

LIFERS' UNLIMITED CLUB

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Oregon State Penitentiary  
Activities Section  
2605 State Street  
Salem,OR 97310

Status of current proposals:

Fan Fundraiser redux	approved
Outside entertainment on yard	pending
Suicide Awareness Walk	approved
Purchase of Barbeque/smoker	approved

Covid-19 is real. Let's all be smart and remember  
To wash our hands and limit physical contact.

«Name»

«Sid #»

«Cell »

This is the B-B-Q/Smoker we've been approved to buy...or, we may have one like it built.



Mission Statement

The purpose of the Lifers' Unlimited Club is to unite the incarcerated men of OSP with a goal of improving the quality of life for those inside and outside of these walls. The club will work with charity programs, informational services, youth speaking panels and other positive programs. We cannot change the past, however, we believe through rehabilitation and pro-social behavior we can create a more productive future.

2020 Calendar

- April 9<sup>th</sup>..... Eating Contest
- May 14<sup>th</sup>..... Animal Shelter
- June 11<sup>th</sup>..... Nominations
- July 9<sup>th</sup>.....Elections
- August 13<sup>th</sup>..... 1<sup>st</sup> Banquet
- September 10<sup>th</sup>..... 2<sup>nd</sup> Banquet
- October 8<sup>th</sup>..... General Meeting
- November 12<sup>th</sup> ..... Fundraiser
- December 10<sup>th</sup> ..... Holiday party



Lifers' Unlimited Club  
Newsletter  
Oregon State Penitentiary

Volume 52, Issue 3

April 2020

Words of wisdom...

The fool opens his mouth and  
declares his folly.

Even the fool appears wise when  
he remains silent.

From the book of Proverbs

Ending Parole for Violent Acts Didn't Work.  
Time To Restore It?

After Zenas Barnes was convicted of three robberies in the 1990s, he accepted a plea deal that stunned even veteran lawyers for its severity: 150 years in state prison. Mr. Barnes, who was 21 at the time, said that he had not realized when he took the deal that the Virginia Legislature had, only months before, abolished the most common type of parole, meaning that there was a good chance he would die in prison. Twenty-five years later, the State Legislature, newly dominated by Democrats, is poised to broaden parole for the first time in a generation. The move would give Mr. Barnes and thousands of other prisoners convicted of violent crimes a chance for parole, which allows inmates to be released early. Watching closely are lawmakers across the nation, including in California, New York, Illinois and Pennsylvania. Like Virginia, those states decades ago virtually eliminated discretionary parole, granted by appointed boards on a conditional basis, during an era of surging violent crime and the imposition of progressively harsher punishments. We thought we were fighting crime, and it didn't work," said David Marsden, a Democratic state senator in Virginia, who has previously introduced bills to restore parole but was blocked by Republican majorities. "But more recently, we've stopped trying to teach lessons and started trying to solve problems. People are now more likely to believe that people deserve a second chance." After watching the nation's prison population grow by 500 percent since the 1980s, lawmakers have aggressively sought to reduce prison rolls as part of a growing consen-

As Virginia Rethinks Early Release, Other States Take Note

sus that the criminal justice system has incarcerated too many Americans. Louisiana, for instance, the state with the nation's highest incarceration rate, has in recent years cut its prison population to a level not seen since the 1990s. Last year, New York approved a law ending cash bail for most people charged with misdemeanors or nonviolent felony crimes, a move aimed at preventing people from being held for longer periods only because they could not afford to pay bail. On the federal level, President Trump signed legislation in December 2018 that shortened prison terms for some federal inmates. Still, analysts say recent attempts to restore parole in California, Pennsylvania and elsewhere were beaten back amid political pressure on lawmakers over concerns that someone released on parole could commit a serious violent crime. Even after Virginia lawmakers abolished many forms of parole in the 1990s, some types of it remained available, including the possibility of parole for prisoners older than 61 and for inmates arrested before Jan. 1, 1995.

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A Health Tidbit will return next month.	

Ending Parole For Violent Acts...

(Continued from page 1)

Gone, though, for new inmates, was the sort of parole most inmates had previously been released on. On parole, offenders are generally allowed to serve the remainders of their sentences outside of prison with stipulations that they meet regularly with a parole officer, stay employed, get counseling, and pass drug and alcohol tests. If they fail to adhere to the rules, they will often go back to prison.

Separate from parole, Virginia has retained a probation system for jail inmates who have been convicted of misdemeanor crimes and who are also monitored regularly by the authorities. The state also allows prison inmates to be released early for good behavior, although prisoners are required to serve at least 85 percent of their sentences.

Even in Virginia, where Democrats won majorities in both chambers of the Legislature in November, and which also has a Democratic governor, Ralf Northam, the question of expanding parole remains politically perilous. This month, Democrats shelved a bill that would have restored the possibility of parole for nearly 17,000 inmates – more than half the state’s prison population. Instead, Democrats have focused on more modest efforts to restore parole to older inmates.

“The prevailing attitude of policymakers is we’ve come to the limit because they don’t want to release violent offenders,” said Mark Mauer, Executive Director of the Sentencing Project, a nonprofit that advocates for shorter sentences and other policy changes to the criminal justice system.

There is no significant difference in violent crime rates between states that allow parole and those that do not, according to federal data.

But Mr. Mauer said many people associate parolees with recidivism and violence, and their crimes often garner significant public attention.

Republican lawmakers have warned that restoring parole would make Virginia – which has the fourth lowest violent crime rate of any state – more dangerous.

“When parole is granted, it will result in violent criminal being released into our communities.” Said Robert Bell, a Republican member of the House of Delegates. Mr. Bell added that parole “will force victims of violent crimes and their families to relieve the worst day of their lives over and over again.”

The Virginia Victim Assistance Network, a crime victims’ advocacy group, also opposes widening the number of people who can get parole.

“Violent crime offenders should be held accountable for the crimes they have committed against victims and their families,” a statement from the group said [as if being held in prison for decades *isn’t* being held accountable].

Kate McCord, associate director of the Virginia Sexual and Domestic Violence Action Alliance, a nonprofit advocacy group, said the organization had not taken an official position on parole. If it is restored, she said, parole boards should have broad discretion.

“It is in the best interest of survivors to have a parole board look at the record of the person incarcerated, the crimes they committed, and whether they had made an effort to rehabilitate themselves,” she said. “And those being released should have adequate support in terms of finding employment and having access to stable housing.”

Both chambers of the Virginia Legislature have already approved a bill that would make hundreds of prison inmates eligible for parole because they were convicted by juries that were not informed by courts that defendants were no longer eligible for parole after the practice was abolished in 1995.

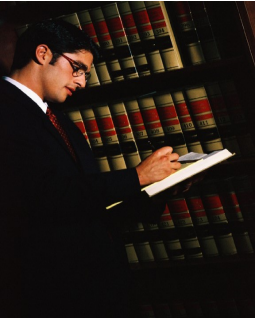
Governor Northam has said he will support it.

Other bills expected to be approved include a measure that would restore the possibility of parole to thousands of inmates who have served 20 years or more of their sentences. Another would grant parole eligibility to prisoners who are older than 50, a group that may number in the thousands. The governor has not yet said whether he supports those bills.

During a quarter century in prison, Mr. Barnes said he had watched as inmates tried and convicted of murder came and went, serving sentences shorter than the ones that were common during the 1990s at the height of the tough-on-crime era.

Inside the Sussex II State Prison, about an hour’s drive south of Richmond, Mr. Barnes, 46 wore a prison-issue blue shirt and blue-jeans. Guards did not remove his handcuffs. His salt-and-pepper beard was neatly trimmed, his head had been freshly shaved.

“I’ve owned my guilt from the beginning,” he said of his robberies, the last of which ended with him being shot,



Still, analysts say recent attempts to restore parole in California, Pennsylvania and elsewhere were beaten back amid political pressure on lawmakers over concerns that someone released on parole could commit a serious violent crime.

ple who were convicted of violent crimes, then, require a reform of parole boards, whose members are usually chosen by governors? Or sentencing guidelines?

**Howard:** It would require reforms of parole boards and parole procedures. I think they should be depoliticized. I think they should be taken out of a political electoral context, where there are direct consequences for political officials if—heaven forbid, but it will happen—there is a mistake and a person gets out who commits another crime. the mentality becomes: “Why take that chance? Let’s just keep everybody locked up.” When to parole someone should be a judicial decision, with input from psychologists and social workers. There should be an individual assessment of each person’s readiness to succeed when they get out.

In the last five or so years, it has become very conventional—and I think widely accepted across the political spectrum—to say non-violent drug offenders don’t deserve these 15-year, or 25-year, or life sentences. But I think we need to go further than that and think about the unfairness of people stuck [in prison] in perpetuity because of our fear to confront a difficult question: “Can people change?”

Most people don’t realize how many crimes are committed by young stupid men or boys. There is a lot of brain science emerging that shows how the prefrontal cortex forms—people calm down as they age, and don’t go back to [criminal] life if they have the opportunity.

**Ewing:** Would depoliticizing parole boards mitigate the “Willie Horton effect”?

**Howard:** I think that that lesson, unfortunately, hangs over every single political official and every parole-board member. That’s very unfortunate because there are many success stories that all get swept away under this fear factor. [But changing parole for violent offenders] alone won’t solve all the problems. I think it should be done in conjunction with a new approach to prison itself. The purpose of prison, and the activities and programs that are made available to people in prisons, should be to [facilitate] transformation and change, [rather than the] mindless warehousing done currently in most facilities in the U.S.

**Ewing:** Do you think that releasing more people convicted of violent crimes is politically feasible under the current presidential administration, which has advocated for tougher sentencing for even non-violent drug offenders?

**Howard:** I do, because most of it happens at the state level, [where the majority of prisoners are incarcerated]. State prisons are where the action really is. France has a good model for depoliticized parole. During my research, I got to go to a prison there and witness proceedings where prisoners who had served 50 percent of their time were essentially making the case for why they should have their sentences reduced, based on the progress that they made in prison. Judges are very active in this process.

I asked one judge, “What happens if you make the call that a person is ready, but then the person commits an-

other crime? Are you personally attacked?” He said, “Absolutely not.” It’s a meritocracy where judges earn their appointment based on their judicial qualifications. They are not making decisions based on personal career fears, but rather thinking in terms of, “Is this person ready?” I think that’s a much more productive way of doing it.

**Ewing:** In your book, you compared the criminal-justice systems of the United States, France, Germany, and the United Kingdom. Why those countries?

**Howard:** I wanted to pick countries that were advanced, industrialized democracies. I picked countries in Europe at various points on the spectrum of harshness. The U.K. is considered on the harsher end within Europe. France is in the middle, though some of the prisons in France are pretty decrepit. The German model is more on the progressive side.

**Ewing:** Does one of the countries have a particularly effective parole system, or way of determining when someone is rehabilitated?

**Howard:** Germany has the best, and then France next. In both countries, there is an emphasis on rehabilitation. The idea is the person was sent to this prison and [the overseers’] job is to try to make this person ready to come out, whether that’s in a year, Five years, or 20 years. It’s a constant process of monitoring, evaluation, and providing education and vocational-skills opportunities.

When [inmates] get close to that release point, [the prisons] start giving them furloughs to be ready to reenter society. Inmates are eligible to apply for a reduction in sentence when they pass a certain threshold of time served. The idea is to give them an incentive to behave well in prison, an incentive to reform—things that we don’t do in this country at all.

**Ewing:** Do you think there are elements from any of these models that could be implemented here?

**Howard:** For one, we could improve prison education. The RAND Corporation did a major study in 2013 on the effect of prison education, which found that education contributed to a 43 percent decline in recidivism—even when someone didn’t get a degree, but was just getting higher education beyond a GED, which is the minimum that prisons must provide. RAND estimated that every dollar spent now on prison education will save four to five dollars in terms of cost of future incarceration.

Also, most European countries allow conjugal visits, where a spouse or loved one can stay overnight or for the weekend. American prisons’ visiting hours are very limited. Prisons are built in remote places where many people can’t even get to, [where] there is no public transportation. The cost of making phone calls from prison is exorbitant.

Other countries try to support the maintenance of those ties because they know they are going to be so crucial when the person gets out. And we have policies that essentially rupture them. **LUC**



they say they are doing to keep these guys safe."

More than 10,000 people, many of them family members of those in corrections custody, signed a petition requesting the release of medically fragile adults and those over 60 — along with the expedited release of those nearing their sentence end date, action to stop overcrowding and give inmates adequate medical care.

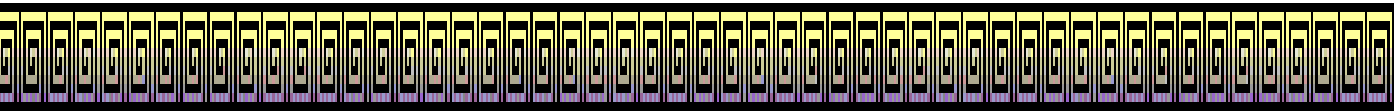
The plaintiffs in the lawsuit argue that Oregon Department of Corrections is not equipped to cope with an outbreak of COVID-19 in the prisons, especially in light of a \$60 million budget shortfall, layoffs and a hiring freeze.

The lawsuit requests adequate care and release, if safe.

"A court should order ODOC to allow six feet of space between people in prison," Oregon Justice Resource Center officials said. "If the department cannot comply, a panel of judges should determine whom to release so as to create enough space within prison to follow CDC guidelines."

The inmates named in the lawsuit also requested ready access to cleaning supplies and testing. **LUC**

*For questions, comments and news tips, email reporter Whitney Woodworth at [wmwoodworth@statesmanjournal.com](mailto:wmwoodworth@statesmanjournal.com), call 503-910-6616 or follow on Twitter @wmwoodworth*



# Why So Few Violent Offenders Are Let Out On Parole

A Q&A with Georgetown University professor Marc Morje Howard on parole boards' incentive to keep inmates in jail

By Maura Ewing

In recent years, national discussions of criminal-justice reform have largely revolved around non-violent drug-related convictions—as illustrated by the hundreds of federal inmates that Barack Obama granted clemency to at the end of his second term. In a sense, these offenders are low-hanging fruit: they are arguably the most politically palatable inmate demographic, and many lawmakers can champion their cause with limited risk.

The opposite is true for violent offenders, whose release from prison has been taboo since at least the 1988 presidential campaign. Willie Horton, the convicted murderer who committed a series of violent crimes while on a weekend furlough from a Massachusetts prison in 1986, was featured in an ad that year painting Democratic candidate Michael Dukakis as soft-on-crime. Dukakis, who as Massachusetts governor had endorsed the furlough program, lost the election, relegating violent offenders to the fringes of public debate for the next three decades.

Yet Marc Morjé Howard, the director of Georgetown University's Prison and Justice Initiative, argues that meaningful reform hinges on this group. In his recently published book, Unusually Cruel: Prisons, Punishment, and the Real American Exceptionalism, Howard makes

the case that reducing prison time for those convicted of violence would curb mass incarceration without increasing threats to public safety. He alleges that parole boards full of political appointees, who worry they'll risk their jobs if they grant freedom to the wrong person, keep thousands of rehabilitated inmates stuck in prison.

I spoke with Howard about the nature of violent crime, the depoliticization of parole boards, and how America's treatment of prisoners is different from that of European countries. Our conversation has been edited for length and clarity.

**Maura Ewing:** What would happen if people who have been convicted of violent crimes were more easily let out of prison?

**Marc Morjé Howard:** First off, one thing to make clear is that I'm not in any way talking about letting out ax murderers, or serial rapists, or people who are currently being violent in prison. I'm talking about formerly violent offenders. I'm talking about people who may have been dangerous in the past, [but] who are no longer a threat to public safety. People who have committed even very bad crimes are capable of reform and are deserving of a second chance after they have served their time.

I do think sentencing is too severe in this country. We give people these crazy sentences, in many cases, of longer than the natural life span. When they've reached the minimum threshold of their sentence—say, 25 years of a 25-to-life sentence—I think we should be evaluating how they've changed and how they've improved. Otherwise, what's the point of having parole at all?

**Ewing:** Would reducing the number of incarcerated peo-

eight times, buy the police. He spent nearly a month in the hospital recovering from the shooting. "I'm just asking for a little bit of mercy. I didn't deserve 150 years for the crime, but we're past that. I'm rehabilitated. I've overhauled my thinking."

Mr. Barnes said that his public defender told him he was facing 600 years in prison, but that if he accepted a plea deal for 150 years he could be released on parole in as little as five years.

"I was too green to know better," Mr. Barnes said. His robbery partner had already been convicted and sentenced to more than 40 years.

David Hargett, a lawyer who would later represent Mr. Barnes on appeal, said that taking a plea bargain with a 150-year sentence in a non-death-penalty case had been

## LIFERS' CLUB COFFEE



Drip Cone: **\$6.00**  
Coffee Filters: **\$6.00**

### \$7.00 Coffee

- French Vanilla
- Blue Berry Cobbler
- NEC Choc. Cappuccino

### 1Pound Bags

- Death Wish \$25.00
- Dutch Bros \$17.00



**BIZZY**  
Cold Brew  
Dark Roast  
12oz \$15.00 ea

### \$10.00 Coffee

- Folgers Premium Dark 1850
- Kauai Coconut Car. Crunch
- Seattle's Best Hazelnut
- SB Caramel 12oz
- SB Colombia
- SB Espresso
- SB Morning Joe DARK
- SB Pike Place Med. Roast
- SB Sumatra Dark 12oz
- SB Verona Dark (DECAF)
- Tully's Espresso Dark

*Please submit separate cd-28s for each Fundraiser to Lifers' #2430*  
*Place you cd-28 in the white box located at the stairs to Activities*

## LIFERS' UNLIMITED CLUB

Folgers : Golden Dusk  
Folgers : Rich Satin, Dark  
Folgers : Smoky Midnight

**McCafe** :Premium Blend  
**McCafe** :Breakfast Blend  
**McCafe** :Colombian Blend



100%  
Arabica Beans

**\$7.00 per**  
**10.3 oz Container**



100%  
Arabica Beans

*Please submit separate cd-28s for each Fundraiser to Lifers' #2430*

## An Algorithm That Grants Freedom, or Takes It Away

Software is now making life-changing decisions. Opponents want more human oversight.

By Cade Metz/New York Times

Darnell Gates sat at a long table in a downtown Philadelphia office building. He wore a black t-Shirt with "California" in bright yellow letters on the chest. He had never been to the state, but he hoped to visit family there after finishing his probation.

When Mr. Gates was released from jail in 2018 — he had served time for running a car into a house in 2013 and later for violently threatening his former domestic partner — he was required o visit a probation office once a week after he had been deemed "high risk."

He called the visits his "tail" and his "leash." Eventually, his leash was stretched to every two weeks. Later, it became a month. Mr. Gates wasn't told why. He complained that conversations with his probation officers

were cold and impersonal. They rarely took the time to understand his rehabilitation.

He didn't realize that an algorithm had tagged him high risk until he was told about it during an interview with the New York Times.

"What do you mean?" Mr. Gates, 30, asked. "You mean to tell me I'm dealing with all this because of a computer?"

In Philadelphia, an algorithm created by a professor at the University of Pennsylvania has helped dictate the experience of probationers for at least five years.

The algorithm is one of many making decisions about people's lives in the United States and Europe. Local authorities use so-called predictive algorithms to set police patrols, prison sentences and probation rules. In the Netherlands, an algorithm flagged welfare fraud risks.

*(Continued on page 4)*

Algorithm

(Continued from page 3)  
One British city rates which teenagers are most likely to become criminals.

Nearly every state in America has turned to this new sort of governance algorithm, according to the Electronic Privacy Information Center, a nonprofit dedicated to digital rights. Algorithm Watch, a watchdog in Berlin, has identified similar programs in at least 16 European countries.

As the practice spreads into new places and new parts of government, United Nations investigators, civil rights lawyers, labor unions and community organizers have been pushing back.

They are angered by a growing dependence on automated systems that are taking humans and transparency out of the process. It is often not clear how the systems are making their decisions. Is gender a factor? Age? ZIP code? It's hard to say, since many states and countries have few rules requiring that algorithm makers disclose their formulas.

They also worry that the biases –involving race, class and geography – of the people who create the algorithms are being baked into these systems, as ProPublica has reported. In San Jose, Calif., where an algorithm is used during arraignment hearings, an organization called Silicon Valley De-Bug interviews the family of each defendant, takes this personal information to each hearing and shares it with defenders as a kind of counterbalance to algorithms.

Two community organizers, the Media Mobilizing Project in Philadelphia and MediaJustice in Oakland, Calif., recently compiled a nationwide database of prediction algorithms. And Community Justice Exchange, a national organization that supports community organizers, is distributing a 50-page guide that advises organizers on how to confront the use of algorithms.

The algorithms are supposed to reduce the burden on understaffed agencies, cut government costs and – ideally – remove human bias. Opponents say governments haven't shown much interest in learning what it means to take humans out of the decision making. A recent United Nations report warned that governments risked "stumbling zombie-like into a digital welfare dystopia."

Last year, Idaho passed a law specifying that the methods and data used in bail algorithms must be publicly available so the general public can understand how they work. In the Netherlands, a district court ruled Wednesday that the country's welfare-fraud software violated European human rights law, one of the first rulings against a government's use of predictive algorithms.

"Where is my human interaction?" Mr. Gates asked, sitting next to his lawyer in the boardroom of the Phila-

delphia public defender's office. "How do you win against a computer that is built to stop you? How do you stop something that predetermines your fate?"

Walking Into A 'Hornet's Nest'

On a recent Thursday, Todd Stephens sat in a food court across from Citizens Bank Park, home of the Philadelphia Phillies. He was explaining the latest effort He was explaining the latest effort to remake state sentencing practices with a predictive algorithm.

Predictive algorithms, at their most basic, work by using historical data to calculate a probability of future events, similar to how a sports book determines odds for a game or pollsters forecast an election result.

The technology builds on statistical techniques that have been used for decades, often for determining risk. They have been supercharged thanks to increases in affordable computing power and available data.

The private sector uses such tools all the time, to predict how likely people are to default on a loan, get sick or be in a car wreck, or whether they will click on an internet ad. Governments, which hold vast amounts of data about the public, have been eager to tap their potential.

A republican member of the Pennsylvania House of Representatives, Mr. Stephens is part of a state commission working to adopt the technology. Like many states, Pennsylvania has mandated that an algorithm be developed to help courts decide the sentence after someone is convicted.

The idea, Mr. Stephens said, was to predict how likely people were to commit another crime by collecting information about them and comparing that to statistics describing known offenders. That might include age, sex and past and current convictions.

The commission had proposed a plan that would have leaned on information provided by county probation departments. But the American Civil Liberties Union and Community groups protested this plan during public meetings last fall. They worried it would expand the power of predictive algorithms used for probation, including the one that tagged Mr. Gates.

"We walked into a hornet's nest I didn't even know existed," Mr. Stephens said.

In response to the protests, the state commission recommended a much simpler set-up based on software already used by the state courts. But even this algorithm is difficult for a layperson to understand. Asked to explain it, Mr. Stephens suggested speaking with another commissioner.

Nyssa Taylor, criminal justice policy counsel with the Philadelphia A.C.L.U., was among the protesters. She worries that algorithms will exacerbate rather than reduce racial bias. Even if governments share how the systems arrive at their decisions – which happens in Philadelphia in some cases – the math is sometimes too complex for most people to wrap their heads around.

termination. We all win when we focus on the long-game: reducing the financial burden we all share and ensuring that the nine out of ten prisoners who rejoin us on the outside do not become repeat offenders and safety concerns, but vital contributors to our communities and their families. We don't just need more treatment in our prisons– we need *real* treatment. **LUC**

*Sarah Laughlin is a former counselor in the Correctional Recovery Academy program at MCI-Norfolk in the MA Department of Correction.*

Oregon Inmates Sue Gov. Brown, Department of Corrections over COVID-19

By Whitney Woodworth  
Statesman Journal, April 7, 2020

Seven at-risk inmates have filed a class-action lawsuit against corrections leaders and Gov. Kate Brown accusing them of violating their rights by providing indifferent medical care, failing to test them for COVID-19 and failing to prevent the spread of the virus in Oregon's prisons.

The federal lawsuit, filed Monday, came after eight cases of COVID-19 in the Oregon Department of Corrections were publicly confirmed.

The first employee — a staff member at Oregon State Penitentiary — and the first inmate — a man at Santiam Correctional Institution — both tested positive last week.

On Monday, prison officials announced two additional employees at the penitentiary and two other inmates and two staff at Santiam Correctional Facility were positive for COVID-19.

The inmates named in the lawsuit are in custody at the Oregon State Correctional Facility in Salem, the Oregon State Penitentiary, Columbia River Correctional Institution and Coffee Creek Correctional Facility.

The suit names Brown along with Oregon Department of Corrections Director Colette Peters and other prison officials.

The inmates include a 76-year-old man with much of his stomach removed; a 68-year-old man at-risk due to his medical conditions; an HIV-positive inmate with asthma; and a 63-year-old female inmate with HIV, asthma and chronic obstructive pulmonary disease.

According to the lawsuit, the inmates are regularly put at risk by having to clean up hazmat areas without proper supplies, not being allowed to maintain social distancing and being denied coronavirus testing.

Juan Chavez, director and attorney for the Civil Rights Project at the Oregon Justice Resource Center, which is representing the inmates, said his clients are keenly aware of how at-risk they are of serious illness or death if they contract the virus.

"This disease has the potential to wreak havoc in an environment such as a prison," Chavez said. "People who live in Oregon's prisons should not have to pay with

their lives for the failure to take sensible steps to protect them."

Before the cases were announced inside Oregon's prisons, officials with ACLU Oregon, the Oregon Justice Resource Center, Oregon Criminal Defense Lawyers Association, Partnership for Safety & Justice and Sponsors, Inc. penned a letter to Peters asking her to reduce the prison population by considering people for early release, increase preventive measures and increase testing.

"Given the mortality rate associated with the virus, we are concerned about the virus's spread to at-risk people, particularly the elderly, within the closed confines of a prison setting," they said in the letter.

Research shows people in prison have higher rates of conditions such as asthma, diabetes and heart problems.

Dr. Christopher DiGiulio, the chief of medicine for the Department of Corrections, said medical staff are closely monitoring this at-risk population of about 817 inmates. Prison officials have said they are working to increase hand-washing and sanitizing.

Diana Bradford, whose husband is being held at Santiam Correctional Institution, said social distancing is non-existent inside the prison. She said inmates sleep feet apart and spend all day in close proximity to each other.

There are not enough hand-washing stations, no paper towels and no hand sanitizer, she said. And the constantly-used telephones are not cleaned, she added, saying her husband covers it with a sock when he calls her.

Bradford also noted a distinct lack of testing of inmates and staff, even those with coughs and obvious signs of illness.

She said most of the inmates at the minimum-security facility are non-violent.

"They do not deserve a death sentence because the department of corrections is not doing what they need to do to protect the inmates," Bradford said. "My husband is in his 50s, has other health conditions and is at risk. Losing his life is definitely too high of a price to pay because the department of corrections is NOT doing what



# Prison (Mis)treatment: An Inside View

By Sarah Loughlin/CURE

I entered the field because I knew the system was broken, but I thought that working in treatment would provide an avenue for me to work on fixing it from the inside. I began to question if that was possible.

I became used to getting either sneered at, gossiped about, or completely ignored by the security staff. On top of that, I noticed that treatment professionals were used as scapegoats; convenient distractions from the serious issues with the DOC staff, including smuggling in contraband, inmate abuse, and their own boundary issues.

Knowing there was a target already on my back purely for being a counselor, I learned to filter myself and really choose my battles. And yet, often I couldn't help but to speak up. I was providing treatment, after all, and it was my professional and ethical duty to ensure that my clients' freedoms were protected, their wellbeing advocated for. So when I felt human rights were being violated, I voiced my concerns. Yet each time I said something, no matter how professionally and politely, the target on my back grew. Some of the issues that my fellow counselors and I respectfully raised included speaking out against Muslim participants being forced to wear their shirts tucked during program hours, (long un-tucked shirts are a religious practice done to protect their modesty), referring to our transgender inmates by their preferred pronouns, and changing the wording on our treatment documentation from "offender" to "participant." I thought these were some of the less controversial, simpler issues to address, no-brainers almost. But each battle was lost. And each time we tried to begin a healthy conversation about compromise, the response of the DOC was laced with the threat to stay silent, or *else*. My advocacy would get brought up in my supervisions, and my manager would say things like: *We appreciate your honesty! But if you can't enforce these rules, there will be consequences*. There was constant tension—stand up for what you believe in or keep your job—which is more important to you? Many of us walked through the days on eggshells.

Though I was fired over my poetry, I know it was more than that. I felt it coming. They didn't want me there. My compassion and commitment to rehabilitation, my concerns and questions made me a big problem.

Do you know what most terrifies the DOC? It's not the inmates. It's not the convicted murderers and rapists, the gangs or drugs. No, the most dangerous and threatening thing inside of prison is a person who cares, who sees the humanity of inmates, who recognizes their talent and wit and resourcefulness and resilience, who realizes the powerful, untapped potential of incarcerated people to reshape themselves.

The DOC is terrified of real treatment because real treatment means we would have to start treating these people like real humans. Dehumanization is a well-worn, deliberate tactic

of the DOC. Actively distancing themselves from and demonizing inmates is seen as a protective measure that helps security staff remain vigilant, suspicious, and strict, thus minimizing the power of inmates to beguile and manipulate. It is seen as a necessary preventive measure that assures maximum safety and security.

Treatment directly disrupts this carefully crafted infrastructure. Treatment calls for empathy and trauma-informed care, completely inverting the DOC's long-standing prisoner-staff etiquette. Treatment is a threat to the status quo, peeling back the mask and exposing the fact that even in liberal states like Massachusetts, prisons are full of abuse, oppression, and a criminal lack of resources. The things that I heard and saw in there gnawed at my heart, still do. Injustice continues to prosper in the form of improper and unsuitable living facilities, nourishment, health care, education, and employment opportunities. In Massachusetts' largest state prison, a new water system was ordered by the Department of Environmental Protection in 2012 due to water supply failure and elevated levels of manganese. Six years later, the inmates are still fighting for clean drinking water.

Don't get me wrong—there are some incredible treatment programs operating in prisons across the country. The most notable programs in the prison I worked at were education based. It boasted a college-level debate team, which gained attention for defeating a prominent Massachusetts university in 2016, as well as a college program, where inmates can earn their bachelors and even masters degrees. These programs are flaunted as examples of the progressive resources provided to inmates. And while they are in fact powerful programs, the publicity surrounding them is misleading. The spots in these programs are very limited and competitive, meaning that only a small fraction of the nearly 1,400 inmates in the prison I worked in even have access to such resources. Publicity surrounding programs like these feels like it is used to placate public interest, rather than to advocate for continued and improved rehabilitation.

I am far from alone in fighting this battle. While inside the walls, I had the honor of working alongside many passionate, dedicated people, from teachers and barbers, to industry workers and culinary instructors. My fellow counselors were amazing. Despite my many issues with how the DOC operates, the problem is not personal but systemic. There are some incredible officers inside who truly get it, security staff who prioritize both safety and rehabilitation and know that the two are one and the same. They are working for a safer today inside the walls; we are working for a safer tomorrow, that extends far beyond the gates. Then there are the inmates—innumerable remarkable souls, building their own programs, chasing their own education and advancement, creating spaces for growth and compassion and change.

Those invested in fixing this broken system need the resources and support to provide real treatment, not threats and

...the most dangerous and threatening thing inside of prison is a person who cares, who sees the humanity of inmates, who recognizes their talent and wit and resourcefulness and resilience, who realizes the powerful, untapped potential of incarcerated people to reshape themselves.

# LIFERS' UNLIMITED CLUB



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Various algorithms embraced by the Philadelphia criminal justice system were designed by Richard Berk, a professor of criminology and statistics at the University of Pennsylvania. These algorithms do not use ZIP codes or other location data that could be a proxy for race, he said. And though he acknowledged that a layperson couldn't easily understand the algorithm's decisions, he said human judgment had the same problem.

All machine-learning algorithms are black boxes, but the human brain is also a black box," Dr. Berk said. "If a judge decides they are going to put you away for 20 years, that is a black box."

Mark Houldin, a former public defender who was also among the protesters, said he was concerned that the algorithms were unfairly attaching labels to individuals as they moved through the criminal justice system.

In an affidavit included with a lawsuit recently filed by the public defender's office, a former Philadelphia probation officer said the probation department's predictive algorithm also affected arraignment hearings. For years, she said, if someone was arrested and charged with a new crime while on probation – and had been deemed "high risk" by the algorithm – the probation office automatically instructed the jail not to release the person.

A spokesman for Philadelphia County denied that the system ever operated this way. "Every detainer issued is reviewed by the supervisory staff" of the probation department, he said, "notice is sent to the appropriate judicial authority."

Mr. Houldin argued that the use of the probation algorithm in this situation would deny due process. "If you are arrested for a new crime, the presumption of innocence is gone," he said.

Dr. Berk, who designed the probation algorithm, said it was not designed to be used this way.

"One of the things that I make really clear about this

Mr. Houldin argued that the use of the probation algorithm in this situation would deny due process. "If you are arrested for a new crime, the presumption of innocence is gone,"

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180 prepackaged cups: \$34.00

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algorithm – and all others – is that they are hand-tailored to a particular decision," he said. "If you move them to another decision, the warranty doesn't apply anymore."

## Looking for Welfare Fraud

Last year in Rotterdam, the Netherlands, a rumor circulating in two predominantly low-income and immigrant neighborhoods claimed that the city government had begun using an experimental algorithm to catch citizens who were committing welfare and tax fraud.

Mohamed Saidi learned about it from a WhatsApp message that he initially thought was a joke. Mohamed Bouchkhachakhe first heard from his mother, who had been told by a friend. Driss Tabghi got word from a local union official.

The rumor turned out to be true.

The Dutch program, System Risk Indication, scans data from different government authorities to flag people who may be claiming unemployment aid when they

are working, or a housing subsidy for living alone when they are living with several others.

The agency that runs the program, the Ministry of Social Affairs and Employment, said the data could include income, debt, education, property, rent, car ownership, home address and the welfare benefits received for children, housing and healthcare.

The algorithm produces "risk reports" on individuals who should be questioned by investigators. In Rotterdam, where the system was most recently used, 1,262 risk reports were produced in two neighborhoods.

"You're putting me in a system that I didn't even know existed," said Mr. Bouchkhachakhe, who works for a logistics company.

The program has been cloaked in secrecy. Even those who land on the list aren't informed. They aren't told how the algorithm is making its decisions, or given ways to appeal. In 2019, a City Council hearing with the so-

(Continued on page 6)

Algorithm

(Continued from page 5)  
cial ministry abruptly ended when members of the city government wouldn't sign nondisclosure agreements before receiving a briefing about how the system works.  
Such disclosure would "interfere with the ability to effectively investigate," the ministry said in response to questions.  
In a report in October, the United Nations special rapporteur on extreme poverty and human rights criticized the Dutch system for creating a "digital welfare state" that turns crucial decisions about people's lives over to machines.

"Whole neighborhoods are deemed suspect and are made subject to special scrutiny which is the digital equivalent of fraud inspectors knocking on every door in a certain area," the report said. "No such scrutiny is applied to those living in better-off areas."  
Similar programs exist elsewhere. In North Carolina, IBM software has been used to identify Medicaid fraud. In London, local councils tested software to identify those who may be wrongly claiming a housing benefit. Systems are used to flag children who may be at risk of abuse.

In Rotterdam, opposition built after word about the techniques spread. Privacy rights groups, civil rights lawyers and the largest national labor union rallied citizens to fight the effort.

"They will not tell you if you are on the register," said Tijmen Wisman, an assistant professor of privacy law who runs a Dutch privacy group. He helped organize a meeting for roughly 75 residents in the affected neighborhoods,

"Whole neighborhoods are deemed suspect and are made subject to special scrutiny which is the digital equivalent of fraud inspectors knocking on every door in a certain area,"

many taking video on their smartphones to share with their neighbors.  
The district court that sided with the opponents ordered an immediate halt to the risk algorithm's use. In the closely watched case, which is seen as setting a precedent in Europe about government use of predictive algorithms, the court said that the welfare program lacked privacy safeguards and that the government was inadequately transparent about how it worked. The decision can be appealed.  
"The right to receive Social Security is being made conditional on exposing yourself to state surveillance," said Christiaan van Veen, a lawyer who is a special adviser on new technology and human rights for the United Nations.

Spotting Youth Trouble

In areas dealing with years of budget cuts, algorithms present a way to help make up for reduced social services. The technology, officials say, helps them do more with less and identify people who may otherwise slip through the cracks.  
Once a week in Bristol, England, a team gathers in a conference room to review the latest results from an algorithm meant to identify the most at-risk youths in the city and review caseloads. Representatives from the police and children's services and a member of the team that designed the software typically attend to scan the list of names.

With youth violence and crime on the rise, and with many youth programs and community centers where young people gathered having been closed, the local government turned to software to help identify children most in need. Officials there say the work provides evidence the technology can work if coupled with a human touch.

Last year, Bristol introduced a program that creates a risk score based on data pulled from police reports, social benefits and other government records. The system tallies

crime data, housing information and any known links to others with high risk scores, and of the youth's parents were involved in a domestic incident. Schools feed in attendance records.  
"You can get quite a complete picture," said Tom Fowler, 29, the data scientist who helped create the youth scoring system for the Bristol government.  
The scores fluctuate depending on how recently the youths had an incident like a school suspension. The goal at the weekly meetings is to identify children at risk of being recruited into crime.

There's evidence that the algorithm identifies the right people, but the city is still figuring out how to translate the data into action. Last year, a teenager who had one of the highest risk scores stabbed someone to death. In a review of the killing, city officials concluded that they had taken the right steps. Mr. Fowler said a person can't be arrested simply because of the algorithm.  
"He simply had a social worker and one-on-one coaching," said Mr. Fowler, who now works for a data-analytics company. "He made a really bad decision."  
"You can't control that. Data can only go so far. But it's pretty much the worst bit of soul searching whether you did everything you could."

Dozens of local governments across Britain are turning to algorithms to guide their decision making, according to a 2018 investigation by the privacy group Big Brother Watch. The Guardian reported that one in three local councils used algorithms in some capacity for government programs.

In Bristol, the government has been open with public about the program, posting some details online and holding community events. Opponents say it still isn't fully transparent.

The young people and their parents do not know if they are on the list or given a way to contest their inclusion.  
Charlene Richardson and Desmond Brown, two city workers, are responsible for organizing interventions and aid for young people flagged by the software.  
"We put the picture together a bit more," said Ms. Richardson, who was recruited for the program after running youth centers in the area for two decades. "We know the computer doesn't always get it right."

"Does a computer know I might have to go to a doctor's appointment on Friday at 2 o'clock?"

Ms. Richardson and Mr. Brown came to the job with concerns that the system would unfairly target black boys. Now they are confident that the algorithm helps identify children who are need help.  
"This is not 'Minority Report,'" Mr. Desmond said, referring to the 2002 Steven Spielberg movie. "We are not just taking the word of the computer."  
The pair said they usually focused on the children with the highest risk scores, arranging home visits, speaking with their schools and finding mentors from the community.  
"It's about seeing them as victims as well," she said.

Does a Computer Know?

Dr. Berk, the Penn professor who designed the algorithm used by the Philadelphia probation department, said controversy would fade as algorithms became more widely used.  
He compared algorithms to the automatic pilot systems in commercial airliners. "Automatic pilot is an algorithm," he said. "We have learned that automatic pilot is reliable, more reliable than an individual human pilot. The same is going to happen here."

But people like Mr. Gates, whose future hangs in the balance, will take some convincing.  
Sitting in the Philadelphia public defender's office, Mr. Gates said he was an easy person to read, pointing to the tattoos on his arms, which were meant to look like bones under his skin. He understands machines. From a young age, he enjoyed dismantling computers and smartphones before putting them back together.  
But Mr. Gates believed that a person could read him better than a machine.

"Does a computer know I might have to go to a doctor's appointment on Friday at 2 o'clock?" he asked.  
Visiting the probation office so often can prevent him from getting the rest of his life on track. "How is it going to understand me as it is dictating everything that I do?" Mr. Gates asked.  
Several weeks after his interview with The Times, he was allowed to make a short trip to Puerto Rico after a personal appeal to a judge. He always felt comfortable in front of his judge. The experience showed him the importance of a human touch.

"I can't explain my situation to a computer Mr. Gates said. "But I can sit here and interact with you, and you can see my expressions and what I am going through."

LUC

Have a laugh...  
Inmates at an Ohio prison are allowed to shine shoes in order to make a few extra bucks. One day I was having my shoes shined when the prisoner began to complain.  
"Here I am with a degree, and I have to resort to shining shoes," he grumbled.  
"What kind of degree do you have?" I asked.  
Without looking up: "First degree."



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