

Coalition For Prisoners' Rights Newsletter

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The Culture of Violence

Official violence will be found wherever people look. This time it is the conditions under which hundreds of teenagers have been and are being held in the New York City jail complex on Rikers Island. The feds (the "Department of Justice"--the same agency that brought us the prison, among a number of others less well known, at Guantanamo Bay in Cuba) issued a "blistering 79 page report" in August based on an investigation which began in July 2012.

The report included such items as, among others, 129 cases of teenaged prisoners being seriously injured in "altercations with guards" last year--and, in general, "rampant use of excessive force by correction officers." Dissatisfied by the rate of improvement in these conditions, in mid-December the feds asked, in 36 pages, to join in an existing class-action lawsuit over brutality in general at Rikers, *Nunez v. City of New York*.

Although the use of solitary confinement for 16 and 17 year olds has presumably been ended since the summer, 18 year olds, 51% with mental illness, continue to be held in solitary for long periods of time. Until very recently, solitary confinement has been the admitted, primary form of punishment used against 16 and 17 year olds at Rikers. In January, 2014, there were 91 people younger than 18 being held in solitary confinement at Rikers.

Brutality by guards is also said to continue at unacceptable levels. (One can't help but wonder what "acceptable levels of guard brutality" might be.) By its own data, during the first 10 months of 2014, physical force against the teenaged prisoners was reported to have occurred 3,381 times, compared with 2,618 times in the same period in 2013. In the last two years teenagers held at Rikers sustained more than a thousand injuries, nearly half of which required emergency care.

In 2014, an average of 489 teenagers a day were being held at Rikers.

A Can of Worms

As the recent passage of Prop. 47 in CA clearly demonstrates, there are many signs of a seismic shift in how the United States handles punishment, especially with respect to misdemeanor decriminalization. The irony is, however, that such changes which on the surface seek to make the mass incarceration reality in the U.S. more fair, do not make various forms of perceived behavior legal, it just changes the punishment. And in fact, people (very much depending on who they are) are still being punished for decriminalized offenses, often heavily, in unnoticed and unremarked ways. One of the very most important aspects of this invisible reality is that thousands are getting convicted without the right to counsel or full information. And, people can still be arrested for a decriminalized offense.

In many jurisdictions, police can choose between issuing a summons (a ticket) or making an arrest. Decriminalization has reduced arrest rates in California--and four other states, but has not in Nebraska or in Chicago's African American neighborhoods. In most states, a decriminalized offense can still affect employment, housing eligibility, student loans and immigration. Courts around the country routinely use "civil contempt" to jail individuals for nonpayment of fines, even though decriminalized offenses are technically "nonjailable."

Because decriminalization eliminates the right to lawyers and other forms of due process, it can go ahead without much resistance. In this way, it makes it easier to sweep people into the criminalization system--especially those of us who are poor. Arrest rates may go down, but not the racial disparities among those arrested.

We must be alert to the actual results of such newly popular policies. Are they quietly just shifting prisoners around or perhaps repackaging punishment to avoid appointing lawyers for poor people? Resource: Alexandra Natapoff, Loyola Law School, Los Angeles CA

CRIME OF THE MONTH

JPay is a company that handles money transfers, e-mail communications, and video visits for more than one million prisoners in about 35 states. JPay and other prison bankers collect tens of millions of dollars every year from prisoners' families in fees for basic financial services.

JPay streamlines the flow of cash into prisons, making it easier for penal agencies to take a cut. Prison do so directly, by deducting fees and charges before the money hits a prisoner's account. They also allow phone and commissary vendors to charge marked-up prices, then collect a share of the profits generated by these contractors.

JPay's success stems in part from the generous deal it offers many prison systems. They pay nothing to have JPay take over handling financial transfers. And for every payment it accepts--prisoners often receive about one deposit per month--the company sends between 50 cents and \$2.50 to the prison itself. These profit-sharing arrangements, which vendors offer as deal-sweeteners in contract negotiations, are known in the industry as "commissions."

JPay handled nearly seven million transactions in 2013, generating well over \$50 million in revenue. It expects to transfer more than \$1 billion this year.

Extortion is the crime this month, and the perps are the prison bankers and the prisons that extort huge amounts from some of the poorest people in the country.

To receive the Newsletter by postal mail each month, send us self-addressed, stamped envelopes (with the CPR return address) -- up to 12 at one time.

Please continue to send us address changes and renewal requests, in order to be sent the yearly holiday card/new calendar each January.

Also, please note that the only address to use to be sure to reach us continues to be: PO Box 1911, Santa Fe NM 87504. Some resource lists, unfortunately, use an incorrect address. Remember: NONE OF US ARE LAWYERS OR LEGAL WORKERS. Please do not mark any envelopes as "legal mail."

Many, many thanks to the Real Cost of Prisons Project for making our monthly Newsletter available on-line for free downloading and distribution. It is at: <http://www.realcostofprisonsproject> We depend on our readers' donations & thank you for your support. ¡Mil Gracias!

Diez maneras de prepararte para la acción ejecutiva de inmigración

1. Ahorra dinero (por lo menos \$465).
2. Obtén pruebas de identidad.
3. Reúne comprobantes de tu parentesco con ciudadanos de los EE.UU. o miembros de tu familia que sean residentes permanentes legales.
4. Reúne comprobantes de cuánto tiempo has estado en los EE.UU.
5. Reúne documentos de antecedentes penales que tengas.
6. Si cumpliste una condena penal, verifica con un abogado para ver si se puede borrar, desalojar, o modificar esta convicción.
7. Si tienes una orden de deportación previa, consula con un abogado o un representante acreditado.
8. Mantente informado, por ejemplo con el: *National Immigration Law Center, PO Box 7006, Los Angeles CA 90070.*
9. ¡Conoce tus derechos!
10. ¡Ten cuidado con los fraudes de notario! Las personas que crean que pueden ser elegibles para una "acción diferida" deben tener cuidado con las estafas de inmigración. Si algo suena demasiado bueno para ser verdad, probablemente lo es.
¡No se deje engañar! Lea estas páginas web--www.uscis.gov/avoidscams y www.stopnotariofraud.org--antes de buscar ayuda legal.

Alliance of Incarcerated Canadians/ Foreigners in U.S. Prisons (AICAP/AIFAP)

For those who write to AICAP/AIFAP, please include in legal correspondence:

- 1) country of birth and citizenship;
- 2) if a prisoner treaty transfer has been denied;
- 3) if there is an immigration detainer;
- 4) if a response is desired, include an e-mail address and/or an international money order to cover its cost.

The Marshall Project

is a new non-profit, nonpartisan news organization covering police, court and penal systems. Its aim is to elevate issues of positive change in the incarceration system to national urgency status. The Project seeks first-person reporting from inside prisons, written by prisoners and prison staff--nonfiction (500-2000 words) that is rigorous, analytical and lively. Send submissions to: 250 W. 57th St., Suite 2514, New York NY 10017.

ABA National Inventory of Collateral Consequences of Conviction (NICCC)

is a new online database of the collateral consequences of criminal convictions contained in the laws & regulations of all U.S. jurisdictions. It is not legal advice