

# Coalition For Prisoners' Rights Newsletter

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## Way Too Much : JLWOP *Only* in the U.S.

The sad history of those U.S. Supreme Court decisions which are relatively positive is that what the court rules too often does not get implemented. One current example is that for the four years after the Supreme Court ruling that stated that California must reduce its prison population, Court mandated standards are still being successfully resisted.

Another current example is the tragic lack of follow up of the *Miller v. Alabama* decision in 2012 which struck down laws in 28 states and the federal system that required mandatory, parole-ineligible life sentences (JLWOP) for those convicted of homicides which occurred before the defendants were 18.

This was the third recent juvenile-related Supreme Court decision. *Roper v. Simmons* (2005) banned execution sentences for juveniles; *Graham v. Florida* (2010) banned Life Without Parole (JLWOP) sentences for non-homicide juvenile convictions.

The bit of good occurring after the *Miller* decision to date is that three states have significantly revised their juvenile sentencing laws, even though they were not among the 28 states required to do so. Utah now allows parole after 25 years, California now permits parole review for juveniles after 15 years with release after 20, and West Virginia alone has banned life without parole entirely and now allows parole after 15 years.

A majority of the 28 states covered by *Miller* have not passed legislation. Frequently, the new laws have left those currently serving LWOP without recourse to a new sentence. Of the 13 states that have passed legislation, only four: Delaware, North Carolina, Washington and Wyoming, allow for re-sentencing among the current JLWOP population.

State supreme courts in Illinois, Iowa, Massachusetts, Mississippi, Nebraska, and Texas have ruled that *Miller* applies retroactively. Some people there will get new sentencing

hearings. Supreme courts in Louisiana, Minnesota, and Pennsylvania have ruled that *Miller* does not apply retroactively. Alabama, Colorado, Florida, and North Carolina Supreme courts have not yet issued rulings on the issue.

Though 13 of the 28 states have passed compliance laws since the *Miller* decision, the scandal is that the minimum time that must be served before parole review ranges from 25 years, in Delaware, North Carolina and Washington state to 40 years in Nebraska and Texas.

MOST STATES STILL ALLOW JUVENILES TO BE SENTENCED TO LWOP AS LONG AS THE SENTENCE IS IMPOSED THROUGH INDIVIDUAL REVIEW RATHER THAN BEING MANDATORY.

In 2012, seven states: Alaska, Colorado, Kansas, Kentucky, Montana, New Mexico and Oregon, plus Washington D.C. had already banned LWOP for juveniles. Since *Miller*, Hawaii, Massachusetts, Texas, West Virginia and Wyoming, have joined the ban, for a total of 12 states. Four additional states, Maine, New Jersey, New York and Vermont do not now use JLWOP. Thus, sentencing discrepancies may well become even more extreme. Differences will continue based on when a conviction became final: before or after June 25, 2012, and in which state the defendants were tried.

At the time of the *Miller* decision, there were more than 2,500 people doing LWOP sentences for convictions for crimes committed when they were under 18 years old. Of these people, two-thirds are imprisoned in just five states: Pennsylvania, Michigan, Florida, California, and Louisiana. Florida, Louisiana and Pennsylvania still plan to sentence juveniles to very long terms and their courts have ruled against a retroactive application of *Miller*. These three states alone account for about 40% of the total population of juveniles doing LWOP sentences.

Resource: *Slow to Act--State Responses to Miller*, The Sentencing Project, 1705 DeSales St NW 8th Fl, Washington DC 20036

## POVERTY IS A DEATH SENTENCE

Working people now live significantly shorter lives than the wealthy in the United States. While upper-income people can now often live vital and healthy lives until they are 85 or 90, there is an actual decrease in life expectancy for low-income and working people. The life expectancy gap between the affluent and the poor and working class in the United States is 12.2 years.

### FOR PROFIT PRISONS FUNDED THE STUDY

Professors at Philadelphia's public Temple University have published a study advocating in favor of for-profit imprisonment. The only thing is that the study was funded by the country's largest three for-profit prison companies: Corrections Corporation of American (CCA), GEO Group and Management Training Corp (MTC). And when these bogus results were first released, the learned professors neglected to mention the source of their funding.

African American men are the most likely to be incarcerated, and the most likely to be incarcerated for-profit in abusive private prisons. In order to increase profits, for-profit prisons cut costs on key services--meaning lower staffing levels, less training for guards, abysmal health care, and increased rates of violence. Claims that for-profit prisons save states money do not consider increased state costs associated with the higher recidivism rates found at private prisons and that those companies get to cherry pick whom they take to lock up.

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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 sent us "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> site!

We depend on our readers' donations & thank you for your support. Mil gracias!

## VOICES FROM INSIDE

Pendleton IN

November 27, 2013

Aramark Foods is known in court cases for feeding rotten food and meats and watering down thousands and thousands of servings of prisoners' foods....

Houtzdale PA

April 18, 2014

I've spent years in RHU SSNU/SRTU and MHU. Everyone knows these units are designed to break us. I'm working to change and amend current PA DOC policy to fit and abide by the Constitution. I am exhausting the grievance system so I can file lawsuits. I am not doing this for personal gain. I'm doing this for my brothers and sisters behind bars that are suffering the cruelty of the prison system. We all need to come together and unite to fight this oppressive system. When I say fight, I do not mean physical or verbal aggression towards prison officials or employees. Fighting means paperwork--grievance exhaustion, lawsuits and working with and corresponding with Prison Leal Services. We need to stop fighting each other. If we work together all of us can taste and experience freedom. Maybe not total freedom from prison, but freedom from extreme oppression while we are in prison.

Aberdeen WA

March 21, 2014

From the Assistant Secretary Designee for all offender mail rejection appeals at the Headquarter level:

"...Publications in a foreign language will not be allowed with the exceptions of religious publications... (the) decision regarding a publication is applicable to all facilities. Publications written in a foreign language are considered a threat to penological objectives because the information provided cannot be understood by all staff..."

### DERECHOS DE LOS NINOS INCLUSIVO EN LOS ESTADOS UNIDOS

"La crisis humanitaria que tiene lugar en algunas ciudades fronterizas de los Estados Unidos de Norteamérica con México, representa un aspecto de las actitudes tradicionalmente racistas, discriminatoria y, por todos conceptos, reprobables de la política del vecino país del norte. Ahora, se demuestra una vez más la falta de comprensión hacia uno de los sectores más sensibles de la humanidad: la niñez, desprotegida, víctima de todas las vejaciones imaginables y repudiada por los guardias de la Border Patrol....

El porvenir de la humanidad está cifrado en los niños y niñas."

--por *La Voz de Michoacán*, 20 de julio