Victims’ Rights: CCWP members speak out

By Amanda and CCWP members inside

Many women prisoners have been abused, mistreated, or fallen prey to many of society’s oppressions (economic, racial, gender, etc.) before entering prison walls. Some have been given life terms, even as juveniles, and have been sacrificed as ‘lost causes’ without any chance for rehabilitation. All are separated from their families, leaving behind children and communities that are less likely to live full, happy, and fulfilled lives.

Following is a collection of stories and voices from women inside who are suffering and healing, broken down, yet strong. These stories beg the question, “Who is a victim of the criminal justice system and of crime?” What rights should be granted, or should be inherent, to victims inside prisons and to the state-defined ‘victims’ of any case? We question the purpose of victims’ rights laws and ask if they are solving any problems or contributing to a cycle of violence. These women also offer their experiences on transcending the labels society has given them and the negative emotions, addictions, and thoughts that come with seeing oneself as a victim.

Who is a victim?

There were many victims in my case – the person I harmed, his family and my family. I myself was a victim because I was in a relationship where abuse was involved. If the victims’ rights organizations really understood battered women, they would have a different outlook on how they treat us. Most battered women just need a second chance.

*       *       *

We have to live with what we did every day of our lives. We have remorse. I think of my victim every day. I pay for my crime every day, too, by not being with my mother or my children. A 15-year denial is wrong. I committed a crime, my mother did nothing wrong. But she is serving a sentence, too. She is damaged by my being in prison.

*       *       *

When you walk through the gates, they make you strip down, squat, and cough in front of a group of people. They take any pride, self-esteem, and morals and flush them down the toilet. The real impact of being a victim is when you are placed in a situation where you have no choice or control. Officers take pride in letting you know you have nothing, they have power over you. When you actually get in prison, there needs to be a sense of order, but the way they do it is master/servant. It is inhumane. We are our last name, and a number.

(continued on pg. 8)
Derechos de las víctimas. De cara a este asunto, esto es visto como que la sociedad debe de alcanzar una mano a quienes han hecho algo equivocado. El “Sistema de Justicia” supuestamente es un método para corregir las lastimaduras; se supone que ha sido creado para romper la creencia de la venganza a nivel individual para obtener justicia.

En la práctica, la más alta concentración de víctimas están en las prisiones de este país, especialmente en las prisiones para mujeres. Números abrumadores, tales como entre el 80% al 90% de mujeres en prisión han crecido en hogares con abuso y han experimentado relaciones abusivas más tarde en sus vidas. Cuando las mujeres luchan para defenderse a ellas mismas o a sus hijos/as, y esto es considerado como un crimen, muchas veces las sobrevivientes terminan en prisión: patrones de abuso económico, legal y emocional son comunes.

El “sistema de Justicia” colma de nuevas heridas sobre estas personas desde el tiempo que fueron arrestadas y muchas veces hasta el proceso del juicio. El Fire Inside ha documentado incontables experiencias de maltrato a las prisioneras por parte de los guardias de las prisiones: desde brutalidad física y violación sexual hasta la manipulación de las relaciones con los seres queridos que están afuera hasta la prohibición de uso del teléfono o el retraso de su correspondencia. Negligencia médica es una forma de violencia en contra de las prisioneras y frecuentemente se desenlaza en una muerte prematura – casi todos los prisioneros que conocemos han visto morir a sus amigos innesecariamente mientras estaban adentro. Estas prisioneras certeramente son víctimas, aun la legislación de derechos de las víctimas no los incluye a ellos en su lista de personas violadas.

La línea entre la víctima y el victimario puede llegar a ser muy delgada. Una mujer describió el hogar tan abusivo donde ella creció. Los adultos amontonan desprecios en aquellas personas que aceptan ser maltratadas, aun si eres niña o niño que no puedes defenderte. Para ser aceptado tienes que golpear a otros. Esta es la única opción como niño/niña, la de haber actuado como victimario en vez de víctima.

Sobre el papel, las leyes supuestamente están hechas para detener el ciclo de la violencia, desapareciendo el derecho individual a la venganza. Aun las leyes sobre los derechos de las víctimas, tales como la proposición 9 – la enmienda constitucional la cual paso en Noviembre del 2008, reintro-duce a la venganza como una respuesta equivocada. Estas leyes dan a las “victimas” un poder extensivo sobre el/la prisionera, diciéndoles en su sentencia el monto de la restitución que ellos necesitan pagar, e incluso la posibilidad de dejarlos salir en libertad condicional. Pero aun así, ellos continúan el ciclo de violencia para la sociedad entera.

Aun con esas horrorosas experiencias personales, algunas mujeres en prisión encuentran la manera de cómo romper el ciclo de victimización y crean una nueva forma de reciprocidad, usualmente entre las prisioneras. Ellas rechazan la etiqueta de “victimas” lo cual las define solo como objetos de los actos de alguien más. Ellas rechazan igualmente la idea de que solo tienen una opción dentro de la prisión, la cual es “hacerles a los otros antes de que los otros les hagan a ellos.” Para algunos la participación en grupos de auto ayuda para personas que han sufrido violencia domestic, por ejemplo, es el primer paso para con

continuedo en la página 3
Victims’ rights. On the face of it, it seems right that society should stretch out a hand to those who have been wronged. The “justice system” is supposed to be society’s method of correcting injuries; it is supposed to break with individual vengeance as the means for obtaining justice.

In practice, the highest concentration of victims is in this country’s prisons, especially women’s prisons. Overwhelming numbers, by some counts 80 to 90 percent of women prisoners grew up in abusive homes and experienced abusive relationships later in life. When women fight back to defend themselves or their children, it is deemed a crime; often survivors of abuse end up in prison. The abuse women prisoners experience before prison isn’t limited to domestic abuse: patterns of economic, legal, and emotional abuse are common.

The “justice” system heaps further wounds on them from the time of arrest and often through the process of the trial. The Fire Inside has documented countless instances of mistreatment experienced by prisoners at the hands of prison guards: from physical brutality and sexual assault to the manipulation of relations with loved ones outside through the denial of phone access or the delay of mail. Medical neglect is a form of violence against prisoners and often leads to premature death — almost every prisoner we know has seen friends die needlessly while inside. These prisoners certainly are victims, yet the victims’ rights legislation doesn’t include them in their list of violated people.

The line between victim and victimizer can be very thin. One woman described the very abusive home in which she grew up. Adults heaped scorn on anyone who accepted being beaten, even if you were a child not able to fight back. To be accepted you had to hit others. Thus the only choice as a child was to act as a victimizer instead of a victim.

On paper, laws are supposed to stop the cycle of violence by taking away an individual’s “right” to vengeance. Yet victims’ rights laws, such as Proposition 9 — the constitutional amendment which passed in November 2008, reintroduce vengeance as a response to wrong. These laws give “victims” extensive power over the prisoner, giving them a say in their sentencing, the amount of restitution they are required to pay, and even their possible release on parole. They continue the cycle of violence for the whole society.

In spite of horrific personal experiences, some women in prison figure out how to break the cycle of victimization and create a new kind of reciprocity, usually between prisoners. They reject for themselves the label “victim”, which defines them only as an object of someone else’s act. They equally reject the idea that the only choice inside prison is to “do unto others before they do unto you.” For some, participating in a domestic abuse self-help group, for example, is the first step towards confronting the victim/victimizer split. By discussing their own experience, which turns out to be similar to that of so many others, women prisoners learn to identify the wrongs they have suffered as well as the ones they are responsible for. This becomes the basis for a new solidarity between them, nourishing forgiveness, understanding, and opening a new way to act toward others.

This society needs to reject the revenge and retribution that propels the victims’ rights movement. We need to create alternative models of restorative, transformative justice that recognize reconciliation and the human capacity for change as the basis for healing the individuals and thus creating a better society.
How are the criminal justice system and immigration enforcement connected?

13 different programs including the 287(g) Agreements, the “Criminal Alien” Program (CAP), and Secure Communities, are used to connect local criminal justice systems like jails, police and courts to hunt “criminal aliens” for detention and deportation, costing over $1 billion in 2009 alone.

Local criminal justice systems like police, courts, and jails collect citizen status information from all arrestees. When a person is flagged as a non-U.S. citizen while held by local law enforcement, this information is then turned over to Immigration Customs and Enforcement (ICE), which can then interrogate and ultimately detain and deport the person.

Who is being targeted/impacted?

Undocumented people as well as people with legal immigration status such as green cards, who may have spouses and families in the US.

While ICE claims to target people with serious crimes, most non-U.S. citizens turned over to ICE by local criminal justice systems are people with minor convictions like shoplifting or traffic violations who are “easier targets”

How are these practices unfair?

Non-U.S. citizens can be detained and deported by ICE after being convicted of even very petty crimes.

Non-U.S. citizens flagged by ICE in local criminal justice systems can be detained beyond their criminal case and eventually turned over to immigration authorities for deportation. Detainers only permit jails to hold a person for 48 hours, but non-U.S. citizens are often held far over the 48-hour limit.

Despite studies showing that immigrants commit fewer crimes than U.S. born citizens, anti-immigrant policies and the creation of the “criminal alien” have led to more targeting of non-U.S. citizens for arrest and ultimately deportation.

Immigration law provides far fewer due process rights, including no right to an attorney until they’ve incriminated themselves and no right to an appointed attorney, and non-U.S. citizens are often offered no bail, regardless of the severity of the charges.

Immigrant Justice Network is a collaborative formed in 2006 with the Immigrant Legal Resource Center, the National Immigration Project of the National Lawyers’ Guild, and the Washington Defender Association’s Project to advocate on behalf of non-U.S. citizens facing unjust immigration penalties as a result of being entangled with the criminal justice system.

Contact the National Immigration Project of the National Lawyer’s Guild at National Immigration Project 14 Beacon Street, Suite 602 Boston MA 02108
Como están conectados el Sistema Criminal de Justicia y el Cumplimiento de las Leyes Migratorias?

13 programas diferentes incluyendo la 287 (g) acuerdos, El programa de “El Extranjero Criminal” (CAP, por sus siglas en Ingles), y las Comunidades de Seguridad, son usadas para conectar el sistema de Justicia Local tales como cárceles, policía y cortes para cazar “extranjeros criminales” para detención y deportación, costando arriba de 1 billón de dólares solamente en el 2009 en el sistema criminal de justicia tales como la policía, las cortes y las cárceles colectan información sobre el estado de los ciudadanos de todos los arrestos realizados. Cuando una persona es encontrada como no ciudadana estadounidense y de tenida por las autoridades locales, esta información es devuelta a la ICE, la cual puede interrogar y eventualmente detener y deportar la persona.

Quienes son el objetivo impactado?

Tanto personas indocumentadas así como personas con un status legal tales como tener una tarjeta verde, quienes pueden tener parejas y familias en los Estados Unidos.

Mientas el ICE proclama tener como objetivo a personas que han cometido serios crímenes, muchos no ciudadanos estadounidenses que son devueltos al ICE por las autoridades locales del sistema criminal de justicia son personas que han cometido delitos menores tales como robo en alguna tienda o por tráfico, los cuales son “objetivos fáciles.”

Como es que estas prácticas son injustas?

Las personas No ciudadanas estadounidenses pueden ser detenidas y deportadas por el ICE después de haber sido convictas por muchos crímenes.

Las personas No ciudadanas identificadas por el ICE en el sistema criminal de justicia pueden ser detenidos mas allá de su caso criminal y eventualmente ser mandados a las autoridades migratorias para su deportación. Los detenidos pueden estar solamente 48 horas en las cárceles, pero las personas no ciudadanas muy frecuentemente están más de las 48 horas permitidas.

A pesar que varios estudios han demostrado que los inmigrantes cometen menos crímenes que los mismos nacidos ciudadanos, políticas anti-inmigrantes y la creación del “extranjero criminal” ha promovido mas la criminalización de las personas No ciudadanas para de esta manera arrestarlas y luego deportarlas.

La Ley de Inmigración provee muy precarios procesos para los derechos del inmigrante, tales como el no derecho a un abogado has que ellos se hayan culpado a si mismos y el no derecho a una cita con un abogado, la persona No ciudadana muy a menudo no se le ofrece el pago de una fianza, relacionados a la severidad de los cargos.

*********
This article grew out of CCWP’s work in fighting Proposition 9, Marsy’s law, a constitutional amendment expanding victims’ rights that went into effect in January 2009 (see FI #38 & 39). We wanted to dig into the early history of the Victims’ Rights movement in order to better understand its origins and challenge the ways in which it has encouraged an agenda of mass incarceration and punishment.

Today, it is difficult to remember a time before the victims’ rights (VR) movement existed in this country. Yet it only began in the 1960’s during a period when many groups who had been denied rights in U.S. society – African Americans, Latinos, Native Americans, women, gay people - began to assert the need for equality and fundamental social change. These movements asserted that social problems, not individual wrongs, were the root causes of crime and they called for an end to poverty, unequal housing and education, racism and police brutality as the best way to “fight crime.” In response, many reforms were initiated on all levels of the criminal justice system and the U.S. Supreme Court significantly expanded the protection of the rights of defendants in criminal cases.

However, a right-wing backlash quickly developed, charging that liberal policies were favoring defendants and were causing a rise in crime. “Criminals,” they argued, committed violent crimes knowing that their risk of punishment “is miniscule.” In 1968, the Justice Department established the Law Enforcement Assistance Administration (LEAA) to distribute funding to a variety of local and state efforts that could help combat crime and shift the government’s focus back to the individuals who committed crimes and their victims and away from the social causes of crime.

Early victims’ rights groups had a grassroots origin and, like other social movements of the period, they demanded that the government take responsibility in assisting and serving victims of criminal offenses. In 1965, California established the nation’s first state-funded victims’ compensation fund (no strings attached.) However, by the 70’s, the state began to require that people who applied for victims’ compensation had to report crimes to the police, cooperate with the prosecution and serve as witnesses in conjunction with the LEAA’s new Citizen’s Initiative to get ordinary people more involved in the “war on crime” and insure more successful prosecutions.

At the same time, the women’s movement began to expose rape and domestic violence as serious social problems resulting from sexism in society. Women accused the criminal justice system of failing to help them when they were raped, abused or attacked, and they called upon law enforcement agencies to change their discriminatory, sexist practices. The LEAA quickly saw an opportunity to channel women’s anger in ways that were favorable to its law-and-order agenda. It began funding rape crisis centers that would provide services to “victims of crime” if they would work in conjunction with local police departments and the courts.

Throughout the 70’s and 80’s, the VR movement picked up momentum with continued financial help from the Department of Justice. It advocated for a series of new state and national laws to protect victims and to guarantee their rights in the criminal justice process. In 1981, the federal government declared a Victims’ Rights Week, which further promoted the idea of “victimhood” across the country. The VR movement also worked with the corporate media to develop campaigns and rhetoric that linked public safety, law and order, and victims’ rights. Harsh drug laws, mandatory minimums, limits to judicial discretion, and three strikes all passed with backing of VR groups and helped to catapult California, as well as the rest of the country, into a mass incarceration binge.

In 1982 California voters passed Proposition 8, the Victims’ Rights Act, which was a comprehensive law that included the right to restitution from offenders for a victim’s financial losses, as well as the right for victims to be heard in criminal justice proceedings. The victim’s right to participate included the right to attend sentencing hearings and the right to speak at parole hearings—both significant extensions of the role victims could now play in controlling prisoners’ lives and in the judicial process itself. When it was passed, Attorney General Deukmejian declared “There is absolutely no question that the passage of
this proposition will result in more criminal convictions, more criminals being sentenced to state prison, and more protection of the law-abiding citizenry.”

Also in 1982, President Ronald Reagan established the Presidential Task Force on Victims of Crime which quickly produced a report that cast the veil of victimhood over every person in the United States: “Something insidious has happened in America: crime has made victims of us all…The specter of violent crime and the knowledge that, without warning, any person can be attacked or crippled, robbed, or killed, lurks at the fringes of consciousness. Every citizen of this country is more impoverished, less free, more fearful, and less safe, because of the ever-present threat of the criminal” (December, 1982; Statement of the Chairman, vi). The Task Force strongly recommended that the physical, financial, and psychological effects of crime on individual victims be considered by judges before sentencing. And the 1982 Omnibus Victim and Witness Protection Act required victim impact statements be provided at sentencing in all federal cases.

In 1984, the federal Victims of Crime Act (VOCA) passed, establishing the Office for Victims of Crime (OVC); the Act “funds victim services through fines and fees levied against federal crime offenders” and the OVC channels these funds into victims’ programs (from A Retrospective of the 1982 President’s Task Force on Victims of Crime). This Act succeeded in establishing the financial security of victims’ services and advocacy organizations; they now have millions of federally-obtained dollars annually available to them. As of 2002, the Federal Crime Victims Fund deposits totaled $519 million, increased over sevenfold from its first annual deposit total of $68 million in 1985.

By the mid-eighties, the basic framework of the VR movement had been established. Since then, victims’ rights offices and organizations have grown tremendously, institutionalized on every level of local, state and national government and supported by multiple sources of public and private funding. VR groups have continued to play a key role in equating public safety with harsh sentencing, and the prioritization of victims’ rights continues to erode the constitutionally protected rights of defendants in criminal cases. Significantly, one survey found that nearly 88% of victim advocates are white, female and middle aged and nearly half have a college education. This isn’t representative of the typical victims of crime and it certainly reveals the racial disparity between victims’ advocates and the majority of the prison population who are people of color.

Victims of individual crimes require assistance and support, but the solution lies in building new, dynamic forms of restorative justice, not on demanding ever increasing levels of punishment, vengeance and incarceration. We hope this article will contribute to serious discussion about how to challenge the terms of today’s victims’ rights movement.
I have been victimized by the Parole Board – mentally abused and harassed at every hearing. They say they will give me a date if I do this or that, but every year I do what they ask and the following year they have another excuse. They aren’t supposed to re-try the case at the parole hearing, but they bring in people who testify about the crime. No one except my lawyer is allowed to talk about any of the programming, work or personal growth that I have been through. I believe that victims should have support but they shouldn’t be allowed to have such power over me and prevent me and others from being released because they continually go back to the original crime as if nothing has changed since then.

**Impact of the Victims Rights movement**

Victims’ rights organizations are full of hate. To me they look like lynch mobs. They create hysteria, as though we were monsters incapable of change. They employ stereotypes and push laws that are against current laws. Why should they be able to come to my parole hearings but not my family and friends? Do they see me as a victim?

* * *

You can rehabilitate yourself in prison and do everything the prison requires, but the crime you did never changes, it will never go away. I want a chance to prove to society that I would be beneficial out there by addressing the causes of behaviors that lead to crimes. Victims’ rights laws claim to be addressing that, but they are going about it the wrong way.

Vengeance does not reduce crime; it perpetuates the cycle of violence.

* * *

Some people have done 55 years, 40 years, 25 years. I don’t understand - what do the victims want past that point? What are they looking for? If people haven’t grown while inside prison, I understand. But if they have gotten their GED, done programs, changed their lives and attitudes and are no longer dangerous, why not release them?

* * *

Victims already have a right to speak at sentencing. Why do they get to speak again at parole hearing? What could they say about the prisoner’s rehabilitation or lack of it?

No one is born a murderer. Anyone can make a mistake or a bad decision, a bad choice. Where is the compassion and forgiveness for that person? Making laws to keep human beings in prison for life is not human, it’s not right. What about rehabilitation?

* * *

California has 33 state prisons and there has to be some rehabilitation for the lifers. If there is not, the system has failed me as well as society. I don’t know what’s been accomplished besides keeping us in prison longer—which has lead to overcrowding and bad conditions

* * *

I think these people are out for blood. They should have more prayer and understanding of who is our final judge.

**Transcending Victimhood**

I try to help people every day. I encourage others to do better. Here we turn to education, we seek higher power, we reflect on those things we once took for granted in hopes of becoming better. Our goal is to become assets instead of liabilities, with the capability and ability for the greater good. I had to teach myself to love myself so I could love others.

* * *

Victims have a right to be helped. Victims have a right to be angry, to be sad, to be mad, upset, sour, moaning, grieving, and not to want to deal with prisoners. They have a right to feel the way they feel. But it’s not right to continue to hold a grudge. There comes a time when they have to find forgiveness to move on with their life. Otherwise you become bitter, you become a prisoner yourself, a prisoner of your quest for revenge.

* * *

My stepfather molested me, and my mom blamed me for it – said I had seduced him. I left home before I was age ten. I was homeless and started selling my body. There is a group called Trauma and Abuse where you can talk about your experiences as a young girl and how to take back power in here. Women felt it was their fault, even as kids. Now, you have to be a voice for yourself and know you are not to blame.

* * *

My victim’s cousin is here. She accepted my apology and knew how sorry I am. It felt liberating, that coming around like that I remembered...
that I’m doing the right thing. I still hope someone comes to the Board.

* * *

To transcend victimization you have to find a different self inside. The House of Healing program at CCWF creates space for people to share their stories. Some are about terrible childhood experiences, abusive fathers, etc. Even if you had good parents you can still take a wrong turn- wrong friends, drugs. Breaking out of the cycle of violence means being strong-minded, not second-guessing or blaming myself for the situations in which I find myself. At the same time you should not accept when things are really wrong.

**PUBLICATIONS SEEK YOUR SUBMISSIONS**

*CCWP has been contacted by a few publications that are interested in publishing work by people who are incarcerated. We want to pass on these opportunities to all of our readers. If you do decide to submit something, please let us know; we would like to hear about your experience.*

**Call for Essays/Stories**

**Voices Through the Wall: Prisoners Write About Prisons**

We seek non-fiction essays and fiction by men and women incarcerated in American prisons. We hope to create a collection that will offer a better understanding of the prison’s place in society. **We are open to many styles, but all work submitted must draw on first-hand experience.**

Topics of interest: coping; the challenges of physical and psychological survival; personal histories; what works and what doesn’t. We are also open to seeing what we hadn’t looked for.

Word Limit: 5,000 words (15 double-spaced pages). Please number pages. Published authors will not receive payment but will receive one copy of the publication.

Do not send the sole copies of your work. Please include contact information (direct or through a program supervisor) so that we can inform authors of our decisions. We cannot return manuscripts. The editors may request revisions of promising work.

**Send work to:** “Voices Through the Wall”
Hamilton College
198 College Hill Road
Clinton, NY 13323.

**Submission deadline:** March 1, 2010

**Hastings Women’s Law Journal:**

Since 1989, the Hastings Women’s Law Journal has been committed to giving voice to people outside the traditional legal community. We offer and maintain an inclusive space for feminism, race theory, multiculturalism, animal rights, disability rights, language rights, international human rights, criminal defendants’ rights and prisoners’ rights, among others.

HWLJ seeks submissions from women in prison about your experiences. We would like to publish a collection of these pieces. One possible topic is your experiences with lawyers - how did they touch your life? how could they have done more? Write whatever you like - a letter, a real-life story, a letter to a make-believe person, a poem, a song. Please refrain from saying anything possibly defamatory. We may change names to protect identities.

**Please send submissions to:**
By email: hwlsubmissions@gmail.com
By mail: Hastings Women’s Law Journal
100 McAllister, Suite 2207
San Francisco, CA 94102
On Being a Target of Crime: a formerly incarcerated view of justice
by Mary Phoebe Van Der Horst, CCWP member and prison/violence survivor

From the beginning they tell you you’re the victim of a violent crime, and you’re treated as a victim.

After I was stabbed on the streets and got out of the hospital, the police made a nightmare out of it. They treated me like dirt once my criminal history came up. Once you start dealing with the district attorney and the victim witness program, you have to go up to this police building in Oakland and they interrogate you. They have the police report in front of them stating what happened, but they ask “why were you out there at that time of night?” and “what were you doing in that neighborhood?”

The person who stabbed me ended up taking a deal and doing 2 years in prison, even though I as the “victim” asked that he do no time.

When I was locked up, I was raped by prison guards—that was a crime. I’ve been raped on the streets, but I’ve felt just as victimized by any strip search I’ve ever had and more victimized by prison guards when I was inside than I ever have by anyone on the streets.

I think of all the women in prison that I know who were battered and that’s almost everybody in some way and some form. People who defended themselves against a batterer are so remorseful, as if what they did was not an act of survival. And yet, nobody can see their pain and scars, all that is seen is their “victim,” their abuser.

People wallow in the mode of crime and punishment. As long as you are stuck on revenge without understanding why people do what they do, you can’t make anything better in society. People go to prison because of mental illness, economic circumstances, and social inconsistencies, things that need to be healed. The parameters of “justice” within the system we have are not inclusive of real justice--healing and treatment for all parties involved.

Free the SF8: Another charge dropped on December 3
http://freethesf8.blogspot.com/

The movement to drop the charges against the SF8 continues with success! Some one hundred and fifty supporters rallied on October 9 for the court appearance of Francisco (Cisco) Torres, the last of the SF 8 defendants to face charges. In court on December 3, the prosecution dropped the conspiracy charge against Francisco Torres, citing lack of evidence. The state’s motion to dismiss this count (conspiracy) tacitly acknowledges the defense arguments which had already led to dismissing the conspiracy charges against Richard O’Neal, Herman Bell, Hank Jones, Ray Boudreaux, Richard Brown, and Harold Taylor. The next court date is scheduled for January 7th in San Francisco.

Cisco Torres (center) and Ray Boudreaux demonstrate at the SF county courthouse on October 9, 2009.
Restorative justice (RJ) is a concept that grew out of the struggle in the 1970s by prisoners, their families and activists to support human rights for prisoners and to oppose their dehumanization by the criminal justice system. Restorative justice recognized the importance of healing people from the violence rampant in our society and believed in the inherent ability of all people to change and grow. The criminal justice system looks at ‘crime’ and asks: “1. What laws have been broken? 2. Who did it? 3. What punishment do they deserve?” But Restorative Justice takes a different approach and asks instead, “1. Who has been hurt? 2. What are their needs? 3. Whose obligations are these?”

Led by women and men on both sides of the prison walls, the restorative justice movement believes that people need to take responsibility for their own actions while also being supported to heal and be part of a process of healing community. Restorative Justice for Oakland Youth (RJOY) is a community-based group working to redefine the ideas of justice and ‘punishment’ in Alameda County today. RJOY creates a “Circle of Support and Accountability” in which a youth convicted of a crime meets with the victim, and members of his or her family and community, to take responsibility for the crime and address the harm caused. An agreement is made that may include monetary restitution, but also includes a plan for education and vocational skills so the youth will walk away with a sense of responsibility, pride and self-respect for themselves and their community. Gail Berol, Presiding Judge of the Juvenile Court, Superior Court of California, Alameda County said, “This is a way to look at the needs of family and community that are usually not addressed and how you go about repairing those needs.”

Religious communities played an important role early on in supporting the movement for restorative justice, and still do today. Sister Suzanne Jabro of the Center for Restorative Justice Works, the sponsor of the annual “Get on the Bus” day at California women’s prisons, is one example. “Get on the Bus” knows the harm done to children who are separated from incarcerated parents, as well as the pain of separation for mothers in prison. So each year Sister Suzanne’s program supports families divided by prison walls by bringing children for visits that otherwise may not see their mothers.

As happens to many progressive ideas and movements, criminal justice and prison authorities have seized on restorative justice. The CDCR tried to co-opt restorative justice, turning it on its head to support a victims’ rights movement that continues to blame and dehumanize people in prisons Suzanne Neuhaus, a CDCR victims’ services specialist said, “We as a society do not allow people to be victim and victimizer --- they are one or the other.” The US Dept. of Justice’s National Institute of Justice defines RJ within a system, “...in which crime is considered an act against the State, works on a premise that largely ignores the victim and the community that is hurt most by crime. Instead, it focuses on punishing offenders without forcing them to face the impact of their crimes.” We can see from these two definitions, that a whole lot of healing and justice will NOT be going on!

People may have been convicted and sentenced of crimes, but many prisoners have been victims of society as well. Many California prisoners only have the opportunity to tell their own stories of pain and abuse after they have been sentenced to juvenile hall, jail or prison. To counter the CDCR attempt to redefine RJ, many community groups continue to work for community based programs. Some groups are working on “transformative justice.” Whatever it is called, California would better serve all of our people by working towards a healing justice instead of a vindictive, punishing one.

The Fire Inside is looking for art!

We’ve been missing valuable visual contributions. We are specifically inviting and encouraging you to send us art work. Please send us any art projects you would like to share.

Thank you!!
The Fire Inside has heard a lot of concern from women inside about the health problems caused by high concentrations of arsenic in the prison water. On June 18, 2009 the CDCR distributed a memo (State Water System ID#: 2010801) to prisoners in Valley State Prison for Women (VSPW) which reported that their water system had violated the EPA standards for arsenic levels, but that this violation is nothing to worry about.

People on the inside are fighting back, however, and refuse to take this violation and health endangerment lightly. Inmates of VSPW have filed a class action 602 appeal regarding the arsenic issue. The following information is part of the appeal and can be found on the Inmate Family Council website for VSPW: http://vspw-ifc.com/Arsenic.html.

*       *       *

INMATE/PAROLEE APPEAL RE: DRINKING WATER
DATE: JULY 1, 2009

A. Describe Problem:

Due to the drinking water in VSPW exceeding the maximum contaminated levels for a healthy standard to drink, we differ with the opinion that arsenic, bacteria, and/or any other contaminants above the EPA standard “isn’t an emergency”. Many women in this prison, including myself, have already had severe skin problems for the past couple years (dry scaled patches that refuse to go away), that we have numerous times inquired a doctor about, and this skin problem seems to be a “puzzle” to the medical department. One doctor suggested to me that it “could be the water”, and his opinion was based on the fact that he had seen similar complaints from other women in here. That was more than a year ago. I still have the strange dry patches that have never been diagnosed.

Our concern is, according to the notification of the water being contaminated, VSPW has known at least since January 2009 that the wells had arsenic levels above a healthy drinking standard, and we were not notified immediately. In addition, we are told that this problem could take “up to 36 months” to resolve, and, that drinking this water “for years” above the maximum contaminant level, “can result in skin damage, circulatory system problems, and an increased risk of cancer.” It should also be noted that arsenic is known to stay in the body forever – it never leaves your system. Thus, over an accumulated period of time, it stands to reason that those of us who have to drink this water for the next three years while this issue is “being resolved”, are at serious risk. Three years is too long to play with our health, while a problem of this magnitude is being looked into.

If a more proactive approach is not taken to this situation, it will surely result in high medical costs and possible law suits later.

Give us something that will ease our minds a little about taking a more definitive approach to a quicker solution. Give us the aid necessary to help make our water cleaner.

Enclosed you will find 700 signatures on 20 pages, of women who reside in VSPW who take this issue seriously.

B. Action Requested:

All four suggestions are being requested: 1. Add to the matrix a clear plastic pitcher with a Britta type water filter . 2. Put back on the Matrix plastic hot pots to boil water in for contaminants such as bacteria. 3. Give out free bottled water to drink until the MCL goes down to the EPA standard . 4. Test for arsenic levels in our system for those with this skin problem.

This 602 was filed on July 1, 2009. Information about the resolution of this 602 is pending. We will provide more information as it is received.

*       *       *

Next issue of FI we will print information about health problems caused by arsenic and things you may be able to do to protect yourself from harm. Please let us know what your health concerns are, what you want to know, or write a column about improving health inside prison.
**Precious Releases...**

Debbie Peagler was released Saturday, August 23rd, after serving 26 years in prison on a 25-to-life sentence relating to the death of her abusive partner. Debbie’s release is the result of a collective effort of thousands of concerned community members who supported her freedom over the course of many, many years.

Donna Shaner, 61-years-old, has been incarcerated for over 20 years on a seven-years-to-life sentence for the attempted murder of her abusive boyfriend. Donna was released in August after the Board of Parole Hearings upheld her parole grant after reviewing it again last week.

Maureen Carroll was released on October 20th, due to a successful habeas writ challenging the Governor’s reversal of her 2008 release on parole. Ms. Carroll has been in prison for 25 years on a 25-years-to-life sentence.

Thanks to Free Battered Women and the Action Committee for Women in Prison for the information they have provided on parole releases and denials.

**Outrageous Denials...**

Norma Cumpian had her parole reversed by the Governor on August 14th. She has served 17 years for the death of her abusive partner.

Linda Lee Smith’s parole suitability was also reversed by Schwarzenegger on August 14th. This is the tenth time that the Board found her suitable and was then reversed! Linda has already served 29 years.

Martina Olea’s parole was reversed by Schwarzenegger on September 16th. She has served 22 years on a 15 to life sentence. This is the fifth time that she was found suitable for parole by the Board.

Carol Sue McInnis was also denied by Schwarzenegger on September 16th. She is a 70 year old survivor who has served 20 years on a 15 to life sentence.

Bea Smith-Dyer’s parole suitability was reversed by Schwarzenegger. She has served sixteen years on a 18-to life sentence.

WE INVITE OUR READERS TO SEND US INFORMATION ABOUT YOUR OWN RELEASE DATES OR DENIALS!

**Welcoming Home Beverly Henry, aka Chopper**

Longtime CCWP member Beverly Henry, released in October after 12 years at CCWF, was welcomed home to a party organized by Justice Now in Oakland celebrating her freedom. Many people there had known her for years from organizing with her while she was inside, including CCWP members and Legal Services for Prisoners with Children(LSPC) advocates. Others had never met her but were eager to celebrate her, knowing her contribution to the struggle for women prisoners’ rights.

Beverly was an organizer and advocate while at CCWF, an HIV and Hepatitis C positive woman who saw the medical neglect of other women prisoners with serious medical conditions inside and worked with others to fight their mistreatment. She was outspoken about her positive status and worked as an HIV peer advocate, including education work around Hep C/HIV co-infection and health. She testified at the legislative hearings following the Shumate v. Wilson litigation in which women prisoners sued the state for neglectful medical care, and has written extensively for *The Fire Inside* and other publications. Beverly was a tireless advocate for older women and has been central to LSPC’s work in this area. Additionally, she has been a board member of Justice Now for 9 years.

Thank you Beverly for all you have done and will continue to do to fight for the rights and freedom of women prisoners!
On August 4, 2009, a federal three-judge-panel ruled that California had to reduce its prison population by 40,000 over a three year period and ordered the state to come up with a plan to accomplish this by September 18th. The judges found that severe overcrowding had caused constitutional violations leading to the death of one prisoner per week. In their 184-page opinion, the judges noted how suicidal prisoners were placed in tiny, freestanding cages without a toilet; doctors did not have enough room to conduct proper medical exams; and prisoners went untreated and were subsequently released with increased mental health problems, only to return to prison. The judges also noted how overcrowding increased lockdowns and contributed to the spread of disease.

After initially refusing to come up with the comprehensive population reduction plan that was mandated by the three-judge panel, the CDCR has produced a plan that meets the minimum requirements of the court order. The plan includes changing some sentences for non-violent offenses so that they will only require jail time, not prison time and parole reforms which would make it more difficult to violate parolees and send them back to prison. However, it also includes contracting with private prisons in the state for 5,000 more beds; expanding out-of-state transfers by asking the court to overturn restrictions that require that prisoners consent to the transfers and trying to accelerate the construction of new prison beds funded by AB900. These certainly aren’t the types of changes that prison justice advocates have had in mind when we talk about reduction of the prison population!

Schwarzenegger believes that the federal judges should not be interfering with the state’s authority over its prisons. California has already filed an appeal with the U.S. Supreme Court against the panel’s ruling and this appeal is moving forward even though the state came up with a plan. This case must be heard by the Supreme Court and will be a very significant test of federal authority over state correctional systems.

Rehabilitation services to be cut

The CDCR has announced plans to cut $250 million a year from rehabilitation services, more than 40% of what the state now devotes to them and a quarter of the $1 billion it is slicing from its prison system. Substance-abuse treatment, vocational training and educational programs are all scheduled to be cut back. Up to 900 instructors and staff, many of whom provide academic and vocational education, may be laid off. Arts programs will no longer be available.

Already CCWP is hearing reports from women that programs are being slashed. The prisoners wonder how they will be able to fulfill the Parole Board’s requirements to attend these programs if they no longer exist. Please write The Fire Inside with information about program cuts and how they are impacting you and others.
Free Gladys and Jamie Scott

We must raise voices of solidarity to help free the innocent Scott Sisters! For 15 long years, Gladys and Jamie Scott have been serving double life sentences for a crime they did not commit. The robbery they were convicted of was non-violent and netted $11—yes that’s right, a life sentence for $11!! Witnesses attesting to the Scott sisters’ innocence were threatened until they changed their testimony. Further, the sisters have been receiving inhumane treatment in prison. Jamie Scott was thrown in the hole for 23 days for advocating for better conditions for all of the prisoners. This racist disregard for human life cannot stand.

For more information about the case and what you can do to help win justice for the Scott sisters go to: http://freethescottsisters.blogspot.com/

Or contact Jamie and Gladys’s mother:
Mrs. Evelyn Rasco
P.O. Box 7100,
Pensacola, Florida 32534

Mothers to Mothers Alliance at VSPW

Greetings Mothers:
Besides healing from the hurt and pain of abuse from the dysfunctional traumatic environment that we once lived in, dealing with and overcoming the poor choices and mistakes of our past lives, we still experience depression from just being incarcerated and away from our children.

Mothers to Mothers Alliance would like to invite you to join us to encourage women who would like to: take back control of their lives; contact their children; seek custody and/ or visitation with their children; who are going through trials with their children. We will provide you with legal support, resources, and faith.

This is a group which will not put hardship and burdens on you. We just want to uplift you and let you know that whatever the past has dealt you, God was in the midst and delivered you and has forgiven you. You will be asked to fill out a questionnaire at orientation. This workshop is for everyone. Thirty women per workshop will be chosen by the severity of their case to try and get you connected with your children A.S.A.P. We are jewels and our children need us. We would like to help you recover your children and restore your families. We want to help you conquer and overcome your past.

May God Bless you abundantly.

Love,
Cheauvon Brown, Suzy Mellen, Lisa Cage, E. Negrete VSPW

California Coalition for Women Prisoners invites and encourages all women and transgender people who have been or are on the inside to send us your writing, letters, art work, or poetry.

The next issue will be devoted to Education and Program Cuts
Send us your thoughts, experiences, lessons you'd like to share.
Come work with us! Please note our new meeting schedule.

California Coalition for Women Prisoners meetings are on the
1st and 3rd Wednesday of every month at 6pm
1540 Market St., rm 490, San Francisco
Write to us or call us (415) 255-7036 x4
www.womenprisoners.org
fax: (415) 552-3150
email: info@womenprisoners.org

CCWP Mission: CCWP is a grassroots social justice organization, with members inside and outside prison, that challenges the institutional violence imposed on women, transgender people, and communities of color by the prison industrial complex (PIC). We see the struggle for racial and gender justice as central to dismantling the PIC and we prioritize the leadership of the people, families, and communities most impacted in building this movement.

Yes, I want to subscribe to The Fire Inside!

- Enclosed is $25 for a subscription. This supports prisoner subscriptions. The newsletter is free for all people in prisons, jails, and detention centers.
- I would like to be contacted about getting involved

Name: __________________________________________
Address: _______________________________________
Phone/email: ___________________________________

If donating with a credit card:
Card #: _______________________________________
Exp. Date: _______ 3 # security code _______
Name as it appears on card

Please make checks payable to: CCWP/LSPC

Billing address (if different than mailing)