

# Oregon CURE

*Citizens United for the Rehabilitation of Errants*  
A Newsletter for Families and Friends of Incarcerated Individuals

## ***Navigating the Oregon Prison System: Four Perspectives***

Oregon CURE welcomed over 60 people in to our 2014 Annual Meeting on October 23, 2014. Our goal was to explore the prison system from a number of perspectives to better understand what our loved ones inside - and ourselves, on the outside, face during the intake, incarceration and release process.

Our guest speaker, Senator Chip Shields, District 22, knows firsthand the challenges our loved ones face as they reenter our communities. Upon moving to the Portland area in the late 90's, he brought with him his goals of helping people releasing from prison and find living wage jobs by starting an organization called Better People in N.E. Portland. Through evidence based practices, the clientele served by Better People were assisted in finding employment but also were able to take part in cognitive based programs to assist in their efforts to turn their lives around. He believed in giving people the tools they needed to be successful upon release. Although Better People has closed its doors after almost 20 years of serving the community, Senator Shields has great faith in people like Emanuel Price, founder of SCAFE (Second Chances Are For Everyone) and the energy that he will bring to this work.

Senator Shields was appointed to the Public Safety Committee of Ways and Means in 2007 and as chair was instrumental in passing HB 3508, Measure 57, which could add 10% earned time for Non-Measure 11 convictions, if specific criteria were met and approved by the court. This measure saved 74 million dollars that the legislature was able to reinvest in prevention services that we knew would have a bigger bang for the buck when it came to reducing crime. The conclusion was that public safety is about more than building prisons, it's about funding Head Start, domestic violence services, state troopers and legal services. Senator Shields spoke about one of the programs for children of the incarcerated at the Oregon DOC called the Family Preservation Project for women and their children at Coffee Creek. Unfortunately, due to budget cuts, this program is at risk of losing its funding.

One of the most significant victories in the last legislative session was the passing of a bill that allowed for racial impact statements on child welfare and on criminal justice bills. Before this bill was passed, the only path that CURE members would have if they wanted to slow down a piece of legislation would be to contact their legislators. With the passage of this law, once two legislators submit their written requests, the Oregon Criminal Justice Commission staff will work to prepare a statement forecasting how various populations will be affected. Bills introduced into next February's 2015 session will be the first for which the new law will apply. Momentum behind the effort to draft such statements is drawn from statistics showing that, among other things, African Americans make up about 2 percent of Oregon's general population, but about 12 percent of the state's prison population. African Americans are nearly six times as likely to be in prison as whites in the state, according to Oregon DOC statistics.

Senator Shields left us with two messages: The first is that politics work if you work it. The second is that he encouraged the audience to run for office. We need to stop worrying about turning politicians into people who care about justice and start worrying about turning people who care about justice into politicians.

Oregon CURE's newly elected VP, Hank Schoeffel, thanked Senator Shields for his dedication and his advocacy for issues that affect all Oregonians. He acknowledged that we're all working to improve the lives of those incarcerated and helping people releasing to our communities. Change comes slow at times, but change can happen if we work together.

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### Publication Notice

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## From the Editor:

My journey within the criminal justice system began in 2005 with the Measure 11 conviction of my son.

I attended my first Oregon CURE "event," around February 2005 when I participated in the Intake Orientation. I knew I wouldn't be content sitting and waiting for my son's sentence to end without doing something. I began attending a few support group meetings and then joined the board. The rest, they say, is history.

If asked previously, I would never have guessed I would be meeting new friends at these meetings, but that is what has happened. I can't say enough for the dedication, very hard work and long hours volunteered by the Oregon CURE board of directors.

My son was released in October, 2011. He has worked at rebuilding relationships and meeting personal goals. He is happily working toward his career goal of journeyman plumber. We believe our support during his incarceration and following has helped him on this journey. I am pleased to report he is officially "off paper!" (I was thrilled to receive a copy of the letter via messaging while on vacation. Thank goodness for technology.)

I have decided it is now time for me to move on from Oregon CURE. This organization will always hold a very special place for me. It gave me the backbone to survive and grow during very a difficult time.

There is room for volunteer opportunities for you! Please think about giving some time to this wonderful organization who supports our loved ones and...us, during difficult periods in our lives. Your volunteer help can be utilized in so many ways, newsletter editing, secretary and more...

I am very grateful to all who have helped me on my journey.

From the Board of Directors of Oregon CURE we wish you A Peaceful Holiday Season.

Best, Bonnie

### Support Group Meeting Information

*Monthly Support Groups are held throughout the state. Please refer to our website: [www.oregoncure.org](http://www.oregoncure.org) for contact information, dates and times.*

### Intake Orientation and Release Orientation

*Please refer to our website [www.oregoncure.org](http://www.oregoncure.org) for contact information, dates and times for these quarterly orientations.*

### Bits about Our Support Groups

- Salem group is hosting a DOC administrator to discuss visitation policies.
- Eugene group, and Beaverton Latino group are asking for help in getting the word out about their support groups. Please consider assisting these groups if you are in their area, or know someone who is.

# Wanting A Trial By Jury Is Not A Crime. So Why Do We Treat It Like One?

Written by FAMM's general counsel, Mary Price.

This appeared in the online version of Forbes Magazine on September 24, 2014.

*General Counsel for Families Against Mandatory Minimums* There's quite a bit of headshaking in the criminal justice community over insider trader Matthew Martoma's decision to go to trial, rather than take a plea deal, and the sentence of nine years he received following his conviction. Martoma's decision should not distract us from one deplorable feature of federal criminal sentencing: the trial penalty. As Nathan Vardi's article for Forbes points out, a guilty plea likely would have "shaved many years off [Martoma's] prison sentence." This is a given. It shouldn't be.

Had Martoma pled guilty, the rules governing federal sentencing (called "guidelines") would have granted a small credit for his so-called "acceptance of responsibility." But the real sentence reduction would have been managed by the prosecutor. Prosecutors routinely manipulate charges and facts to guide sentence outcomes. They reward those who plead guilty by dropping charges or re-characterizing facts at sentencing. They punish those who don't capitulate by adding charges and calculating sentence enhancing features to the defendant's detriment.

So what's the problem with this system? The power prosecutors have over defendants distorts the criminal proceeding. Defendants are legally innocent until proven guilty. They have the constitutional right to make the government prove its case to a jury beyond a reasonable doubt. A well-prepared prosecutor can still convince a factually guilty defendant that its case is so strong that going to trial would be folly. But often, the government bargains for a guilty plea by bringing stiff charges that carry long sentences. It then offers to reduce the charges or take other actions that will lead to a lower sentence. Or, it bullies the defendant by threatening to bring additional charges and/or evidence forward at sentencing that can dramatically increase the sentence unless she pleads guilty.

If this sounds farfetched, don't take it from me. This memorandum from federal judge John Gleeson in *U.S. v. Kupa* dissects the government's use of the trial penalty in a set of drug cases. It is a must read for skeptics.

Why the fuss over the trial penalty? Because the goal of sentencing is not to turn courtrooms into assembly lines. Federal law requires that sentences be no longer than needed to ensure retribution, deterrence, incapacitation and rehabilitation. Managing the government's case load is glaringly and appropriately absent from that list. But case management plays a central role in plea bargaining. The ability to procure a sentence that's far longer than necessary is a well-used item in some prosecutors' tool kits. A case in point is the 55-year sentence a judge was forced to impose on a man named Weldon Angelos, charged with marijuana trafficking and weapon possession. The government had offered him a 16-year sentence if he pled guilty. When he refused, the prosecutor charged him in such a way that had he been convicted of every charge, he would have been sentenced to 105 years in prison.

Clearly, the government believed that the goals of punishment would have been fulfilled by a 16-year sentence. The additional 89 years it sought? Punishment for going to trial, plain and simple.

What makes this even more unseemly is that it happens behind closed doors. Secrecy disables the checks and balances our constitution put in place to prevent one branch of government from crossing the line into the role of another branch and running roughshod over citizens. In this case, the judiciary has no ability to review the "negotiations" to check overbearing prosecutors from the executive branch. This in turn gives prosecutors undue control over what should be a purely judicial function: sentencing. Pulling back the veil is very difficult. Kevin Ring, prosecuted for his bit role in the larger Jack Abramoff lobbying scandal, recently tried to do just that. He resisted the government's efforts to frighten him into pleading guilty - at one time threatening him with a 22-year sentence - and was ultimately convicted and sentenced to 20 months. He sought the court's permission to unseal a document the government used to pressure him to accept a guilty plea. The court declined to unseal the document, stating the public had no right to access it.

Punishing defendants for exercising their constitutional right to trial is commonplace. We have become inured to it, just as we have to needlessly long sentences, dangerously overcrowded prisons, and bloated corrections budgets. We should not be complacent. The trial penalty is unfair and unworthy of our criminal justice system, even if it is effective from the prosecution's perspective. Today, in a system designed by our intellectual forebears to insure that every accused person gets her day in court, 97% of all federal defendants plead guilty without ever seeing a jury.

This is no way to run a criminal justice system.

*This article actually ties in with one of USA CURE's recommendations for a more equitable sentencing structure. It was mentioned on the back of the Spring 2014 Oregon CURE newsletter:*

*"Anyone who refuses to negotiate a plea agreement and is subsequently tried and convicted shall not be sentenced to a longer term than was offered in negotiations. The defendant shall not appear in court in shackles, restraints, or jail "uniform." Any action that results in the deprivation of an individual's liberty shall be decided based only upon the beyond - a - reasonable - doubt standard."*

## ***Life Reinvented, An Interview***

“Yes, there is life after prison!”

Patty: First, I want to thank you for agreeing to talk with me. This interview is to give our readers and their families hope that there is life after prison.

We all get to prison our own way, me included. This story isn’t about what you did to go to prison; this is about how you prepared to re-enter society, some of the fears that haunted you before you hit the streets and barriers you faced upon release.

How did you prepare to leave prison? What were some of the steps you took the last six months you were in prison?

*Tammy: I attended an inpatient program in prison called Turning Point, I cut off all communication with my old pen pals, I reached out to Central City and the Mentor Program, and had a member of a twelve-step program pick me up at prison; she drove me to the Mentor Program and then took me to a noon recovery meeting. I spent the day with women in the program and then went back to the mentor program.*

*At first I just did what they told me to do, I wasn’t even sure if I meant it this time. I just knew I wanted to try something different. On the second day my mentor took me to the thrift store. I didn’t know what I needed but she just took me up and down the aisles and soon my cart was full and it even included an alarm clock. Trust me, I wouldn’t have thought of that on my own.*

*The next day I began intensive outpatient treatment program. Against all advice went to Portland Community College and turned in my paperwork. I wanted to go to school- it was very important to me. I wanted to change my life and since I quit school in the 8<sup>th</sup> grade, I knew I needed to go to college.*

*The next months were filled up with programs and more programs and then even more programs,*

*Along with the Mentor Program, I enrolled in Project Clean Slate so that I could clean up some wreckage of my past and get my driver’s license back. I enrolled in school, I completed MRT, Out Patient, Acupuncture, Community Service, and daily 12-step meetings. At one point I was offered the opportunity to work with a theatrical production about people in early recovery. I worked with a literary coach to write my story and then with an actor to play me in the production.*

*Standing back watching that play really touched something deep within me. I was the only prison person in the play and had thought that prison and drug addiction just went hand in hand. As I watched the 6 act play, seeing people’s paths from addiction to recovery really was the beginning of the bridge to the community from which I had previously felt separated.*

Patty: I know for me, watching that play touched something deep within me. I was so proud of you and the life changes that you were making to become the woman you were meant to be.

Often it is hard to stand back and see that kind of intensity, how did you feel after the play?

*Tammy: After seeing the play the first time, I still didn’t have a lot of feelings from which to draw. You might say I was still “kind of frozen.” My identifiable feelings were anger, sadness and happy. Today when I watch the DVD; it is shocking to me that I was so detached from the horrendous life experience that brought me to that point.*

*The best gift I received from that play- it was the first time I realized that my life could help others.*

Patty: What were your three biggest obstacles you faced within your first three months?

*Tammy: Feeling fear and trying to figure out what part of my life to start repairing first.*

- *Finances, Family, Employment, Education, Parenting, Driver’s License, Housing, Parole, and ....you name it! It needed to be fixed.*

Patty: Wow! How did you learn you didn’t have to fix everything at once? How did you break that down into small manageable steps?

*Tammy: I just started recognizing and using the guidance of others; taking it one day at a time. The turning point for me was when I realized I could stop beating myself up for my past failures and left room for the work I needed to do to build my future. Then one day I noticed I stopped taking things that didn’t belong to me...Like toilet paper out of public bathrooms- I said to myself, “Tammy it is not yours and you don’t need it! Leave it there” That is the day I realized my behaviors had changed and I didn’t need to live that life anymore.*

Patty: Tell me a little about your college experience.

## **Intensive Management Units within ODOC**

CURE has serious concerns about IMU (Intensive Management Unit). There are two types of segregation used by Oregon's Department of Corrections. The most common type is the DSU, or Disciplinary Segregation Unit, generally known as the hole, where prisoners are sent to segregation for misconduct, typically for no longer than 180 days. IMU, which often happens after a person has already spent their time in DSU, is an administrative segregation, meaning that DOC deems a person is a risk to the general population, and that person is sent to a different segregation where they may be held, literally, for years. Being sent to IMU, and the length of time spent in IMU, is completely at the discretion of the Department of Corrections.

There has been much publicity over the last few years about the negative mental health effects that prolonged segregation has on humans. We have received letters to substantiate that. A couple of the writers have admitted to having mental health issues going into IMU, but rather than addressing their mental health needs, they are labeled "dangerous", placed in IMU, and basically forgotten.

"I have been placed in confinement three times and each time I get worse". One of these prisoners says that he has been in IMU since 2010! "I seriously fear that if I don't get out of confinement and in a position to do better for myself, that I will lose what little bit of sanity that I do currently possess."

IMU is a "catch 22". Prisoners are placed there because their behavior is socially inappropriate, yet this very treatment of them adversely impacts their social behavior. Besides being removed from human interactions, they are often ignored in their requests to see counselors, and receive medical attention. They send "kytes" that go unanswered. This treatment contributes to feelings of self-loathing, anger, frustration and powerlessness. If we are to assume that many, if not most, of the people housed in the IMU have some degree of mental or emotional instability, it is not a surprise to find that they act out in varying degrees of more anti-social behavior, which DOC responds to by giving them additional time in the IMU. You see, a "catch 22".

DOC will tell you that the prisoners are receiving treatment. We beg to differ. The DOC treatment plan consists of packets that the prisoners complete over a two week period. At the end of the period, they turn a packet in and receive another. There is no human contact, no human interaction. It is unclear if the packets are even read by anyone. How does this bring about the changes so desperately needed for these individuals?

These prisoners are people; people that will most likely be rejoining society at some point in time. Some of these prisoners are released into society directly from the extended confines of IMU. Therefore it is important to all of us that they learn socially appropriate behaviors. Since they will be interacting with the rest of society, it seems that a good first step would be to provide them with a sound, **human-based** treatment program. If they are having difficulties interacting with others, then isolating them from others seems like an ineffective way to teach them how to play nice. Dehumanizing them by ignoring their needs, compounding their feelings of powerlessness, and locking them away from others seems contradictory to teaching them how to become better humans. \*

This is the position of International CURE:

CURE Position:

1. Control Units and long-term lock-downs should be abolished. No prisoner should be confined in conditions of isolation and reduced sensory stimulation.
2. Mentally ill prisoners and those at risk of mental illness should be removed from control units. Psychologically-advanced programs should be developed for those who are mentally ill and emotionally disturbed.
3. Cognitive restructuring should be emphasized early in the prisoner's incarceration before severe problems develop.

The Problem:

1. In the past ten years, there has been a proliferation of Control Units. Prisoners in such settings are often locked down 23 hours a day. They are denied physical contact with other human beings, and have very limited verbal contact.
2. Isolation is devastating to the human (or a animal) psyche. Such settings constitute cruel and inhumane treatment.
3. Transition to the free world is difficult for most prisoners. Prisoners leaving such facilities will have a more difficult time than the normal prisoner in adjusting to the free world.
4. The control unit facilities are expensive to operate. They consume resources which should be devoted to programming, therapy and education.
5. Spiritual, psychological and/or physical breakdown can occur through:
  - Arbitrary placement not based on pre-established standards and procedures.
  - Years of isolation from both prison and outside communities while being housed in solitary or small group isolation.
  - Extremely limited access to services such as education, worship or vocational training.
  - A closed environment that facilitates physical abuse

## Navigating the Oregon Prison System Continued from Page 1

The panel, introduced by Patty Katz, provided the four perspectives of Navigating the Oregon Prison System: Lydia Cortez, who visited family members as a child and is now a recovery mentor with Washington County; Randy Geer, recently retired from over 30 years with Oregon DOC and most recently the Chief of Inmate Services; Karen Cain, a woman who watched (and helped) her two adult sons in custody mature and become role models for other men in prison and Emanuel Price, who saw a need to assist people leaving prison and founded SCAFE through his personal experiences in reentering our community.

Lydia works with women at Washington County Jail, who are either released or being sentenced to a prison term. Lydia's responsibilities include taking women to 12 Step Meetings, securing transitional housing and other requirements including clothing, food stamps and employment, and for those women involved with DHS, she will help support and advocate for their needs and concerns. She was married to a man who did 5 years in prison and because she lacked transportation had to become extremely creative in order to visit. An issue that needs to be explored is gang activity in the prison system. The statistics are not readily available, but we'd like to know how many people in Oregon prison's have a gang affiliation and what can be done for those people who want to break away from a life style that belongs in their past - not their future.

Randy worked for the DOC for 31 years and he soon came to the realization that he wanted to turn the negatives in everyone's lives into positives. He began working in the Activities section and managed about 2000 events a year including music and sports programs. Although people on the outside may wonder why activities are necessary, Randy found that although DOC programs addressed what may be "broken" in the adult in custody, they also needed to address the part of the person that encouraged their identities as human beings. One of the last things he did with the DOC was to arrange a visit with the man who killed his father (then employed as a corrections officer with DOC) during a prison riot. Closure is not the right word, there is no such thing as closure. He wanted to be able to see the person and talk about the events of the day in language that would fill in the gaps for him. As evidenced in the work that Randy competently completed at DOC he identified with the human part of people in prison - not just the criminal part. Randy believes in creating opportunities for people inside so they can be successful on the outside.

Karen was introduced to the criminal justice system when her sons were sentenced to long prison terms in 1998. She has volunteered with several organizations working towards criminal justice reform and has become an advocate for people in prison. One of the things Karen has noticed while waiting in the prison visiting line, is that there are some questions that should not be asked of other visitors which would include - Who are you visiting? How old are they? How long is the sentence? The questions may seem innocuous to the one who asks, but they may cause harm and heartbreak to the person who is asked - as some people inside may never get out.

Randy described the intake process which averages 3-5 weeks. The newly incarcerated will be interviewed by DOC staff and a corrections plan will be structured for each person. But - for the people who are entering the system for the first time, they spend a lot of time wondering about cell protocol and watching what is going on all around them. It is best to avoid immediate friendships as there may be associated costs - which could lead to extortion or be gang related. Prisons are huge - and staff levels are small.

Where do KYTES go? KYTES to DOC staff, particularly those being sent to program administrators can take time to answer. There isn't a systematic control - and it depends on the recipient to handle them in an expeditious manner. The next step up from a KYTE is filing a grievance which, because they are logged by the DOC, will receive a timely response by a grievance counselor. The Oregon DOC Accountability model holds people in prison and staff accountable for their actions.

Karen added that it can be the family's role to help our loved ones stay positive. Find out what programs are available at their facility and encourage your loved ones to get involved in education, sports, family programs, or anything that is positive. Some of the case managers will work with family members (remember that Release of Information form!). You can recommend visits from friends or family members who can be a positive influence in their lives.

Emanuel explained his life before he was sentenced to 4 years in prison. He was on track to graduate from college when he fell. During his incarceration period, he found very few resources that offered soft and hard skills that would benefit people upon release. The programs and curriculum were outdated and were not applicable to the world we live in and even less so for people getting ready to be released. People go to prison to be punished - but 95% of the prison population in Oregon will be released - and there have to be opportunities for them to turn their lives in another direction.

## Navigating the Oregon Prison System

### Continued from Page 6

Upon his release, he did everything he could to find employment, but he found he was on his own with very few resources available on the outside. He created SCAFE from his experiences in looking for work. Few jobs beyond food services or warehouse work were available to him, and although his intention was to disassociate himself from his past, he found that his challenges were universal to people being released. Emanuel has come a long way from his prison sentence, to helping people find housing and jobs upon release, working with at risk youth and will start trainings on conflict resolutions.

Randy summed up the evening with a confirmation of Emanuel's story that the real impetus in getting through the prison system has to come from within. There are programs, if you're in the right facility at the right time and you're within the right time frame from release, but none of that will make a difference if you don't take advantage of what there is to offer at the moment. And if there is nothing then chart your loved one's course of study by sending in reading materials of interest.

The DOC budget continues to be slashed - and programs are the first to go, even programs that offer as much value to the community as the Family Preservation Project. Oregon CURE will continue to advocate for changes in the sentencing guidelines, prison system and reentry programs to make our communities safer and to allow all of our citizens to prosper.

## Life Reinvented, Continued from Page 4

*Tammy: I signed up for financial aid before leaving the penitentiary, having no idea where that resource would lead me. Within the first three weeks after I paroled from prison, I began my journey into college. I was terrified because I had not been in school since eighth grade and I was 38 years old. First I attended "Project Independence" at Portland Community College; a program designed as a support course for women in transition who had no college experience. That class taught me how to go to college, which built the foundation of supporting six more years of education. Higher education is an immense opportunity, which led me beyond community college, to the university including a PhD Mentoring Program. My degree is a Bachelors of Science in Health Studies.*

*Patty: Now that you have graduated, tell me a little about your life today.*

*Tammy: Today I am able to work part time helping women transition into the community as an onsite house manager at Bridges to Change. And for my day job I do medical outreach work at a local clinic while preparing to apply to work at a local hospital working in an emergency room.*

*In order to work in this field, I have had to appeal every failed background check. The appeal process included; program completion certificates, letter of explanation, letters of recommendation from my peers and transcripts from my school. With dozens of felony convictions, I never dreamed I could work in the medical field. What I have found to be my biggest barrier has been what I "believed" I couldn't do.*

*So if you are sitting in a cell (or have a loved one) I leave you with this message. What I found in this process is the only things that I could not do, are the things that I never allowed myself to do.*

### Renew your Membership to Oregon CURE Today!!

Send your Member donation to: Oregon CURE 1631 NE Broadway #460, Portland, OR 97232

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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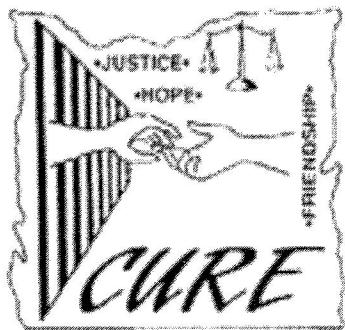
Family: \$25 Sustaining: \$50 - \$100

**Please remember us in your Year End Giving!!!**

#### **Please Note:**

Due to the high cost of printing materials Oregon CURE charges \$2 each for booklets requested. We will continue to provide all items **free of charge to adults in custody.** Those booklets currently include: "Sometimes You're the Hammer, Sometimes You're the Nail," "Free-er - but Not Free," and "Keeping Love Alive." When making your request, please include a check made out to Oregon CURE. Thank you.

Oregon CURE  
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#### CURE's Expectations for a Justice System: Continued from the Spring 2014 Newsletter:

##### **SENTENCING:**

We shall not incarcerate persons who are mentally ill. We shall not incarcerate persons who are developmentally disabled. Juveniles shall never be housed in adult facilities.

There shall be no death penalty. No one shall be sentenced to life without parole.

There shall be no mandatory sentences, since they prevent adequate consideration of aggravating and mitigating circumstances. We shall utilize non-incarcerative sanctions whenever possible. Those include, but are not limited to:

- Restitution
- Forfeiture of all gains from economic crimes
- Therapeutic solutions
- Restorative/transformative justice (Alternative restorative justice programs shall be provided to an individual when the victim is unwilling to participate.)
- \* Community service
- \* Fines and fees based only upon one's ability to pay.

No one shall be sentenced to a prison term unless it will serve a greater purpose than incapacitation. The minimum sentence for any offense shall be only long enough to complete an appropriate, well defined, treatment and training program. Programming shall be provided in a timely manner. Time added for aggravating circumstances shall not exceed the sentence for the basic crime. We shall not give significant weight to prior criminal history when crafting a sentence, without considering the probability that recidivism represents a failure of the justice system. Felony murder statutes shall be eliminated. All mandatory minimums shall be abolished. The cost of the sentence shall be identified at the time of sentencing.