de Los Angeles. Dirigida por la compañía GEO, con fines de lucro, se calcula que esta institución tendrá 1,940 camas.

Existe la necesidad de un espacio para colocar camas para mujeres con antecedentes penal-

es, inmigrantes con necesidades médicas, personas buscando asilo y otros detenidos. La Prensa Asociada informo el 7 de Julio. David Marin, director del ICE, dijo que la acción ayudara a consolidar el espacio de la detención porque las camas son costosas y difícil de encontrar en San Francisco.

El plan de expansión en Adelanto se efectuara cuando el número de inmigrantes detenidos haya disminuido en la escala nacional. El numero promedio de inmigrantes ha descendido 23% del promedio diario del año pasado.

Los abogados de la inmigración han puesto en duda la calidad del cuidado medico en la facilidad de Adelanto, la cual fue abierta en 2013, y también cuestionan de la necesidad cuando dos facilidades del condado solo están cerca del 70%

ocupadas.

ICE anuncio sus planes para trasladar a detenidos transexuales de Santa Ana a Adelanto, y ubicar a reos transexuales de acuerdo al género con el cual se identifican.

ICE pagara \$111 en albergar a un detenido en Adelanto, comparado con \$118 en la facilidad de Orange County y \$142 en centros en el área de San Diego. El promedio nacional es \$122 por día, AP informo.

-Traducción
Miguel Querada

Presos a Traves de los Estados Unidos Envejeciendo

Por Lee Jaspar
Escritor del Gremio
Periodístico

Presos están envejeciendo a través de todos los Estados Unidos, de acuerdo a Jacob Gershman en su bloque de *lees Wall Street Journal*.

"Prisioneros de 50 años de edad y mayores representa la población que aumenta mas rápido en las prisiones federales y estatales," escribió Gershman.

Presos avanzados en edad parecen estar relacionados con la población que envejece en general.

Basado en descubrimientos obtenidos en parte por el departamento de censo de los Estados Unidos, se estima que tan solo los presos entre las

edades de 50 y 64 años son responsables por la mitad del aumento en la población anciana, escribió Gershman.

El inspector General del Departamento de Justicia descubrió recientemente que el encarcelamiento de presos de 50 años y mayores de 50 años cuesta 8 por ciento más en relación con los presos jóvenes, debido principalmente a la necesidad de cuidado médico.

Investigadores descubren que las consecuencias del aumento de presos que están envejeciendo son inevitables. "Los diseñadores de las pólizas deben tomar en consideración como balancear el interés público en cuanto a seguridad con su costo social y económico... La primera y mejor solución a largo plazo es reducir el gasto

general de los presos y los costos de asistencia médica," de acuerdo a los investigadores citados por Gershman.

Parece haber varias opiniones para explicar el aumento en la población de presos que están envejeciendo.

Algunos mencionan que la expansión de bebes puede ser responsable por la mitad, mientras que otras personas dicen que la tendencia esta vinculada a los altos índices del uso de drogas previo por parte de los reos que están envejeciendo.

Otras personas atribuyen el crecimiento de los presos ancianos a las largas sentencias ocasionadas por leyes más severas y pólizas adoptadas empezando en el año de 1980.

-Traducción
Tare Beltranchuc

Vast Majority of Elected U.S. Prosecutors Are White Males

Sixty percent of the states do not have a single elected black prosecutor

By Kevin D. Sawyer
Journalism Guild Chairman

White men make up the majority of prosecutors in the United States, according to a study funded and published by the Women Donors Network.

The study found that 95 percent of the prosecutors elected in the U.S. are White; 79 percent of whom are White men. It also revealed that more than 60 percent of the country's 50 states do not have a single elected Black prosecutor.

"Of the 2,437 elected prosecutors serving around the country, which includes officials at the state and local levels, just 61 are Black," *The Slate Group* reported.

Slate said recent media focus has been between politicians, police targeting minorities, "and laws that impose harsh mandatory sentences on non-violent drug offenders."

Power in the American justice system rests with prosecutors; the result is "systemic bias," *Slate* stated.

"Americans are taking a new look at the relationship between race, gender and criminal justice — in the failures to indict police officers from Ferguson to Staten Island, the rogue prosecutions of women who terminated their pregnancies from

Indiana to Idaho, and in the epidemic of mass incarceration," said Donna Hall, president and CEO of the Women Donors Network.

A similar perspective was presented by *The New York Times* in July: "Prosecutors decide in most criminal cases whether to bring charges. And, because so many criminal cases end in plea bargains, they (prosecutors) have a direct hand in deciding how long defendants spend behind bars."

Slate noted: "The American criminal justice system is under intense scrutiny for its role in crippling Black communities through mass incarceration."

The women's network study concluded many prosecutors are elected in "down-ballot" races held in off-year elections, where there is a low voter turnout.

A recent study revealed that 85 percent of all incumbent prosecutors run for office unopposed, according to Ronald Wright, a professor at Wake Forest University School of Law.

"What this shows us is that, in the context of a growing crisis that we all recognize in criminal justice in this country, we have a system where incredible power and discretion is concentrated in the hands of

one demographic group," said Brenda Choresi Carter of the women's network who led the study.

According to Justice for All data, of 57 counties counted in California (which has 58 counties) and the State Attorney General's Office, 49 of the elected district attorneys in California are defined as White. The remaining eight are defined as Asian-American or Pacific Islander, Black or African-American, Hispanic or Latino, multiracial, and "two or more races."

"I think most people know that we've had a significant problem with lack of diversity in decision-making roles in the criminal justice system for a long time," said Bryan A. Stevenson, founder of the Equal Justice Initiative and author of the book *Just Mercy*.

Federal prosecutors, who are appointed to office, were not included in the study.

The Women Donors Network is a philanthropic group of about 200 women. One of its focuses is on the race and gender of elected officials. The data, according to *The New York Times*, was compiled and analyzed by the Center for Technology and Civic Life, a nonpartisan group specializing in the aggregate of civic data sets.

Solitary Confinement Grows in United States

By Juan Haines
Managing Editor

Use of segregated housing in U.S. prisons and jails has risen significantly in recent years, even as evidence grows that the practice harms inmates.

The number of federal inmates in segregated housing, commonly termed solitary confinement, grew 17 percent between 2008 and 2013, according to data from the U.S. Government Accountability Office cited in a new report by the Vera Institute of Justice. That was nearly triple the 6 percent rise in the overall federal prison population during the same period.

REPORT

While some prison officials and policy makers defend the practice, the report, *Solitary Confinement: Common Misconceptions and Emerging Safe Alternatives*, argues that in Europe, solitary confinement is regarded as torture and that more humane policies would better serve inmates. The report seeks to correct what it calls common misconceptions about solitary confinement, including that it deters violence and disruptive behavior among the general inmate population, that it protects at-risk inmates, and that while conditions may be stark, they are not inhumane.

Over the past 150 years, several reports have found, "subjecting an individual to more than 10 days of involuntary segregation results in a distinct set of emotional, cognitive, social and physical pathologies."

SOLITARY CONFINEMENT

When an inmate is placed in solitary confinement, he or she is confined to a cell (either alone or with a cellmate) for 22 to 24 hours a day with limited contact with the natural world. The experience disrupts social interaction, removes "the sights and sounds of life," and there are severe restrictions on "eating, showering or recreating."

Prison officials say solitary confinement is used only as a last resort, the harmful effects are overstated and not well un-

derstood, and that alternatives are expensive. But in practice, solitary confinement instead remains a management tool for prison and jail officials due to misunderstandings on when and how to use it, the report states.

"Vera's experience in the field has shown that disruptive behavior—such as talking back, being out of place, failure to obey an order, failing to report to work or school or refusing to change housing units or cells—frequently lands incarcerated people in disciplinary segregation."

Officials additionally say, solitary confinement is needed to protect some inmates, such as former law enforcement officers and public officials; those with mental illness, developmental or intellectual disabilities; and those vulnerable because of their sexuality, or in danger of retaliation from other prisoners because of sex offenses against children. However, under the pretense of protection, these vulnerable inmates are placed in the same conditions and restriction reserved for inmates who commit the most violent and dangerous acts.

FEDERAL PRISON

In the federal prison system, and at least 19 states, officials are permitted to hold people in segregated housing indefinitely, Vera reports.

In September, the California changed its Security Housing Unit (SHU) lock-up procedures, so that no inmate could be held in there indefinitely.

Prison reformers expect other states to follow the California reforms as to how inmates are assigned to SHUs and how long they stay there, *UPI* reports.

More than 2,000 prisoners in California SHUs are expected to be affected by the change.

Those subjected to solitary confinement are at times permanently harmed by it, even after being released from prison, according to Vera's report. "Between 1987 and 2007, California released an estimated 900 incarcerated people each year directly to the community from its secure housing units; in 2013, Texas released more than 1,200 incarcerated people in this way."

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Award Winner

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POPULATION 3,634

Legionnaires' Outbreak Strikes San Quentin

By Juan Haines,
Kevin D. Sawyer and
James Abernathy Jr.

When officials confirmed a case of Legionnaires' disease at San Quentin State Prison mid-day on Thursday, Aug. 27, the warden ordered an institution-wide lock-down, during which inmates were confined overnight in their cells without running water or access to flushing toilets.

Around 1,400 inmates in North and West Blocks went without drinking water or use of portable toilets until the following morning, at least 14 hours after the initial lock-down. With their toilets unable to flush due to the lack of running water, inmates reported being forced to stay in their cells with the stench of human excrement throughout the night.

North and West Block each house about 700 inmates, who are paired in 6-by-9 foot cells



Photo by L. Robinson

Water truck parked on Lower Yard was brought in to provide clean shower water for inmates

originally designed for one person.

Jamal Lewis, vice chairman of the Men's Advisory Council, called the first night of the lock-down "the worst night in my 24

years of incarceration."

Normal prison operations ground to a halt and did not resume until 12 days after the first case was confirmed, as prison officials sought to bring the re-



Photo by L. Robinson

Trailers with portable showers occupied the Lower Yard basketball court for more than a week

spiratory disease under control.

Inmate Harry "ATL" Smith said he witnessed people getting sick in H-Unit, which are dorms that houses about 500 inmates in five buildings. "The lockdown,

the water shortage, the lack of food and this disease making the national news... that's when this whole thing got real to me,"

See *Legionnaires'* on Pg. 4

GED Preparation Class Transforms Prisoners' Lives

At 19 years old, high school dropout LaDelle Jackson committed a minor felony and spent two years in state prison. Jackson said his prison experience hardened his criminal thinking, making him more dangerous when he was released at age 22.

"In prison I was running around with my homeboys, using alcohol and drugs," said the now 42-year-old Jackson. "I didn't want to let go of the negative behavior that kept me from

benefiting from rehabilitative services."

Jackson said his recklessness and illegal activities on the streets caused someone's death. In 1996 he headed back to prison with a sentence of 15 years-to-life for second degree murder.

Each year, more than 700,000 people are released from state and federal prisons. Within

See *GEDs* on Page 5



Photo by Lacey Lanes

Peer Educators: Miguel Quezada, Todd Williams, Bryn Starbird, GED graduate Eusebio Gonzalez, and Ellen Dahike

Juvenile Offenders Raise \$8,000 To Help Youths

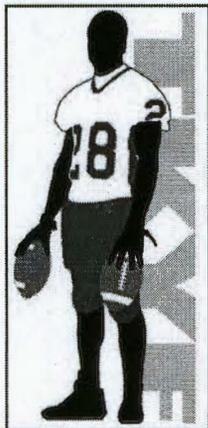
By John Lam
Journalism Guild Writer

A group of juvenile offenders in San Quentin has raised almost \$8,000 to help youths outside the prison.

The prison's Kid CAT organization raised \$7,989.24 in a food sale to aid Special Olympics and the Terrance Kelly Youth Foundation.

"I think it's a great partnership for Kid CAT and the Terrance Kelly Youth Foundation," said Ernest Pulliam, a former correctional officer, supporter of T.K.Y. Foundation and Kid CAT volunteer. "The foundation will use the money for after-school programs for youths in Richmond by teaching computer literacy as well as providing men-

See *\$8,000* on Page 16



CHOOSE1 Proposes Initiative To Reform Three Strikes Law

By Forrest Jones
Contributing Writer

A petition for an initiative proposing major changes in California's Three Strikes law has been filed.

The proposed initiative was received on Sept. 16 by the state Attorney General's Office from a nonprofit, grassroots organization called CHOOSE1.

It is entitled: "The Three Strikes Rehabilitation and Reform Act of 2016."

Supporters would need to collect 500,000 valid voter signatures to be placed on the November 2016 ballot.

The biggest changes in the law would be:

1. Convictions prior to March 7, 1994, would not count as strikes.

2. Penal Code would be changed to say that the purpose of prison is not just punishment but also to rehabilitate.

3. It would define strikeable burglaries as when, "...it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary."

4. Criminal threats would no longer be a serious felony.

The initiative prevents sec-

ond-strikers from applying for re-sentencing.

Those who qualify for re-sentencing will be able to petition a judge to commute their life terms to non-life sentences.

The court may consider the person's criminal conviction history, including the type of crimes committed, the extent of injury to victims, the length of prior prison commitments and remoteness of the crimes.

However, the court can deny the person's re-sentencing if it rules the petitioner would pose an unreasonable risk of danger

See *CHOOSE1* on Page 15

Recidivism, Prison Glut Prompt New Thinking

By Juan Haines
Managing Editor

Many states are re-thinking their criminal justice policies because of high recidivism rates and public opinion polls showing that a growing prison population has yielded insufficient public safety returns, according to the *Vera Institute of Justice*.

In 2013, 35 states passed at least 85 bills aimed at reducing prison populations and costs; supporting community-based corrections; using risk and needs assessments; assisting newly returned citizens to the community; and using data-driven research more effectively in criminal justice policy, *Vera* reports.

Between 2006 and 2012, the total U.S. prison population fell

for the third consecutive year. New York, New Jersey, Connecticut, Hawaii, Michigan and California reported double-digit reductions.

California's reductions were prompted by a 2011 U.S. Supreme Court order, capping its 34 California prisons at 137.5 percent of designed capacity.

On November 2012, voters passed Proposition 36, which revised the state's Three-Strikes Law. The proposition allowed the re-sentencing and release of approximately 2,111 qualifying inmates whose third strike was not serious or violent.

On Nov. 4, 2014, voters passed Proposition 47, which requires misdemeanor rather than felony sentencing for certain property and drug crimes

and permits inmates previously sentenced for these re-classified crimes to petition for re-sentencing. Approximately 4,420 inmates have been released under the proposition.

The California Legislature passed a bill that allows inmates whose crimes were committed as minors to appear before the parole board to demonstrate their suitability for release after serving at least 15 years of their sentence.

From Jan. 1, 2014, through June 30, 2015, the board held 717 youth offender hearings, resulting in 204 grants, 440 denials, 71 stipulations to unsuitability, and two split votes that required referral to the full board for further consideration.

In June, 413 inmates were released as a result of a court-

ordered good-time credit increases. These inmates earned an average of 110.8 days of additional credit.

Since April 2014, about 2,600 inmates have been released as a result of credit-earning measures.

From Jan. 1 through June 30, some 2,117 non-violent second-strike inmates were referred to the board for review for parole.

The board approved 480 inmates for release and denied release to 472 inmates, while the remainder are pending review.

From Feb. 11, 2014, through June 30, 2015, the board has held 767 hearings for inmates eligible for elderly parole, resulting in 255 grants, 485 denials, 55 stipulations to unsuitability and two split votes that required referral to the full board.

California prison officials report that as of July 15, the 34 state prisons were operating at 3.1 percent (2,554 inmates) below the population cap.

However, prison officials report that the cap was met in part by transferring 2,339 inmates to an in-state private prison in California City. Additionally, 7,277 prisoners doing time under California law are being housed in private prisons out of state.

The *Pew Charitable Trust* reports that the California inmate population is projected to increase by seven percent by 2018.

Other states projected to increase their prison population are Iowa and Wyoming. Hawaii, Pennsylvania and Louisiana are projected to decrease their prison population.

Legionnaires' Disease Causes S.Q. Water Shut-Off

Continued from Page 1

he said. "I immediately had to kick into survival mode to make ends meet."

All told, approximately 100 inmates who presented symptoms were tested and treated. In addition, at least four members of the prison staff reportedly became ill. At least seven inmates were hospitalized.

The Legionnaires' outbreak was one of the biggest public health emergencies the California Department of Corrections and Rehabilitation has ever handled, according to Lt. S. Robinson, San Quentin Public Information Officer.

"There have been other emergencies in California prisons such as, norovirus, chicken pox, valley fever and other communicable diseases," Robinson said. "As with the other outbreaks, there has been a collaborative effort between the California Receiver's office, CDCR and state and local public health departments to address the issues relevant to the San Quentin situation."

According to prison officials, the source of the disease was the cooling towers atop the new health care facility building, which was built in 2010 for \$136 million.

Legionnaires' is a bacterial form of pneumonia that poses a significant threat to the elderly and those with weak immune systems, and can be deadly if left untreated. The *Legionella* bacteria is transmitted through water mist, such as through showers and air-conditioning systems.

Flatbed trucks began hauling two black heavy-duty plastic containers holding 2,000 gallons of water each into the prison by 11:25 p.m. Aug. 27.

Many West Block inmates, however, said they were kept locked in their cells and did not receive water that night.

During the night and the following morning, inmates began screaming and banging in their cells, calling for drinking water and use of portable toilets.

Beginning the morning of Aug. 28, prison officials and inmates filled large containers

with water from the 2,000 gallon containers and then transported them to inmates so they could fill their own bottles.

The only inmates who received bottled water initially were men on Death Row, the Adjustment Center, Administrative Segregation and some mainline inmates designated as medically necessary, critical workers, such as kitchen workers and support services.

"Associate Warden Kelly Mitchell came into North Block early on the day following the lock-down and addressed the inmates' lack of access to toilet facilities and water," said Men's Advisory Council Chairman (MAC), Sam Johnson.

"She came back to double-check that her orders were being carried out by staff, in which they were not being carried out in full," Johnson said. "So she again issued corrective orders to get us adequate access to toilet facilities and water. She listens to inmates and follows through with what she says."

H-Unit inmate Tony Garcia said he went many hours without drinking water. Even after the administration announced the availability of potable water around 11 p.m. that night, "that water was gone in a matter of moments because so many people were thirsty from not drinking water," Garcia said.

The outbreak also severely compromised inmates' access to showers and hot meals.

According to lock-down procedures, inmates are entitled to a shower every 72 hours, but some West Block inmates reported going without a shower for five days, despite the presence of portable showers on-site by Sept. 1.

As a precaution against the disease, filtered showerheads were installed in North and West Block. Installing filtered showerheads reduced the total number of showers in North and West Block from 46 to 20 for approximately 1,400 inmates.

The reduction in shower access further exacerbated a previous restriction, enacted because of the state's drought that limited inmates to three showers per week. By Sept. 16 all 46 shower

heads were re-installed.

The prison's kitchen staff was prohibited from using water for cooking. North Block inmate J. "Huggie" Davis said the kitchen staff worked alongside inmates to prepare thousands of bagged lunches for the San Quentin population. For the six days following the first confirmed case, all inmates were served Pop-Tarts for breakfast and peanut-butter-and-jelly sandwiches for lunch and dinner.

"It took too long to get water to us," said North Block inmate Roosevelt "Askari" Johnson. "Two men in a one-man cell without running water is inhumane, and getting sack lunches for seven days is totally unhealthy."

"They're killin' us with peanut-butter-and-jelly sandwiches," said West Block inmate Charles Reece.

Inmates criticized the prison's response to the outbreak, noting that there seems to be no emergency response in place. According to published prison regulations, "Each warden must have in effect at all times an Emergency Operations Plan, approved by the Emergency Planning and Management Unit, to assist in the preparations for response to and recovery from 'All Hazards' incidents."

"This institution just passed the American Correctional Association (ACA) inspection, so there should have been standards set," said MAC Chairman Johnson. "This institution should have been prepared for this type of emergency."

ACA says its accreditation is only given after a visiting committee endorses an institution that shows compliance with its more than 500 standards, such as conditions of confinement, staff training, policy and procedure, continuity of care and health care needs.

Compliance is proven three ways: review of standard files, interviews with staff and inmates, and touring the facility.

According to the ACA, their purpose is to "promote improvement in the management of correctional agencies through an accreditation program," and to "offer CDCR the

opportunity to evaluate their operations against national standards, remedy deficiencies, and upgrade the quality of correctional programs and services."

"We believe that we have comprehensive emergency operations in place to deal with any number of emergencies," Lt. Robinson said. "These procedures were in place well before the ACA inspection and accreditation; and so we were already prepared whether it be an earthquake or some other natural disaster, or public health issue. Our protocols have been established with a lot of forethought and planning. And, with this particular issue, although the dynamics were consistently evolving, we stuck to the plan, collaborated with interested parties and ultimately prevented potential casualties with our response. Even Steve Fama from the Prison Law Office who toured the facility indicated that our response was appropriate."

"This is an old prison and possibly the maintenance isn't kept up," said Pete Brooke, a North Block inmate. "There should be a set time where maintenance comes through and does periodic checks and cleaning. For instance, for at least six months there's been a dead bird in the vent where the correctional officers sit, and there's a pipe in the shower area that leaked for about a good month before it was fixed."

In addition to concerns about the prison's emergency preparedness and response to the outbreak, inmates said that local news coverage of the prison's response downplayed the troubles.

"[The administration] lied to Channel 5 News (KPX) about bottled water. Nobody on the mainline had received bottled water," said West Block inmate Russell Bowden.

Bowden, among others, claimed that prison staff consumed the bottled water that was allegedly set aside for inmates.

North Block inmate John "Yahya" Johnson saw a KRON4 segment on Aug. 29 which reported that inmates had access

to hot food. Another news segment purported that the CDCR was trucking in hot food. However, Johnson said he had not received a hot meal until Sept. 4.

"There are too many inconsistencies about information we're being told concerning the Legionnaires' disease," said H-Unit inmate Gerald Marquez.

H-Unit inmate Al Garner said that, after suffering a constant cough since June, he felt particularly vulnerable to the outbreak. "When the Legionnaire's crisis came about, I felt that I actually had the disease," Garner said. "So after 20 days of antibiotics, three inhalers, a five-day course of prednisone, two X-rays, the full gamut of lab tests, two days spent at Marin General Hospital, I felt like I was a human experiment. Yet still, after all these procedures, my cough is yet to be diagnosed."

"This situation has increased my stress level because I am under three months to my release, and I do not want to take this disease home with me," Garner added.

Sam Johnson said that this incident was the first time disease caused a prolonged lock-down in the 17 years he has lived at San Quentin. The incident most similar to the Legionnaires' outbreak, he said, was when norovirus hit the prison several years ago and the institution was quarantined.

The outbreak came less than a week after the prison hosted the nation's largest health fair inside of a state prison. The 12th Annual TRUST/Centerforce Health Fair was conducted in conjunction with the Alameda County Health Department and the Bay Area Black Nurses Association.

This summer, 12 people in the South Bronx died and more than 115 people were hospitalized after contracting Legionnaires' disease, according to the New York City health department. All the dead were adults with underlying medical conditions. In Illinois, four persons in a veteran's home died of the disease.

—Rahsaan Thomas
contributed to this story

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POPULATION 3,686

Prison University Project Celebrates 9 Graduates



Photo by Leroy Lucas

Valedictorian Keung Vanh displays his diploma at PUP graduation ceremony

By Juan Haines
Managing Editor

Valedictorian Keung Vanh told a packed college graduation audience that when he came to prison 20 years ago, "I didn't even have a high school diploma."

On June 12, the standing-room-only Protestant Chapel served as an auditorium, as Vanh and eight other graduates also accepted their Associate of Arts degrees from the San Quentin Prison University Project.

In the audience were the graduates' family members, community volunteers, PUP teachers, prison administrators and fellow prisoners.

Vanh began his valedictorian speech by explaining how shyness, while growing up, made his educational journey challenging.

"Whenever my teacher asked

me to repeat something, my shyness would keep me quiet," Vanh said. "So, my third grade teacher questioned my ability to learn."

Vanh said because of his quietness he was "labeled academically challenged and sent to remedial school." The experience had a lasting effect on his self-esteem, he said.

"After awhile I began believing this; then I started falling behind," he said. "By the time I reached high school, I had new challenges — gang violence, which caused me to be kicked out of school three times."

Vanh said his troubled life included committing criminal acts that led to imprisonment at age 16.

"When I first came to prison, I was locked in a cell 23 hours a day," he said. "Then I began learning when a teacher came

See PUP on Page 12-13

See, *Get On The Bus* Mother's Day and Father's Day celebration on pages 8-9. In June, *Get On The Bus* held celebrations at: San Quentin State Prison, California Men's Colony, Correctional Training Facility and Salinas Valley State Prison. Scheduled for July: Folsom State Prison, California State Prison-Sacramento and Folsom Women's Facility. For more information, visit www.getonthebus.us.

New York State Prison Refuses to Accept SQ News

A prison in New York State found *San Quentin News* unacceptable reading material for its inmates because the paper allegedly advocates lawlessness, violence, anarchy or rebellion against the government.

New York inmate G. Erwin, a *San Quentin News* subscriber,

received a "Sender Disapproval Notice," instead of the February 2015 edition.

The Orleans Correctional Facility in Albion, N.Y., (near Rochester) evaluated the paper and circled two reasons why it wouldn't be allowed into the prison population.

"D. Any publication which advocates and presents a clear and immediate risk of lawlessness, violence, anarchy or rebellion against the governmental authority is unacceptable."

"E. The publication should not

See NY on Page 5

Immigration Attorney Offers Answers to Deportation Policies



Photo by Raghonai Cassia

"I feel good to fight for a person's right to stay in the United States," said immigration lawyer Marc Van Der Hout

By Kevin D. Sawyer
Journalism Guild Chairman
Immigration attorney Marc

Van Der Hout came to San Quentin to talk about immigration policy. For once he wasn't venturing into prison on behalf

of a client.

"Since 1996 there are groups

See Immigration on Page 4

Warriors Compete Against Prisoners During NBA Finals

By Rahaan Thomas
Sports Editor

In the midst of NBA finals, Golden State Warriors General Manager Bob Myers and assistant GM Kirk Lacob played some basketball on their own against the San Quentin Warriors. Myers played for the Green Team and led with 26 points and 23 rebounds in their 85-79 victory.

"I think it (coming into San Quentin) shows that we care and that people are people no matter what station you are in life," said Myers.

It was June 6, the day before game two of the Golden State Warriors NBA finals against the Cleveland Cavaliers and the biggest moment for the Warriors in 40 years—the last time they reached the finals.

"When I play basketball, I forget about everything else. It's a good release for my mind," said Myers.

"Basketball is my calm place, my happy place," added Lacob. "Playing hard is a release from life. When I play basketball, I don't have to worry about anything except what's happening here on the court."

It was a sunny day with a strong breeze that didn't seem to hamper jump shots. The S.Q. Warriors came out in the first quarter with great energy and got off to a 4-0 run, then Myers nailed three-pointers back-



Photo by Kiraal Khokhobashvili

Coach Daniel Wright (left) greets Bob Myers before the game

back, taking the lead and setting the tone.

"I didn't have to do a lot — just get the ball to Bob," said Evan Fields.

Ben Illegbodu defied the wind

See Warriors on Page 23

Abogado de Inmigración Comparte Respuestas A Preguntas sobre Polizas de Deportación

Por Kevin Sawyer
Presidente del Gremio
Periodístico

Traducción Miguel Quezada

El abogado de inmigración Mark Van Der Hout experimento lo que es estar dentro de una prisión por primera vez y no fue por ir a visitar alguno de sus clientes.

"Desde el año 1996 han existido diversos grupos que han tratado de remendar la reforma migratoria '96 que el (presidente) Clinton no prohibiría," en el mes de Mayo, el abogado Van Der Hout le comento a los prisioneros de San Quentin. "Antes del año 1996 era usual recibir un alivio discrecional."

El abogado Van Der Hout fue acompañado por el abogado de defensa Dan Barton. "La ayuda de un abogado de inmigración es esencial para el abogado de defensa criminal, cuando el cliente es un inmigrante enfrentando la posibilidad de deportación," Barton comento. "Primeramente un abogado debe darse cuenta que su cliente es un inmigrante ilegal en los Estados Unidos."

El abogado Van Der Hout menciona, "me da gusto pelear por los derechos que tiene una persona, para que pueda quedarse en los Estados Unidos."

Además dijo que el Dream Act (La proposición para Los Soñadores) hubiera ayudado a muchos jóvenes inmigrantes a posponer su posible deportación, añadiendo que cuando el congreso no aprobó la reforma migratoria, el Presidente Obama comenzó el programa DACA (que es una acción para posponer la llegada de niños). En respuesta, los Republicanos en 26 estados pusieron una demanda buscando obtener un alivio para bloquear el programa.

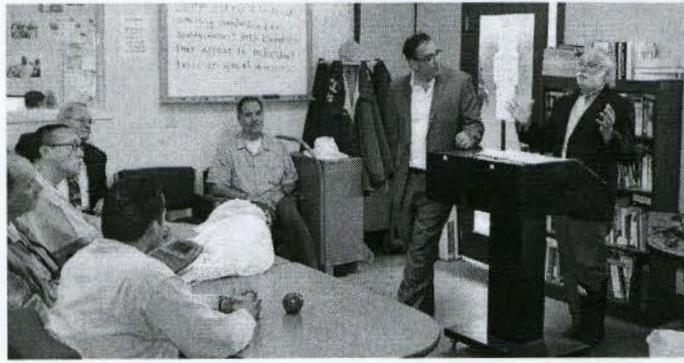


Photo by Raphaele Casale

'Me siento bien pelear por el derecho para que una persona se quede en los Estados Unidos,' dijo abogado de inmigración Marc Van Der Hout

La demanda, de acuerdo con el abogado Van Der Hout, fue estratégicamente presentada frente a una Corte de Distrito en los Estados Unidos en donde la decisión sería predecible, incluyendo también el resultado de una apelación en la Corte de Apelación de los Estados Unidos, en el Quinto Distrito. Una orden de la corte es efectiva hasta que la Corte Suprema de los Estados Unidos llegue a una decisión sobre si el estado tiene el poder suficiente para detener un programa federal.

Otros problemas que enfrentan los inmigrantes en los Estados Unidos fueron también discutidos, incluyendo el procesamiento por terrorismo.

El abogado Van Der Hout comento que "el terrorismo, de acuerdo a las leyes de inmigración, puede ser algo tan simple como pretender tirar una piedra en contra de un edificio."

El grupo de 'Los Angeles Eight' (Los Ocho de Los Angeles) era integrado por miembros Palestinos de PFLP (El Frente

Popular para la Liberación de Palestina), acusados de apoyar materialmente al terrorismo al "distribuir periódicos que abogaban una ideología comunista," comento el abogado. Van Der Hout represento a este grupo en un caso de 'acusación selectiva'.

El abogado Van Der Hout dijo que los inmigrantes no pueden clamar una defensa de 'acusación selectiva' a lo que el abogado cuestiono el porque los Estados Unidos no estaban levantando cargos en contra de los Cubanos y Afghanistanos que están peleando constantemente por el comunismo. El caso fue presentado a la Suprema Corte de los Estados Unidos la cual tomo una decisión, después de 22 años, a favor de los acusados.

La Acción de los Refugiados requiere que todos los refugiados sean tratados igualmente. Debido a que los Estados Unidos no apoyo la guerra en El Salvador ni en Guatemala en los años ochentas, el abogado, Van Der Hout, comento que más de un 90 por ciento de los refugiados que

buscaban asilo político, fueron negados.

Debido a que Estados Unidos apoyo la guerra en Nicaragua en aquel entonces, de acuerdo a Van Der Hout, fue considerado como un trato preferencial ya que le otorgo asilo político a la mayoría de refugiados de ese país lo cual fue una acción discriminatoria.

El abogado Van Der Hout presento una demanda de clase social en contra del gobierno Americano. El abogado comento que el caso fue finalmente resuelto después de cinco años por lo cual el gobierno se vio obligado a reajustar todos los casos de los inmigrantes de Guatemala y El Salvador.

Un discurso corto fue emitido sobre las tres agencias que reemplazaron el INS (El Servicio de Inmigración y Naturalización) después del 11 de Septiembre del 2001 explicando que los Servicios de Ciudadanía e Inmigración (Citizenship and Immigration Services CIS), los Servicios de Aduana y Patrulla Fronteriza (Customs and Bor-

der Patrol CBP), y los Servicios de Inmigración y de Control de Aduana (Immigration and Customs Enforcement ICE); todos están bajo el control del Departamento de Seguridad de la Patria de los Estados Unidos (Department of Homeland Security DHS).

"Felonía Agravada" se a convertido en un chiste," dijo Van Der Hout, explicando que antes había un termino descriptivo de crímenes tales como asesinato y la violación pero hoy incluye ofensas como robo; hasta crímenes que no conllevan tiempo en la cárcel. El dijo que hoy todos los crímenes definidos como felonías agravadas pueden resultar en la deportación, hasta para un residente legal."

"¿Como describirías mejor el nexo entre políticas inmigratorias y el encarcelamiento masivo? Pregunto el reo Tommy Gardner.

"Es una buena pregunta," dijo Van Der Hout, "el numero de personas detenidas por la inmigración es diez veces mayor." El dijo que la encarcelación de inmigrantes ha aumentado dramáticamente, también incluyo que hay muchos con derechos de asilo político legítimos.

"Muchas cárceles locales han negado cumplir las detenciones del ICE," dijo Van Der Hout. "California coopera con ICE." También dijo que una condena de cárcel de un año puede llevar a la deportación de un inmigrante, pero una condena de 364 días o menos los permite quedarse en el país.

Un reo pregunto, "¿Cuanto tiempo tiene la inmigración para recogerme después de cumplir la condena?" De acuerdo a Van Der Hout, "Tienen 48 horas."

James King, Salvador Solorio, Chung Kao, y James Abernathy contribuyeron en esta historia.

Immigration Lawyer Informs Inmates About Deportation Issues

Continued from Page 1

trying to 'fix '96,' the immigration reform that (President Bill) Clinton would not veto," Van Der Hout told inmates at San Quentin in May. "Before 1996, you could usually get discretionary relief."

Defense attorney Dan Barton accompanied Van Der Hout. "The assistance of an immigration attorney is essential to a criminal defense attorney when the client is an immigrant facing the possibility of deportation," said Barton. "An attorney must first realize their client is an immigrant."

"I feel good to fight for a person's right to stay in the United States," said Van Der Hout.

He said the Dream Act would have helped many young immigrants by deferring deportation, adding that when Congress failed to pass immigration reform, President Obama started the deferred action childhood arrivals (DACA) program. In response, Republicans in 26 states filed suit seeking injunctive relief to block the program.

The suit, according to Van Der Hout, was strategically filed in a U.S. District Court in Texas, where the ruling would be predictable, including the outcome on appeal in the U.S. Court of Appeals, 8th Circuit. An injunction remains in effect until the U.S. Supreme Court rules on whether a state can stop a federal program.

Other issues that immigrants encounter in the United States were discussed, including prosecution for terrorism.

"Terrorism under immigration law could be as minimal as threatening to throw a rock at a building," said Van Der Hout.

The "Los Angeles Eight" were Palestinian members of the PFLP (Popular Front for the Liberation of Palestine) accused of materially supporting terrorism by "distributing newspapers that advocated communist ideology," said Van Der Hout. He represented them in a "selective prosecution" case.

Van Der Hout said immigrants cannot raise a "selective prosecution" defense, but he challenged it because the U.S.



Photo by Raphaele Casale

Jose Camacho discusses immigration with Dan Barton

was not prosecuting Cubans and Afghans fighting communism. The case went to the U.S. Supreme Court and was decided in favor of the defendants, after 22 years.

The Refugee Act requires all refugees to be treated equally, he said. Because the U.S. did not support the war in El Salvador and Guatemala in the 1980s, Van Der Hout said over 90 percent of refugees seeking political asylum from those countries

were denied.

U.S. support for the war in Nicaragua at the time, according to Van Der Hout, gave preferential treatment - asylum - to most refugees from that country, which he said was discriminatory.

Van Der Hout filed a class-action lawsuit against the U.S. government. He said the case was settled after five years and the government had to re-adjudicate Guatemalan and El Salvadoran immigrants' cases.

A short discourse ensued on the three agencies that replaced the INS (Immigration and Naturalization Service). After Sept. 11, 2001, he explained, the Citizenship and Immigration Services (CIS), Customs and Border Patrol (CBP), and Immigration and Customs Enforcement (ICE); all fall under the Department of Homeland Security.

"Aggravated felony" has become a joke," said Van Der Hout, explaining how it used to be a term delineating crimes such as murder and rape but now encompasses theft offenses - even those that carry no jail time. He

said now all crimes defined as an aggravated felony can lead to deportation, even for a legal resident.

"How would you best describe the nexus between our immigration policies and mass incarceration?" asked inmate Tommy Gardner.

"It's a good question and correct to ask," said Van Der Hout. "The number of people detained for immigration is tenfold." He said incarceration of immigrants is up dramatically, adding that there are many with legitimate political asylum claims.

"A lot of local jails have refused to honor ICE holds," said Van Der Hout. "California cooperates with ICE." He also said a one-year sentence in jail can lead to an immigrant's deportation, but a sentence of 364 days or less allows them to stay in the country.

One inmate asked, "How long after a sentence is completed does immigration have to pick you up?" According to Van Der Hout, "They have 48 hours."

James King, Salvador Solorio, Chung Kao, and James Abernathy contributed to this story.

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Photo by Sam Heames

Heiwa Taiko Drummers performing a song to represent peace for the audience

Day of Peace Event 'Like a Day in the Park'

By Juan Haines
Managing Editor

San Quentin State Prison held its annual Day of Peace celebra-

tion on April 25. "This is like a day in the park!" folk singer Audrey Auld said to the prisoners, community volunteers and custody staff mingling on the

prison's Lower Yard. Things were different in 2006 when the Lower Yard was the

See Day of on Page 12

Bryan Stevenson Challenges a Broken System

By Kevin D. Sawyer
Journalism Guild Chairman

On a quiet April evening inmates gathered in San Quentin's Protestant Chapel to hear attorney Bryan Stevenson speak.

About 120 inmates from Paten College's student list accepted an invitation to listen to Stevenson, a champion for the voiceless — those condemned to death, afflicted by poverty, inadequate education and incarceration, and as a result, according to Stevenson, under-represented in the United States and exploited by the criminal justice system.

"I recognized that I had been struggling my whole life with the question of how and why people are judged unfairly," Stevenson says in his new book, *Just Mercy: A Story of Justice and Redemption*. However, in



File Photo

Bryan Stevenson

no way did he promote his book at this event.

Instead, Stevenson discussed issues cited in his book, such as

See Stevenson on Page 4

Pelican Bay Instructors Work Around Hurdles To Educate Inmates

By Dana Simas
CDCR PIO

Pelican Bay State Prison (PBSP) is a level four facility reserved for the most serious of California's offenders. Half of the prison houses maximum-security inmates in a general population setting. The other half of the prison holds inmates in segregation units such as the Security Housing Unit (SHU)

or Administrative Segregation Unit (ASU) designed for violent inmates and prison gang members and leaders. None of this, however, means the California Department of Corrections and Rehabilitation (CDCR) isn't working to improve the lives of the inmates in one of California's most notorious prisons.

The Tsunami Adult School

See Pelican Bay on Page 9



Photo by Dana Simas

Outside road and perimeter of Pelican Bay State Prison

Learning How to Forgive Must Precede Healing

By Rahsaan Thomas
Staff Writer

Learning to forgive the murderer of a loved one is hard but necessary in order to heal and

move forward, the visitors and prisoners who spoke at *The Courage to Reconcile* Restorative Justice Symposium in San Quentin's Catholic Chapel agreed.

"After losing three family members, I want the hurt to stop," said guest speaker Mattie Scott. "I'm standing on the strength of other survivors, and I know that this is a calling on my life — to let the world know that people behind bars are victims too. We want them to become survivors so we can stop the cycle of violence."

Scott and her sister, Elizabeth Torres, have lost sons to gun violence. Scott's son was killed acting as a peacemaker.

On July 17, 1996, he took four bullets meant for a friend who stole the killer's jewelry. His murderer walked because no



File Photo

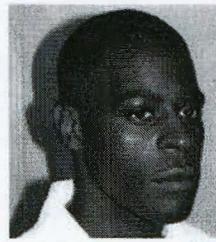
Mattie Scott

See Forgiveness on Page 10

Sentencing a 13-Year-Old to Life in Prison

Nationwide, more than 2,200 juveniles under the age of 18 are serving life sentences—dozens were 13-14 at the time of their offense, according to a report by Equal Justice Initiative (EJI), a non-profit legal-assistance organization founded by Bryan Stevenson.

Michael "Little B" Lewis, at age 13, was labeled a super predator by a sociologist and called a cold-blooded thug by prosecutors, *WSB-TV Atlanta*



File Photo

Michael "Little B" Lewis

reported.

According to *WSB-TV*, Lewis walked up to a parked car at an Atlanta convenience store in 1997 and shot Darrell Woods, a stranger, in front of his two sons.

Lewis has spent more continuous time incarcerated (he's now in a supermax facility designed for death row inmates) "than any person starting his sentence as a

See 13-year old on Page 5

Stereotype of African-American Males Said to Stem From Days of Slavery

By **Rahsaan Thomas**
Sport Editor

Racial stereotypes Americans face today — including the notion of the dangerous Black male — grew directly out of slavery and its aftermath, a study reports.

"These corrosive stereotypes fueled unequal treatment, and continue to do so even today," said the December 2014 report. The U.S. is not a "post-racial" colorblind society, "where any racial disparities are due simply to characteristics or behaviors of the affected group themselves." The report is called *You Can't Fix What You Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities*. Its authors are Drs. Prudence Carter, Russell Skiba, Mariella Arredondo and Mica Pollock, Center For Evaluation & Education Policy, Indiana University.

They note early European settlers judged people of color as inferiority to Whites. Famous authors and scientists of that time circulated propaganda claiming to demonstrate the inferiority of non-Europeans to reinforce the stereotypes.

Slavery was justified in the eyes of Whites by the belief that Blacks were inferior. In order for slavery to work, Blacks had to be disciplined and "con-

trolled."

One way of maintaining a higher order over Blacks were codes enacted beginning in the 17th century. Normal human activity was considered a crime for Blacks of that era. They "made it illegal for slaves to congregate, marry, travel without their masters' permission or even learn to read."

False rumors portraying Black men as aggressive and rapists were spread by slaveholders in fear of revolts. Although incidents of Black men raping White women were "rare or unheard of," a law passed in 1700 in Pennsylvania by William Penn mandated death or castration for such an attempt.

The fear of Black men led to more than 2,500 of them being hanged between 1889 and 1918, mainly for minor offenses "like disputing with a White man, attempting to register to vote, asking a White woman's hand in marriage or peeping in a window."

Meanwhile, White men were raping Black women, forcing them to procreate or breed with other slaves and selling their children into slavery. Somehow, this was translated into Black women being "depicted as hypersexual, promiscuous and less virtuous than White women."

Jim Crow laws continued segregation and a race hierarchy, with Blacks and other people of color on the bottom, long after slavery's end.

To escape the oppressive laws, bombings and lynchings, Blacks fled the South for the North, where they still faced "attitudes and policies that reinforced segregation and stereotypes, and limited economic opportunity," said the report.

"For nearly a century after the Civil War, laws and practices enforcing inferior schools for Blacks, Native-Americans, Asians and Mexican-Americans and significantly better educational access, housing and jobs for Whites led to economic and social cumulative advantage for Whites and growing disadvantage for people of color."

After World War II, the U.S. Supreme court passed *Brown vs. Board of Education*, rejecting the separate but equal doctrine, requiring steps to overcome the hardships created by legalized segregation. Social scientists theorized increasing contact among different races and classes would break the grip of stereotypes, bias and discrimination. However, social segregation rigidity set stereotypical beliefs in many minds.

Physical and psychological separation across schools, housing areas and social boundaries by race and class fostered segregation and lessened opportunities for interracial interaction that could challenge the stereotypes, the authors said.

In the 1970s, the courts began to roll back or limit post-Brown civil rights reform. The courts refused to act unless it was shown that explicit laws were put into place supporting segregation.

"Segregationist mindsets spawned separatist government and private sector policies that continue to define many of our communities today," according to the report.

"Controlling images and narratives about different groups of individuals can affect us all across racial lines," said the report.

Middle class Blacks are no less likely to evaluate students subjectively than White middle class people, the report said. They often act with deep-seated implicit biases outside their conscious awareness.

These actions are often difficult to spot.

Microaggressions can look like a waiter serving a White patron before someone Black, acts conveying underlying (even if unconscious) messages that

people of color are less intelligent, otherwise inferior or more dangerous, or sudden overreactions to young people of color as threatening.

Recent studies on implicit bias show negative Black stereotypes are still widespread in U.S. culture. TV shows and other media reinforce negative Black stereotypes by portraying Blacks in the role of criminals. Study participants implicitly or, even unconsciously, associate Blacks with apes and words like "poison" or "cancer."

A survey showed "58.9 percent of Black and White subjects endorsed at least one stereotypical view of difference in inborn ability."

The controlling images of the deviant Black person sometimes have deadly consequences and create disruptions in the life chances of many people of color.

Not all is lost. "Police trainings are tackling implicit bias," said the report. For example, Professor Patricia Devine developed a "multi-faceted prejudice habit-breaking" intervention that trained participants in debiasing strategies.

"Significant reductions in implicit bias among those trained provide tangible evidence that a controlled intervention can produce persistent reductions in implicit bias."

Report Suggest Blacks Are More Likely to Be Murdered

Young Adults Ages 18-24 Years Old Have the Highest Homicide Rate of Any Age Group

U.S. homicide rates have declined by nearly half, but young males still are the highest-risk group and Blacks are more likely to be murdered than are Whites, according to a federal Bureau of Justice Statistics report.

Homicide in the U.S. is at its lowest level since 1963, according to BJS findings based on the FBI's Supplementary Homicide Report (SHR) data. It has dropped by 49 percent, from

9.3 homicides per 100,000 U.S. residents in 1992 to 4.7 in 2011.

Young Black males remain the highest-risk group. The average murder numbers for males was 3.6 times higher than for females and 6.3 times higher for Blacks than Whites.

Young adults ages 18-24 years old have the highest homicide rate of any age group, despite a 22 percent decline in murders from 2002 to 2011, according to the report.

The peak homicide rate for Black males was nine times that of White males, the BJS reported.

SHR reported 6,830 Whites and 7,380 Blacks were murdered in 2011 at a rate of 2.8 for Whites and 17.3 for Blacks per 100,000 U.S. residents.

In 2011, the per-100,000 residents rate was 2.7 for ages 12-17; 11.9 for ages 18-24; 9.2 for ages 25-34; 5.2 for ages 35-49; 2.8 for ages 50-64 and 1.7 for

those 65 or older. The median age for being murdered was 30. The homicide rate for Blacks age 60 or older is four times higher than Whites age 60 or older.

In 2011, firearms killed victims in 66 percent of the cases involving single victims and 79 percent of those with multiple victims.

The study dated December 2013 was conducted by Erica L. Smith and Alexia Cooper,

Ph.D. and was titled *Homicide in the U.S. Known to Law Enforcement, 2011*.

SHR compiles homicide reports from local law enforcement that includes details such as victim and suspected offender demographic characteristics, the type of murder weapon and the number of victims.

The report did not separate Hispanics from non-Hispanic Whites.

—By **Rahsaan Thomas**

Stevenson Challenges a System Based on Fear and Anger

Continued from Page 1

the collateral consequences of incarceration, disenfranchisement, the need to get closer to places where change is needed and changing the narrative on race, history, crime and the criminal justice system.

Stevenson told the men how in the 1980s politicians put forth a narrative of fear, which produced the anger that brought about mass incarceration.

"For the last 40 years politicians have been able to push a narrative based on fear and anger," Stevenson said. "Our success in changing the world relies on us changing the narrative."

Stevenson said politicians created a system in the U.S. where one in three young boys, Black and Brown, are projected to go to jail in their lifetimes.

Determined to make a difference, Stevenson co-founded the Equal Justice Initiative (EJI)

in 1989; a nonprofit organization that provides legal assistance to inmates. It is a complement to his legal practice and his tireless effort to bring justice for all.

"To change the world somebody's going to have to stand when everyone else is sitting. Someone's going to have to speak when everyone is quiet," said Stevenson. "I believe that we have to change the narrative about race."

Stevenson told the audience that the 13th Amendment to the U.S. Constitution did not do anything to change the narrative about slavery. He said, "Slavery didn't end, it evolved." He added, "The worst evil of slavery in America was not about the forced labor, but the narrative created around the idea of racial differences."

The discourse delivered by Stevenson toggled between a lecture, admonishing those in attendance to duty, and instruc-

tion. He said humans are programmed to seek what is comfortable but urged the audience to "choose to do uncomfortable things to achieve justice."

"The worst evil of slavery in America was not about the forced labor, but the narrative created around the idea of racial differences"

It is Stevenson's opinion that many courts see the finality of prosecution and sentencing as being more important than justice. He said, "Wealth, not culpability, shapes our courts."

In *Just Mercy* Stevenson

wrote that as a young law student he was told by a Southern Prisoners Defense Committee lawyer that "capital punishment means, 'them without the capital get the punishment.'" To his audience of inmates he said, "Poverty is the opposite of justice."

"I work in a broken system of justice," said Stevenson. "I do what I do because I'm broken, too. You don't get to justice thinking that you are right and just. You get to justice thinking that you are broken."

In the April/May issue of *Time* magazine Stevenson is listed as number 55 of the 100 most influential people. "For decades, he has dedicated himself to fighting poverty and challenging racial discrimination in the criminal justice system with the perfect combination of unwavering passion and idealism," wrote Serena Williams, a renowned tennis player.

There was no one single message when Stevenson spoke. His delivery was emphatic as he advised the men at San Quentin that they must change the narrative that's written about them in the U.S., take the opportunity to engage in restorative justice, and get in proximity to the things they care about in order to change them.

"I believe that everybody is more than the worst thing you've ever done," said Stevenson.

Stevenson is the executive director of EJI (www.eji.com) and a professor of law at New York University Law School. He has argued before the U.S. Supreme Court five times and has won relief for many prisoners on death row. He is the recipient of many awards, including the MacArthur Foundation "Genius" Grant.

R. Malik Harris and Ali Muhammad contributed to this article

Advocates Urge Lighter White-Collar Sentences

Advocates for Changes in Sentencing Guidelines Think the Time is Right

By Marcus Henderson
Journalism Guild Writer

After a federal panel eased penalties for non-violent drug offenders, defense attorneys and prisoner advocates began calling for lighter sentences for white-collar crimes, according to an Associated Press report

by Eric Tucker.

Some of these crimes focus on fraud, insider trading and embezzlement.

Attorneys and advocates believe that under current sentencing structures people who have the smallest roles still receive harsh sentences.

In 2013, the American Bar

Association forwarded a proposal to the sentencing commission asking that federal judges:

Give more weight to a defendant's culpability and less to financial loss.

Give thought to a defendant's sophistication, motive and the duration of the scheme.

According to the AP report,

the Justice Department welcomed the review. But progress on the issue will be hampered by an American public still outraged by the corporate bigwigs who they say destroyed the economy.

Still the advocates for changes in sentencing guidelines think the time is right. Some

federal judges have begun to show leniency in some of these cases. Plus, the Justice Department must lower the cost of an overcrowded federal prison system.

Advocates see this as a window of opportunity to advance their agenda for new sentencing reform.

Hijos de Padres Encarcelados Muestran Problemas de Comportamiento

Por Michael Cooke
Escritor del gremio
Periodístico

Un estudio universitario concluye que los hijos de padres encarcelados muestran problemas de comportamiento y salud mental.

"Estos niños están cargados de desventajas," dijo Kristin Turney, autor del estudio y profesora asistente de sociología en la Universidad Irving de California. "Estos niños no solo están lidiando con el encarcelamiento de sus padres, pero también con problemas de salud mental. Todo esto podría causar que el encontrar empleo sea un reto más difícil o sean esforzados a madurar más rápido que sus compañeros."

El estudio fue presentado en la reunión anual 109 de la Asociación Americana de Sociología.

Este estudio fue publicado en la edición de Septiembre de la Revista de Salud y Comportamiento Social.

Tener un padre en la prisión está "relacionado con los problemas de comportamiento de niños y condiciones tales como trastornos de insuficiencia hipercativa, problemas de aprendizaje, problemas de habla o lenguaje y retrasos en el desarrollo.

Publicado por la Revisión Sociológica Americana y reportado el 25 de Agosto en el periódico USA Today, la revisión describe como el trauma físico y emocional de estar

en la prisión no solo daña al encarcelado, pero también a aquellos que están relacionados con ellos."

El estudio refleja una foto complicada que indica como las consecuencias del encarcelamiento puede socializar a los hombres a responder rápidamente y con extrema violencia a un conflicto. También aumenta dramáticamente el riesgo de separación y el divorcio en matrimonios o relaciones íntimas causando depresión severa y problemas de salud mental para las mujeres separadas de sus parejas románticas.

Hijos de padres encarcelados experimentan probabilidades menos favorables de educación paternal. Procesos de selección

social, tales como raza y clase social, son pronósticos del encarcelamiento en vez de ser un efecto causal, con minorías y hombres con insuficiente educación tienen más probabilidades de ser encarcelados según al estudio.

Sin embargo, Glen Elliott, un director médico y presidente de psiquiatría en la Children's Health Council, estuvo en desacuerdo con las conclusiones. Él declaró que enfermedades tales como ADHD son generalmente condiciones hereditarias de comportamiento. "No puedes suponer que estas son relaciones casuales," Elliott comentó.

Susan Brown, una profesora de sociología de la Universidad Estatal de Bowling

Green, hizo notar que el estudio ofrece, "evidencia indiscutible." Brown dijo, "pienso que este estudio crea un gran número de temas importantes." El estudio concluye que el encarcelamiento representa una barrera significativa para la participación de los padres en la educación de sus hijos después de ser puestos en libertad, y que el contacto con algún miembro de la familia es vital para detener la reincidencia. El estudio dice que un aumento en las oportunidades de visita, y el reducir barreras, tales como tener acceso a una transportación de precio económico a la prisión, puede beneficiar a padres y sus familiares.

traducción Miguel Quezada

Study Shows Incarceration and Death Add to 1.5 Million 'Missing' Black Men

By Kevin D. Sawyer

Journalism Guild Chairman

Mass incarceration and early deaths contribute to 1.5 million missing Black men in the United States, according to a study done by *The New York Times*.

The Times reported, "For every 100 Black women not in jail, there are only 83 Black men. The remaining men — 1.5 million of them — are, in a sense, missing...This gap — driven mostly by incarceration and early deaths — barely exists among whites."

The study compared the ratio of 17 missing Black men for every 100 Black women to Whites where there is "one missing White man for every 100 White women."

Of the U.S. cities with large populations of Blacks, the one with the biggest gender gap is Ferguson, Mo., with 40 Black men missing for every 100 Black women, reported *The Times*.

BLACK MEN

According to the study, Black men face a greater chance of dying young and are more likely to be incarcerated.

"It is a measure of the deep disparities that continue to afflict Black men — disparities being debated after a recent spate of killings by the police," *The Times* reported. "Perhaps the starkest description of the situation is this: More than one out of every six Black men who today should

be between 25 and 54 years old have disappeared from daily life."

GENDER GAP

The report found the largest group of missing men can generally be found in the South. The gender gap in the West, however, tended to be smaller.

"Of the 1.5 million missing Black men from 25 to 54 — which demographers call the prime-age years — higher imprisonment rates account for almost 600,000," *The Times* reported. "Almost 1 in 12 Black men in this age group are behind bars, compared with 1 in 60 non-Black men in the age group."

Homicide, according to the study, is the leading cause of

death for young Black men. It is a large factor in the gender discrepancy. Blacks also die more often from heart disease, respiratory disease and accidents than other demographic groups. This includes Black women.

MURDER AND HIV

Although murder and HIV rates for Black men have been falling, according to the study, the rate of incarceration for them has been on the rise since the 1980s.

"In many communities, rising numbers of Black men spared an early death have been offset by rising numbers behind bars" *The Times* reported.

The 17 missing men for ev-

ery 100 women gap in gender between Black males and females is non-existent in childhood, the report said. However, "An imbalance begins to appear among teenagers, continues to widen through the 20s and peaks in the 30s."

This, according to the report, leaves many Black women hard-pressed to find a potential partner of the same race, while the remaining (83) Black men, who face an abundant supply of potential mates, have no incentive to compete to find one.

"In those states hit hardest by the high incarceration rates, African American women have become more likely to work and more likely to pursue their education further than they are elsewhere," the report concluded.

13-Year-Old Lifer Michael 'Little B' Lewis Still Fighting for Freedom 19 States Incarcerated 73 Children Who Are 13 and 14 Years of Age

Continued from Page 1

13-year-old in prison in our entire country," reports *Daily Kos* blogger Shaun King.

Other examples:

When an argument over a toy ended in the death of his stepbrother, 14-year-old Missouri native Quantel Lotts was convicted of murder and sentenced to life in prison in 2000.

Fourteen-year-old Antonio Nuñez was picked up at a party and got into a car with two men nearly twice his age. One of the men later claimed to be a kidnap victim. When their car was chased by the police and shots were fired, Antonio was arrested and convicted of aggravated kidnapping, along with the 27-year-old driver, and sentenced to life in prison in 2003.

In 2008, Stevenson's *EJI* issued a report that found 19 states incarcerated 73 children who are 13 and 14 years of age and have a sentence of life without the possibility of parole. *EJI* noted that the U.S. is the only country in the world where a 13-year-old could receive a sentence of life in prison without the possibility of parole.

According to *EJI*, many young children in America are imperiled by abuse, neglect, domestic and community violence, and poverty. Without effective intervention and help, these children suffer, struggle and fall into despair and hopelessness. Some young teens cannot manage the emotional, social and psychological challenges of adolescence and eventually engage in destructive and

violent behavior.

Kuntrell Jackson was sentenced to life in prison in 2003 after being convicted of a video store robbery and murder committed when he was 14 years old. The state of Arkansas sentenced Jackson despite the prosecutor's concession that he was not the one who killed the video store clerk, *EJI* reported.

On June 25, 2012, the U.S. Supreme Court issued an historic ruling that mandatory life-without-parole sentences for all children 17 or younger convicted of homicide are unconstitutional.

In light of that ruling the Arkansas Supreme Court ordered a resentencing hearing for Jackson. In 2014, Jackson, by then 28, was resentenced to 20 years and is currently serving his time in a maxi-

mum-security unit in Arkansas.

"Many young children in America are imperiled by abuse, neglect, domestic and community violence, and poverty"

The Nevada Supreme Court has struck down sentences of life without the possibility of parole for juveniles. Such punishments, the court ruled, are a "denial of hope," and

"it means that good behavior and character improvement are immaterial; it means that whatever the future might hold in store for [the defendant], he will remain in prison for the rest of his days."

EJI agrees and has stated that condemning young children to die in prison is cruel and incompatible with fundamental standards of decency that require protection for children.

EJI litigates on behalf of condemned prisoners, juvenile offenders; people wrongly convicted or charged with violent crimes, poor people denied effective representation, and others whose trials are marked by racial bias or prosecutorial misconduct, according to its website (www.eji.org).