



The Deuce Club

April 2009

Special points of interest:

- 15th Annual Women's Advocacy Day in Albany on May 5, 2009
- Ten people convicted of A1 violent felony offenses released in the first two months of the year
- New York State Dropped the Rock

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NYS Dropped the Rock! — Gov. Paterson and Legislative Leaders Announce Three-Way Agreement to Reform NYS' Rockefeller Drug Laws

Governor David A. Paterson, Senate Majority Leader Malcolm A. Smith and Assembly Speaker Sheldon Silver today announced a three-way agreement calling for sweeping reform of the State's Rockefeller Drug Laws. The agreement eliminates the harsh sentences that the Rockefeller Drug Laws mandated by giving judges total authority to divert non-violent addicts to treatment and greatly expanding drug treatment programs. The agreement strikes a careful and appropriate balance to ensure that non-violent addicted offenders get the treatment they need while predatory kingpins get the punishment they deserve.

"I have been fighting to overhaul the drug laws and restore judicial discretion in narcotics cases since I began my career in public service as a State Senator nearly a quarter-century ago," Governor Paterson said. "As a resident and representative of Harlem, I saw first-hand the devastating effect that drugs have on our communities, and the devastating effect that ill-considered drug laws and drug policies have had on individuals, families and neighborhoods."

The Governor added: "I have seen too many lives destroyed by outrageously harsh and ineffective mandatory sentencing laws, and I have also seen

too many lives ruined by despicable dealers who prey on the vulnerabilities and addictions of others. I believe this agreement strikes the right balance, and I urge the Legislature to enact it immediately, before more lives and communities are needlessly destroyed."

Senate Majority Leader Smith said: "Today marks the beginning of a new era for New York's sentencing laws. Rockefeller Drug Law reform will reverse years of ineffective criminal laws, protect communities and save taxpayers millions of dollars that were wasted on the current policy. With more money going toward treatment instead of costly imprisonment, our

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Parole Release Stats — 2009 could be a very good year

A1VF releases are off to a good start in 2009. Four were released on their initial boards in January, and six on their initial boards in February, all ten from mediums. Counting all prisoners interviewed who have

already served at least fifteen years, only 45 have actually been interviewed year to date on their initial boards, making release rates a whopping 22% year to date. Prisoners released: one Asian Pacific, 4 Black and

5 Hispanic. Four released had 15-Life, three 25-Life, and the remaining three 20, 18 and 16 to life.

Reappearances for the first two months totaled 139 prisoners of whom

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Report from the President

This year has truly started off with a bang! One of the goals of CPR has always been to take our parole workshops into facilities across the state to share directly with the people who will experience the board first hand. Well, this dream became a reality. On March 17th, we held a workshop at Eastern NY Correctional Facility. There were 100 men in attendance and it was more than we could have ever imagined. Thanks to Lincoln and West. We were able to provide a venue for information that was beneficial to all in attendance. Lincoln put together a select group of men who embody the vast population of the facility. There were representatives from every ethnic and cultural group as well as all "inmate organizations. These men approached the workshop not just with questions for themselves but for those they came to symbolize.

As always, we started by providing the history of CPR and gave a breakdown of the areas to be covered. Claudette and I each handled different topics and then opened the floor for Q&A. About 25 of the men in the audience were dealing with deportation issues and we spent a sig-

nificant amount of time on that. One of the things to come out of this discussion is that there needs to be re-entry services available in the countries that have the highest rates of deportation to provide those returning with resources and an outlet for some of the challenges they are sure to face. In speaking with Lincoln, he suggests that this would best be done by someone who has gone through the process and has navigated it successfully. CPR will be working with him to try to research how this can become a reality. Other areas that received a lot of questions were: out of state parole; an address approval for someone who has domestic violence in his past even though it is not the instance offense. In addition to those mentioned we covered many areas that gave insight into the process as well as into how it affects the family as a whole. It is our hope that in the near future we will be able to bring

"there needs to be deportation services available in the countries that have the highest rates of deportation."

this valuable tool to many more of you.

We would like to extend our sincere thanks to Lincoln, West and the staff at Eastern who helped to make the workshop possible. We would also like to thank all of the men who attended for their participation and encourage them to continue their quest for freedom.

The final list of those chosen for the leadership program will be published in the next issue of *The Deuce Club*. Those chosen will receive a letter with a request to schedule a visit from our Outreach

Coordinator. James Rivers has been chosen as the first candidate and he will be working in the office of CPR four days per week helping us with correspondence and assisting the Outreach Coordinator until we hire a Leadership Project Manager.

Susan Wright



Support Anti-Shackling Bill to Forbid the Use of Restraints on Incarcerated Women During Labor

Please join the Correctional Association of New York, the New York Civil Liberties Union, Legal Aid Society's Prisoners' Rights Project and Women on the Rise Telling HerStory (WORTH) in calling on New York State lawmakers to end the degrading, unnecessary and dangerous practice of shackling incarcerated pregnant women.

The Anti-Shackling Bill, A.3373-A,

forbids the use of restraints on incarcerated women during labor and post-delivery recovery, and restricts the use of restraints during transport to and from the hospital before and after child birth.

Sponsored by Assembly member N. Nick Perry, Assembly Majority Whip, A.3373-A has been voted out of all necessary Committees and is likely to come to the Assembly floor

for a full vote very soon. Senator Velmanette Montgomery, Chair of the Social Services, Children and Families Committee, plans to introduce the same bill in the Senate during this legislative session.

If you would like to add your name or your organization's name, please email Tina Reynolds, Executive Director of WORTH and Co-Chair of the Coalition's Incarcerated Moth-

The Realities of Reentry

There is a philosophy of life that I not only found prophetic but tried to pattern my own life after: “reality has no regard for your faulty perception of it.” The premise behind this tidbit of wisdom is that no matter how warped, faulty, unaware or misguided your perception of life is, “reality” has no regard for it because what is real is real—sort of like our oft stated, “it is what it is.”

Well, for the foreseeable future I will attempt, in this regularly published column, to take some of the distortion and lack of insight out of the faulty reality many of us have about re-entry and the issues that confront those family members and friends who walk this arduous journey with us. I have been blessed with the opportunity to be living this reality af-

ter having spent 29 years, 10 months and one day in various “correctional facilities” throughout New York State. During that time I came to believe a great many things about life “in the world” that I am now forced to reconsider, re-evaluate and quite honestly rethink because the “reality” of the situation(s) is so much different than my own faulty perception of it. In the real world, it really is what it is!

For many of you who know me, you will recall that I was equally blessed to have a wife (CPR President, Susan Wright) and family who held me down for the entirety of my incarceration. It is many of the things that they shared with me or that we’ve debated over that most of you can and/or will relate to that will be the basis of

many of the articles I will write. Having been home for only 90 days I have had the opportunity to witness firsthand the reality of life outside of prison in a way that I oftentimes now realize I had no real concept of when I was in “the belly of the beast.” I must confess that it has been a real eye-opener and it is my hope to share with you the realities that I and others have encountered, and with any luck to sensitize you to and prepare you for the realities that await you.

To those of you who I’ve left behind, too many to name, know that we remain committed to fighting for your freedom so that you too can experience “the reality of re-entry.”

Jerome “Rome” Wright



2009 could be a very good

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only 23 were released. This may be the first time that initial appearances out did reappearances. Only 17% of them were released. Of these 23, 21 came from mediums. No one in January made it out on their second board but half of the sixteen who were released on reappearances in February did get released on their second boards.

One interesting observation is that in the first two months of 2008, total interview numbers were also low, making one wonder about the amount of sentencing done in Septembers in general. Based on 2008 interviews, April, May and June are the months with the highest number of interviews. 2008 releases would appear to indicate a much better rate of release for interviews from mediums over maximums. About 1 out of 5 vs. 1 out of 20. Lastly, fewer people see the board in odd numbered years, 844 A1VFs were denied parole through November of 2007 versus about 1186 in 2008, seeming to make odd numbered years a better year to see the board.



George Alexander Wants his Job Back

George Alexander is back. He’ll be the speaker at the Next monthly meeting of the Coalition for Fair Criminal Justice Policies on Saturday, April 25, 2009, from 10:30 am—1 pm at The Fortune Society, 26-76 Northern Blvd., Long Island City, NY. (It’s in Queens, not Long Island. SUBWAY: Queens Plaza stop on the R, E, and V trains; Queensboro Plaza stop on 7, N and W trains.)

It will be Mr. Alexander’s first public appearance in NYC since he resigned under pressure in December 2008

George Alexander wants his job back. Shall we support him? What do we want from Mr. Alexander?

Bring your questions about parole policies and about where he stands on our issues.

For more information, call **Prison Action Network**, 518-253-7533.



Rockefeller Drug Law Reform

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State will finally have a smarter policy, giving families a fighting chance in the war on drugs.”

Assembly Speaker Silver said: “Long before we had partners in either the Executive or in the Senate, the Assembly Majority was fighting for real reform of the Rockefeller Drug Laws. With this legislation, we have taken, at long last, a giant leap in establishing a more just, a more humane and a more effective drug policy in the State of New York. No longer will drug use and addiction be considered solely a criminal matter in this State, but a public health matter as well. This legislation recognizes that drug addiction is a disease which calls out for treatment rather than incarceration. I commend the tenacity and the dedication of my colleagues and the leadership of Assembly members Aubry, Lentol and Weinstein for their unyielding commitment to this issue.”

Senator Ruth Hassell-Thompson said: “Today, the Governor and the Legislature have agreed on a major change in public policy. We have created a balanced approach to drug addiction and crime. Our ability to reduce the flow of drugs in our communities is dependent on our ability to reduce the demand. We are now shifting resources to treat drug addiction as a medical problem. By diverting addicts to drug treatment courts, we believe we can get people off drugs and thereby reduce the demand for them. Study after study shows that our policies will make our communities safer and save the taxpayers millions of dollars. Today, we begin anew, offering offenders an opportunity to receive treatment, while maintaining that the safety and security of our neighborhoods, cities, and State remains paramount.”

Senator John L. Sampson said:

“This is a promise made, and a promise kept. The Rockefeller Drug Laws have decimated communities and destroyed lives. Our Democratic conference said that once in the Majority we would be instrumental in making changes that positively impact all people across our State. Taking on this issue in our first year as the Majority shows the people that the Senate is serious and will not back down from the big issues. Reforms we made in 2004 were just a down payment, we’ve now paid off the mortgage. So I congratulate the Governor and members of the Assembly. I also congratulate my colleagues, Senators Schneiderman and Hassell-Thompson, who along with myself, were at the table and the forefront of the push to reform the Rockefeller Drug Laws.”

Senator Eric T. Schneiderman said: “This legislation delivers a big dose of sanity to our State’s sentencing practices. It will make our communities safer, save money and, most importantly, save lives. Thousands of people from every corner of this State will benefit from these reforms. Today New York chooses treatment over incarceration—30 years is enough.”

Assemblyman Jeffrion L. Aubry said: “My Assembly colleagues and I continue in our pledge not to give up our fight for greater reform of New York State’s ineffective and imprudent drug laws. While today’s agreement brings us closer to our goal, we recognize the need to do more. We will continue to work with our partners to completely reform the Rockefeller Drug Laws.”

Assemblyman Joseph R. Lentol said: “Thirty-six years ago I voted

against the enactment of the Rockefeller Drug Laws. It was clear to me that simply locking drug offenders away without treatment would not be effective. I am pleased that we are finally towards turning this travesty around and judges will once again have more of the discretion they need.”

Assemblywoman Helene E. Weinstein said: “Judicial discretion has always been one of the core principles for which the Assembly has fought. With the expansion of drug courts and other options to treat addicts, we are moving toward dealing with the underlying problems of drug offenders – giving them the opportunity to get treatment and reduce recidivism in New York.”

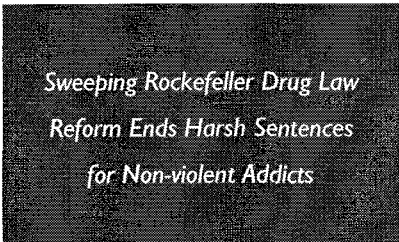
The agreement will give judges the discretion to divert non-violent drug addicted individuals to treatment alternatives that are shown to be far

more successful than prison in ending the cycle of addiction. Crucially, it also commits tens of millions of dollars to existing and new treatment programs.

“It makes no sense to give judges the authority to place non-violent addicted offenders into treatment if there is nowhere to treat them,” Governor Paterson said. “We must not only overhaul the drug laws, but also provide an infrastructure to ensure that we successfully rehabilitate those who are addicted.”

There are three significant pieces of the agreement. First, it creates a drug treatment program to be administered by drug court judges.

* Under this program, judges will have discretion to place addicted first- and second-time drug offenders into judicially-approved alcohol



Sweeping Rockefeller Drug Law Reform Ends Harsh Sentences for Non-violent Addicts

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The Outsource Center

"Statistics show that formerly incarcerated people are three times less likely to re-offend and return to prison if they are gainfully employed." ["Ex-Convicts Get Job Training," by Sherri Ackerman. The Tampa Tribune, 01/08/08.]

As formerly incarcerated people return to society, many of them hope to establish themselves as law-abiding members. Unfortunately, in their quest for gainful employment, a felony conviction often proves to be the nightmare that won't go away, years after the fact. While public policy promotes "second chance" and "restorative" initiatives, in reality many employers express aversion when it comes to hiring a person with a past felony conviction, no matter how much time was served and no matter how long ago the sentence was fulfilled. In spite of federal incentives and other financial perks which exist to encourage the hiring of formerly incarcerated people, employers are wary of taking a risk, even on job applicants who have

"Looking for a job is no easy task, but if you have a criminal past, it becomes a challenge in itself not to have the door closed in your face."

done everything society asks that they do to fit in. This is a real dilemma as these jobseekers strive to be able to meet all of the obligations of a responsible adult in society. This dilemma is not that of the jobseeker or the employer alone. This dilemma belongs to all of us in community as we try to balance distrust with the imperative to reintegrate someone with a criminal past.

In Buffalo, The Outsource Center (TOC), established in 2007, is doing

its part to help with this reintegration by providing training in the building and construction skilled

trades. This ten-week intensive program provides hands-on classes which give students experience and practice in identifying and using basic tools, power tools and other equipment in chosen trade areas which include: blueprint reading, electrical, plumbing, HVAC, dry-

wall, masonry, painting, wall framing, concrete, finish carpentry, and more. This pre-apprenticeship program, with its strict attendance policy and pre- and post-drug testing, provides exemplary training for men and women with an interest in the construction trades. Most importantly, individuals with a criminal history are not barred from this training which prepares them for jobs in the construction industry. Guest speakers will include Mr. Spencer Gaskin (CEO of TOC), Mr. Dorian Gaskin (TOC Associate), and Rev. Frank Williams (Public Relations Director of TOC).

Looking for a job is no easy task, but if you have a criminal past, it becomes a challenge in itself not to have the door closed in your face.

For further information, contact Karima Amin: 716-834-8438; karima@prisonersarepeopletoo.org.

Karima Amin



Support Anti-Shackling Women's Advocacy Day

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ers Committee at trenolds@womenontherise-worth.org by Friday, May 1, 2009.

Tamar Kraft-Stolar

The Coalition for Women Prisoners, coordinated by the Women in Prison Project of the Correctional Association of New York, is a statewide alliance of individuals and organizations dedicated to making the criminal justice system more responsive to the needs and rights of women and their families.



Speak out for justice and dignity for women in prison. Attend the 15th Annual Advocacy Day on May 5, 2009 in Albany, NY.

Help Advocate for:

- Allowing survivors of domestic violence who are incarcerated for crimes as a result of abuse to be eligible for merit time and early release.
- Better health services for incarcerated women and requiring the NYS Department of Health to oversee and monitor HIV and Hepatitis C care in prison.
- Reforming NY's Adoption and Safe Families Act (ASFA) to give mothers in prison and their children in foster care a chance to build relationships and stay connected without terminating parental rights forever.

To get involved, contact Stacey Thompson, Women in Prison Project Community Outreach Coordinator at 212-254-5700 x333.

Graziano is not alone! — *Farid v. Bouey*

Some prison activists who keep abreast of legal developments challenging perennial parole board abuses are probably aware that other cases besides *Graziano v. Pataki* are being fought in the courts. I have such a case pending in the Second Circuit Court of Appeals, *Farid v. Bouey*, et al. Docket No. 07-4057-pr.

Although my lawsuit pre-dates *Graziano*, I am deeply grateful for attorney Robert N. Isseks and his associates for taking on this colossal legal challenge, and I am also grateful for the progressive opinions and decisions issued by the late Judge Charles L. Brieant in the *Graziano* class action. As a result of the *Graziano* rulings, there is a real prospect for a greater advancement on the issues in the Second Circuit. It is a sad state of affairs, however, to have to be grateful for an almost isolated judge applying fundamental fairness in a specified type of action. One would think this should be expected.

In any event, the law firm representing me before the Second Circuit has done an excellent job briefing the issues, and unless we continue to confront an illusionary justice system, there could very well be some fundamental directional change in the way New York courts view the Parole Board's unilateral grasp for unfettered power. I constantly pray for a breakthrough.

Just about every long-termer yearns to be home with his or her loved ones enjoying life. But we should think twice about allowing

personal desires for instantaneous release to upset real possibilities of bringing fundamental change to parole board policy and practice. This fundamental change comes by a strategy that ignores the desires of a few for instant gratification, but ushers in a restructuring benefiting the greater number – even those who have not yet been caught-up in the broad net of the penal system. If we allow personal desires to triumph, it can destroy the cohesion of a strong and strategic movement.

Therefore, in my own lawsuit against the parole board and its commissioners, given a positive result in the Second Circuit, I will not consider settling the case, or quitting, unless the following provisions are first substantially established:

1. Provisions for the inclusion of "mandatory" language in the Parole Board guidelines (Title 9 N.Y.C.R.R.) to ensure the Board's adherence to Executive Law §259-i;
2. Provisions in Title 9 N.Y.C.R.R. for an A-1 Violent Felony Offender Screening Grid ("A1/Grid") to scientifically weigh the statutory factors required by Executive Law §259-i;
3. Provisions for constituent parole board panels to

provide mandatory "detailed" explanations in their decisions for any departure from the A-1/Grid weighing, and no reason for departure being stated in conclusory terms;

4. Provisions in Title 9 N.Y.C.R.R. for prospective parolees to contest any weighed elements of the A1/Grid at the pre-parole interview, and for such contestation to be part of the record at the parole hearing and, if relevant, upon administrative appeal;
5. Provisions requiring the audio/written recording of discussion, if any, by and amongst the constituent parole board commissioners after the parole interview is completed; and
6. Provisions requiring the Chairman of the Parole Board to monitor constituent board commissioners' adherence to the Board's Appeals Unit rules and regulations.

Establishing these six provisions is needed to bring in the change that will reign in the abuses by the Board that have been documented over the past decade and a half.

Finally, of critical importance is this: contrary to popular opinion, the former Board Chairman George Aleander's protestations that he was helpless in controlling the Board's illegal activities was

"...we should think twice about allowing personal desires for instantaneous release to upset real possibilities of bringing fundamental change to parole board policy and practice."

Rockefeller Drug Law Reform

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and substance abuse treatment – over the objections of prosecutors.

* This agreement also recognizes that drug-addicted persons often commit other crimes, such as property and theft offenses. This agreement will make treatment available to these non-violent addicted offenders who commit these offenses.

* The agreement maximizes an addicted offender's chance of success in overcoming addiction, by relying on New York's highly successful drug courts to administer the new treatment model. Drug courts use specially-trained judges who build relationships with offenders, closely monitor their progress and reward their successes. They are also staffed with case managers and vocational and employment specialists to assist offenders in obtaining education and jobs.

* For the first time, the agreement gives judges the authority to dismiss all charges or seal the arrest and conviction records of offenders who successfully complete a judicially-sanctioned treatment program. It also gives judges complete discretion to determine an appropriate penalty for those offenders who are unable to succeed in the treatment program.

* The agreement recognizes that relapses are often part of recovery from long-term drug addiction. It would require judges to consider whether a non-incarceratory remedy, such as heightened supervision or more frequent testing and treatment, could effectively be used if an offender under court supervision suffers a relapse.

* The agreement vastly expands the availability of drug treatment programs and commits tens of millions of dollars to inpatient treatment

programs, outpatient treatment programs and community residential facilities.

* Recognizing that some offenders may require more supervision than can be provided through community-based drug treatment programs, the agreement expands the use of programs such as the "shock" incarceration program and the Willard drug treatment program, to give judges additional sentencing options for these offenders.

* The agreement also permits the State Division of Parole to dis-

charge early from continued parole supervision those drug offenders who have demonstrated success and rehabilitation while serving a term of

post-release supervision.

Second, the agreement relieves new offenders from some of the old Rockefeller Drug Law's mandatory sentencing provisions and provides additional relief to offenders who remain incarcerated under the old laws.

* The agreement eliminates mandatory State prison sentences for first-time class B felony drug offenders and second-time non-violent class C, D and E drug offenders, making them eligible for a term of probation that could also include drug treatment, or a local jail sentence.

* The agreement permits class B drug felons who meet eligibility criteria and who are currently serving Rockefeller Drug Law sentences to enter the six-month shock incarceration program when they are within three years of release. If successful, they would be entitled to early release from prison.

* The agreement also requires the Board of Parole to consider current, lower sentencing ranges when deciding whether to release a class B drug offender to parole supervision.

Third, the agreement ensures that offenders who are not addicted, but who profit from the addictions of others, are appropriately sentenced to State prison.

* The Governor believes that law enforcement should target drug kingpins instead of low-level drug users and his agreement creates a new drug "kingpin" offense that targets organized drug traffickers who profit from and prey on drug users.

* The agreement also creates new crimes to ensure that adults who sell drugs to children are appropriately required to serve time in State prison.

* Finally, the agreement retains mandatory prison sentences for class B predicate drug offenders, but allows judges to impose lower prison terms that are similar to those in other states.



Farid v. Bouey

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George Alexander's protestations that he was helpless in controlling the Board's illegal activities was disingenuous since he could have promulgated and instituted many of these provisions in his capacity as Chairman. See New York State Executive Law §§259(1)(2); 259-b(3); 259-c(4); 259-d(1)(2) and 259-f(3).

I ask for your prayers and efforts in the Second Circuit Court of Appeals.

Majahid Farid



Rockefeller Drug Law Reform focuses on treatment rather than punishment to end the cycle of addiction

CPR'S MISSION STATEMENT

The Coalition for Parole Restoration is a broad-based grassroots organization created to inform, organize and bring to light all aspects of the prison industrial complex as it affects our communities, families, people in prison and formerly incarcerated persons.

Our mission is two-fold: (1) to assist people in prison in obtaining parole release and (2) to assist formerly incarcerated persons and their families with transition and re-entry.

COALITION FOR PAROLE RESTORATION

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Membership & Dues Structure

* FAMILY OR INDIVIDUAL MEMBERSHIP - \$10.00 PER YEAR (PERSON IN PRISON INCLUDED)

* PERSON IN PRISON MEMBERSHIP - \$2.00 PER YEAR

* BENEFACTOR MEMBERSHIP – MORE THAN \$100 PER YEAR

YEAR WILL BEGIN IN THE MONTH THAT THE MEMBERSHIP DUES IS RECEIVED AND END IN THE SAME MONTH THE FOLLOWING YEAR

(STAMPS ARE NO LONGER ACCEPTED TO PAY MEMBERSHIP DUES)

MEMBERSHIP ENTITLES YOU TO RECEIVE CPR'S NEWSLETTER, WHICH IS PUBLISHED FOUR TIMES A YEAR, AND NOTICE OF ALL CPR-SPONSORED MEETINGS, RALLIES AND EVENTS.

IF YOU WOULD LIKE TO SUBMIT AN ARTICLE, POEM, ETC. TO THE NEWSLETTER, YOU SHOULD SEND IT BY EMAIL OR U.S. MAIL BEFORE THE FIRST OF THE MONTH IN WHICH THE NEWSLETTER IS BEING PRINTED. SUBMISSIONS SHOULD BE 750 WORDS OR LESS AND WE RESERVE THE RIGHT TO EDIT ANYTHING APPEARING IN THE NEWSLETTER. ALL WORKS MUST BE ORIGINAL. WE WILL NOT PUBLISH ANYTHING WITHOUT THE PERMISSION OF THE AUTHOR.

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