

OREGON CURE

Citizens United for the Rehabilitation of Errants



A Newsletter for Families and Friends of Incarcerated Individuals

PO Box 80193 — Portland, OR 97280 (503) 977-9979

Summer 2017
Volume 51

Reverse the effects of Measure 11 on Oregon's Population: MAKE OREGON GREAT AGAIN!

Measure 11, also known as Oregon's Mandatory Minimum Sentencing Law, is a criminal sentencing law that made its debut appearance on the November 1994 ballot. Once passed by voters, it went into effect on April 1st 1995 (April Fools!) Measure 11 has had lasting consequences that affect not only Oregon's prisoners in their families, but also the millions of tax-paying Oregonians, many of whom are unaware that this unjust and cost-inefficient law even exists. Hence, the importance of informing our state's citizens on what Mandatory Minimums really are and why we need to coordinate our efforts to repel them. In this article we aim to reach the hearts and fiscal sensibilities of Oregon voters and show how laws like Measure 11 negatively impact the communities we live in.

Measure 11 has a long list of cons and very few real pros. The relevant language and the biggest of the cons that we will address about this law is written as follows: "... *the person shall serve at least the entire term of imprisonment listed in subsection 2. The person is not, during the service of the term of imprisonment, eligible for release on post-prison supervision or any form of temporary leave from custody. The person is not eligible for any reduction in the sentence for any reason whatsoever...*"

Doling out mandatory minimum sentences significantly reduces the incentive for Adults In Custody (AICs) to participate in reformative programs that will, in turn, reduce recidivism. This lack of motivation causes a major impact on not only the AICs, but also the relationships they have with their families, who are their biggest support systems and a crucial part of facilitating the ex-con's success in freedom. If one of the key reasons for imprisonment is to *reform* an individual who has committed a criminal offense, then Measure 11 is a big step in the wrong direction.

Presuming that the Criminal Justice System wants to decrease the tendency of a convicted criminal to reoffend upon release, they must allow the courts to give earned time sentence reductions and therefore increase the AIC's incentive to better themselves while serving time inside an institution. The opportunity to earn "good time" encourages AICs to act in a pro-social fashion. It is human nature to work for incentives, and when faced with the possibility of getting out of prison sooner based upon their behavior, they are far more likely to follow rules and participate in reformative programming that will enable them to be better citizens upon release. Historically speaking, being given the opportunity to earn "good time" has been the most effective tool for the Department of Corrections (DOC) in ensuring that AICs work at addressing their issues and needs and issues during their incarceration period.

Nearly all crime is a result of unmet needs. These may be unmanaged mental health issues, the need for drug and/or alcohol treatment, financial struggles brought on by lack of employment and educational needs, or the inability to find social empathy. Consequently, the way to prevent most crime is by addressing these needs before they result in further criminal behavior. Arguably, those who commit crimes against other people, especially those listed under Measure 11, are those who have the highest need for help in both identifying and addressing those issues during incarceration.

Allowing AICs to earn their way out of prison early by pursuing programming that is specific to addressing the needs that led into a path of crime in the first place is a win-win for everyone. It is a travesty of justice that Oregon has set these sentencing guidelines into law that clearly don't work towards this goal. DOC data shows that in 1994 there were 6,545 AICs. As of 2015, there are nearly 15,000, showing a 122.8% increase since the passing of Measure 11. There are over six thousand Measure 11 AICs and 60% are first-time offenders. Today, more than 40% of Oregon's prison population is incarcerated because of a Measure 11 crime. The sentences set for these crimes range from 70 to 300 months, and children as young as 15, when charged, are automatically tried and sentenced as adults under the law. This has led to a vast increase in our prison population and driven the need to build multiple additional prisons in the state...no cheap endeavor.

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Mock Parole Board Hearings

by *Hank Schoeffel*

One of Oregon CURE's focuses for 2016-17 has been interacting with the Lifers' Unlimited Club at Oregon State Penitentiary in Salem. For the past year and a half, every 6 weeks we've traveled to OSP on a Saturday to hold "practice" parole board hearings. What makes these reviews so unique is the participation of men who have actual upcoming parole hearings. We have been fortunate to have former Parole Board Chairperson Candace Wheeler sitting on the practice board. Ms. Wheeler, Hank Schoeffel and either CURE Board Member Patty Katz or a Lifers' Club member sits as the three-member parole board. CURE's Terry Stein and Paul and Cheryl Erickson also attend.

Prior to the hearing each Lifer who has volunteered provides us with the same information about his crime and rehabilitation that he would give to the actual Parole Board. To make the practices as realistic as possible, Lifers Club members also take the roles of District Attorney and victim's representative. They write their presentations in advance, and have obviously spent a lot of thought and time preparing their statements.

Some of the volunteers have been through multiple Parole Board hearings; for others this is their first exposure to the pressures of a review. Ms. Wheeler starts each review with the same instructions as actual reviews. Nothing is held back, as difficult questions are asked and the veracity of answers is challenged. As anyone can imagine, for a man to talk in depth about the event that changed his life is traumatic. In reality, these terrible events change the lives of many people, none for the better. Each participant has shown genuine emotion and remorse as he discusses and relives the worst day of his life. Other men, who attend and give feedback, frequently take careful and copious notes.

Once the formal part of the practice hearing is completed, the floor is opened to comments/feedback from the practice Board and from the other men in attendance. With each new review more men speak up and share their feelings and opinions. This is a critically important part of the session: the observers clearly express their impressions as they critique the testimony, including any perceived inability of the volunteer to completely recognize and accept full responsibility for the crime, or to fail to show any observable remorse. The comments and suggestions offered are extremely insightful and well accepted. At the same time, the commenters unanimously offer their support and kudos for the willingness and strength shown by the man who bared his soul and his sins. Everyone wants everyone involved to grow as a person who hopefully will someday assimilate back into society.

The men involved have told me how much they appreciate these practice hearings. As a group, the members of the Lifers' Club have committed to changing their lives in as many ways as possible, including obtaining GEDs, Associate and Bachelor's Degrees, and participating in multiple courses and programs for behavioral change and personality development, as well as learning trades that they can use on the outside. While these practice hearings cannot replace what happens in an actual Parole Board hearing it is our intention and hope that every man, whether a participant or an observer will better learn how to understand and express the reason for his crime, and to better anticipate and therefore handle the high stress of their actual Parole Hearing, whether it is their first or their fifth.

NEW MAILING ADDRESS:

PO Box 80193

Portland, OR 97280

Quarterly Release Orientations

Release Orientations are co-facilitated by Community Corrections and Oregon CURE. Find out how you can help your recently or soon to be released loved one successfully re-enter our communities. Before attending, please phone one of the numbers below to the county coordinators / department listed below to confirm the date, time and location.

Washington County

Contact: Marcus Ford (503) 846-3494

Held Quarterly: 1st Thursday of February, May, August, November

Time: 5:30 pm - 7:00 pm

Location: Varies, please call to confirm

Multnomah County

Contact: (503) 988-3081 press "0" for TSU

Held Monthly: 3rd Thursday

Time: 3:30 pm - 5:00 pm

Location: Mead Building
421 S.W. 5th Avenue, Portland

Clackamas County

Contact: Gayle Terjeson (503) 655-8790

Not being held at this time

Marion County

Contact: Kayla Thompson (503) 540-8017

Call to confirm date and time

Intake Orientations

Intake Orientations are co-facilitated by Oregon Department of Corrections and Oregon CURE. Find out about Oregon's prison system, the intake process, phones, mail and visiting requirements. You will receive a packet of informational brochures. There will be opportunities for you to ask questions. Our goal is to help you learn how you can get through your loved one's incarceration. Maintaining family contact is vital to your loved one's time in prison and upon release.

Portland Metro Area

Held Quarterly: 1st Thursday of April, June, September and December

Time: 5:30 pm to 7:00 pm

Location: Varies, please call Oregon CURE to confirm: (503) 977-9979

Salem Metro Area

Held Quarterly: 3rd Thursdays of February, May, August and November

Time: 6:30 pm to 8:30 pm

Location: First Christian Church / Parlor Room
685 Marion Street NE
Salem, OR 97301

Corner of Marion and Church streets on the north side of downtown. There is parking on the street or in the Department of Energy parking lot next door. The entrance is on the west side of the building in the parking lot.

Support Groups

Oregon CURE support groups are intended for adult family members and friends only. Some topics of discussion may not be suitable for small children or pre-teens. Attend a support group and network with family members who have "been there" and who can help you gain perspective.

Beaverton Support Group

1st Thursday: 7:00 - 8:30 pm

Please call to confirm the location.
(541) 301-2205 Sharon

Salem Support Group

1st Saturday, 10:00 - 11:30am

The Keizer Senior Center
930 Plymouth Dr NE
Keizer, OR 97303

(503) 269-7141 Vickie -(503) 409-3329 Wayne

Portland East Side Support Group

1st Monday: 6:30 pm

Abundant Life Church
17241 S.E. Hemrich Rd.
Damascus, OR 97089

(503) 757-7762 Will and Corinne

Eugene Support Groups

1st Thursday: 7:00 - 9:00 pm

3rd Tuesday: 7:00 - 9:00 pm

Please call to confirm the location.
(541) 344-7612 Dave—(541) 342-6817 Don

Clemency in Oregon

At a recent OSP Lifers' Unlimited Club meeting the featured speaker was Mischa Isaac, Deputy General Counsel to the Governor of Oregon. Among other duties, he is the Clemency Coordinator, assisting the Governor in the Clemency process. Under current Oregon statute, the Governor has absolute authority to grant clemency. Mr. Isaac noted that the Governor is an elected official, and that it has happened that a person granted clemency has reoffended, which hurts electability. Additionally, since it's part of the political process, be aware that, in Oregon, it's very easy for the public to amend the Constitution. The public could take that power away with a very strong move/support from Law Enforcement and District Attorneys. To date Governor Kate Brown has granted four clemency petitions: one for a person currently incarcerated.

There are four types of clemency: **1) Pardon: the State forgives.** **2) Commutation of Sentence: the State grants a reduction in sentence length.** **3) Remittance of Fines.** **4) Sentence Suspended: the State allows a person to be out of prison for a period of time, but sentence must eventually be served.** The Governor reviews all clemency applications.

Clemency "is an extraordinary realm." The system is supposed to be fair: a trial, a finding of guilty and a conviction, and a sentence. The Parole Board is intended to serve as a "release valve"; having the authority to, within statutory limits, release those sentenced to prison. The idea of clemency is that when the system has produced a case (or outcome) that is very unfair, and all else has failed, a petition for clemency may be considered. Copies of Clemency Petitions must be sent to the Parole Board, District Attorney of the county where the crime was committed, DOC, and the DA of the county of incarceration in the event of a crime having occurred while in prison. The law mandates that so that all parties involved have the opportunity to weigh in.

Q&A:

- 1) Why the Parole Board?** A: The Governor wants to be aware of any denials and the reasons for them.
- 2) Who is the Parole Board accountable to?** A: The Governor.
- 3) Has anyone with Life Without been granted clemency?** A: Yes, but I'm not sure when that was.
- 4) What does the Governor think about when she's considering clemency?** A: Positive: mitigating circumstances; any manifest injustice at trial; behavior while incarcerated; what you've accomplished during your incarceration; are you a leader?; what would we hear from staff?; a letter from the victim or victim's family supporting or not opposing your request; a letter from the DA supporting or not opposing (it has happened!). Negative: Seriousness of the crime; bad disciplinary record; nothing distinguished in your institutional history; a letter from the victim or victim's family asking that clemency not be granted.
- 4) What about a claim of Actual Innocence?** A: Such a claim might bear serious consideration. Engage a lawyer; a letter in support from The Innocence Project could help also.

- 6) OYA prisoners can get letters of support from OYA Staff;** DOC rules do not allow that.

Does the Governor want one to exhaust all remedies through the Courts before applying for clemency?

A: You can apply for clemency any time, and as often as you want, but one point considered would be why haven't you exhausted all your appeals?

***The question to ask yourself, when considering whether to apply for clemency, is
'What is extraordinary about my case/situation?'***

Continued from front page

Taxpayers are spending an average of \$200 million per year on M11 AICs. The more money we spend on housing AICs for long sentences, the less there is available for effective and much-needed programs that will reduce recidivism and thereby decrease the number of prison beds while subsequently increasing the number of tax-paying citizens who are contributing to our communities. Rehabilitation is being severely restricted as a direct result of our mandatory minimum sentencing laws. In essence, the current system feeds very inefficiently on itself. If money were to be diverted to the front end and invested in meeting the needs of those at high risk of becoming criminals before they do, it would be far less costly than the current practice of investing hundreds of millions in ways that actually act to prevent rehabilitation. We need alternatives to incarceration that cost less...less financially and less morally. Prisons are a government program, and just like any other government program, they need to be put to the cost-benefit test to make sure that taxpayers are getting the best bang for their buck. Oregon tax payers on not getting a good return on their criminal justice investment. The root causes of crime are not being addressed. The longer someone is in prison, the less they have when they are released, including important social supports such as friends and family. Over 84% of prisoners are released when they are at least 31 years of age, having received little or no mental health services or treatment and a deeply institutionalized perspective that results from exposure to traumatic experiences within the prison which are in addition to the traumatic histories many carry from their childhoods. They receive poor health care during incarceration, and struggle to find housing, employment, and educational opportunities upon reentry into their communities. Inappropriately long sentences result in unnecessary costs to taxpayers and less funding for prevention, treatment, education, healthcare and many of the other resources and opportunities that contribute to true public safety.

Measure 11's lengthy mandatory minimum sentences do more harm than good by removing the most effective behavior management tool the DOC has: early release for good behavior. This has the direct consequence of destroying the support networks that exist in the AIC's community that will best support his or her ability to achieve a successful transition from imprisonment to freedom. As with anything, an ounce of prevention is worth a pound of cure, and treating symptoms instead of their causes will always be both more expensive and more wasteful.

Measure 11 is an exercise in futility that creates a downward spiral for AICs and society, while simultaneously causing an upward spike in recidivism and the social burden. With over 95% of all prisoners eventually returning to the community, it only makes sense that they should be reformed and rehabilitated by their prison experience in order to provide a future of public safety that all citizens can count on. M11 does the opposite by creating worse people with a higher tax price tag. The heightened costs do not outweigh the benefits. It is time to overturn our antiquated and ineffective mandatory minimum sentencing laws. Contact your Senators and Representatives today and let's help to make Oregon great again!

By Josh and Edna Cain

Following is a reprint from our newsletter for the summer of 2013.

Does He or Doesn't He - Only Social Security Knows or, A Trip Under the Proverbial Rabbit Hole

By Becky Smith

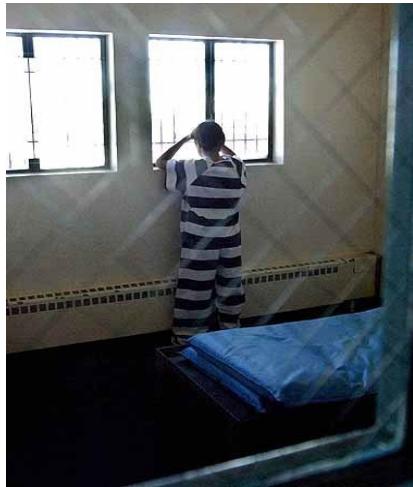
My adventure to find a way to apply for Medicare benefits for my husband, prior to his release, has taken me down the proverbial rabbit hole and I found myself landing in the Social Security Wonderland. I always found myself wondering what answer I would get to my many questions each time I spoke with a representative; not to mention, how Social Security gets anything done when it's so difficult to get the same answer twice. In adventure I went to offices in four different cities and made six separate phone calls. All of which led me straight back to the rabbit hole. I did not embark on the journey alone. A friend of mine also is trying to get Medicare for her husband.

I tried the more personal direct approach, only to find myself chasing the Mad Hatter, screaming "I'm late, I'm late!" along the way. Little did I know, at the time, how true those very words would turn out to be.

Close to the end of January I attempted to take my husband's filled out and signed application directly into the local Social Security office. However, the only thing I was able to do is make a telephone interview appointment. Two weeks later I got the call from whom I'll refer to as the Queen of Hearts. The rabbit hole has begun. I explained to the Queen my husband's situation, with hopes she could tell me how to get it done. She adamantly insisted that my husband could not apply for his Medicare benefits while still incarcerated. That he would have to wait until he was released. She should have just said "Off with his head" for all the dread I was feeling at the time.

Then there is my friend's journey, which was more like the kiddie train rides at the zoo. Much to my chagrin, she had his card already in her red hot hand. She simply did an online application for her husband during the general enrollment time. She got a call from a Social Security rep, which she explained to her what she was trying to do. They mailed her an application for him to fill out, sign, and send back. Once that was all one, it was only a matter of weeks before she had his Medicare card. Some people have all the luck.

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Save the Date!

Education / Incarceration

Join Oregon CURE for Our Annual Meeting

Topics Covered:

Education while Incarcerated

Education Statistics

Stories from OSP

Stories from the Free World

An Educator Tells Us the Truth

Date: October 21, 2017

Time: 1-3 P.M.

Location: 980 Chemawa Road NE

Keizer, OR 97307

Continued from page 5 Does He or Doesn't He – Only Social Security Knows or, A Trip Under the Proverbial Rabbit Hole

Being totally frustrated with the direct approach, and armed with what I thought to be reliable information, I set out to try the online approach myself. It was early March when I placed the application online and by the last week in March, I too received a phone call from the wonderland representative. I'll call the Cheshire cat. Initially she also told me NO my husband couldn't file prior to release. But unlike the Queen, she was willing to listen to my questions and look into the matter for me. She was very interested in the fact that my friend was able to get her husband's Medicare card. It was almost the end of March, just a few days to go, when she finally called me back. She went on to explain that it could be done. In her long elaborate explanation I gleaned that—

My husband needed to send in a written request to enroll in Medicare during the open enrollment period, which would end on the upcoming Sunday, on March 31. In the case that the 31st falls on a weekend it must be postmarked by the first Monday after the 31st. In this case it was April 1st.

He had to write the letter himself.

It must be mailed from the institution he is at so they can validate that he, personally, has made the request
I could not make the request for him or act as a Representative Payee.

He could also call to make his request.

I was able to see my husband the next day and he was able to get the letter in the mail. Later that week, my Cheshire cat finally called back to me. Yes, they did receive his letter, and yes it was post marked on the 1st. Now it's June and we just now got word back from Social Security. We still need to fill out an application and get it mailed in, but what we didn't get was another NO. So in answer to the questions of filing for Medicare before release, this is what I learned—

Can a person apply for Medicare benefits prior to release? Answer: Yes, but only for Medicare, not other benefits. That does not apply to those filing and seeking a disability claim.

If so, how is it done? Answer: The person being released needs to mail an application or write to Social Security and request to file for his/her Medicare benefits. It must come from them and be post marked before March 31st.

Which office to go to? Answer: You need to go to the office closest to the place where the person being released will be residing.

What forms to fill out? Answer: It will be an application for Medicare benefits only. Form SSA-1020-OCR-SM

When to make the application? Answer: You need to file during the "general enrollment period" of the year of the release, which is January 1st to March 31st. If you miss this deadline you must wait until the following year to apply. Coverage will not begin until July. If your expected release date is after July you will be required to pay the monthly premium for the months prior to release or you will lose benefit. It is still unclear if there will be a 10% per year penalty for the years we had to wait to file after he turned 65.

So there you have it. If there were one thing I learned from my ordeal that I would like to pass on to you it would be- DO NOT TAKE NO FOR AN ANSWER if you are trying to apply for Medicare prior to release.

I DO WANT TO HELP *OREGON CURE* CONTINUE ITS WORK IN 2017

Suggested tax-deductible Contributions:

\$3 / Prisoner \$15/yr Individual \$25/yr Family \$50/yr Organizations \$ / Other

Name: _____

Address: _____

City/State/Zip: _____

Email: _____ Phone: _____

(Optional)

Name of Incarcerated Loved One: _____

SID # and Facility: _____

I would like to volunteer my services!!! My skills are: _____

NEW MAILING ADDRESS:

PO Box 80193
Portland, OR 97280

The board of directors of Oregon CURE understands that financially contributing to our cause is not always an easy thing and that most members would like to give more than their budgets allow. It is with this thought in mind that we have enrolled in:

Fred Meyer's Community Rewards program:

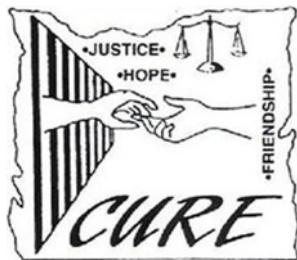
This way, you can give to Oregon CURE while you are doing what you have to do - buying your everyday items like Milk, Bread, Socks etc.

To become a contributor, simply link your Fred Meyer rewards card to Oregon CURE and quarterly, Fred Meyer makes a donation to CURE based upon our enrolled members' spending. You will still accumulate your own Fred Meyer rewards and benefits already afforded to you by Fred Meyer as an individual. This simply expands your rewards to help us out too! And what could be better than that?

To enroll, go to the Fred Meyer Community Rewards website: www.fredmeyer.com/communityrewards Under "Are you a Fred Meyer Customer?" click the big purple button to **Link Your Rewards Card Now. Login** to your Account. (If you haven't registered your account, you will need **Sign Up** to do this step). Search for Oregon CURE or enter our non-profit number **91917**. (or number **93-1085488**)

Thanks in advance! Funds are used to print handouts, print and mail newsletters, maintain a phone line and web site. We are an all volunteer organization with no member receiving financial compensation.

Oregon CURE
Po box 80193
Portland, OR 97280



Publication Notice

This newsletter is a publication of Oregon CURE. Oregon CURE is a 501 (c) (3) organization whose goal is to reduce crime through criminal justice reform.

The opinions and statements contained in this newsletter are those of the authors and do not necessarily reflect the views of Oregon CURE.

Contributions of articles, letters to the editor, notices, etc., are welcome, but may be edited or rejected for space considerations. Articles may be copied in its entirety with credit going to the author or to the publication.

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Member Contributions and Inquiries can be directed to: Oregon CURE (see below)

Oregon CURE is an all-volunteer organization. Oregon CURE volunteers typically work at other jobs. Oregon CURE is not a service organization. Do not send us any legal documents. We are not a legal service. We are not qualified to assist you in legal matters.

Renew your Membership to Oregon CURE Today!!

Send your Member donation to:

Oregon CURE

PO Box 80193

Portland, OR 97280

Website: www.oregoncure.org / Email: oregoncure@gmail.com

Be sure to include: Your Name, Address, City, State and Zip, Phone/Email, Name of Adult in Custody with SID# and Facility

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