

# Incarcerated Times

A newsletter from F.F.I.P.

Summer 2009

## A Push for Prison Reform

Sen. Jim Webb (D-VA) will launch an effort to reform the nation's prison system, his staff says, introducing a bill--the National Criminal Justice Act of 2009--that would create a bipartisan commission on reform. The commission would undertake an 18-month review of the U.S. prison system, offering recommendations at the end.

Webb is a decorated Marine who served as Navy secretary under President Ronald Reagan. He has also been a journalist, a novelist and a Hollywood screenwriter. In an interview last week, he said his experience in the military, a culture that is "disciplined but fair," led to his interest in the prison system.

Prison reform is a difficult thing to achieve, politically. Nearly every politician wants to be perceived as "tough on crime," and suggesting that too many Americans are being incarcerated can seem to run against that. (Webb has, in fact, pointed out that the U.S. has attained the highest incarceration rate in the world.) Add tough discussions of prison conditions, inmate crime, and abuse, and it's not an easy task for a politician to undertake.

Webb has succeeded in pushing major legislation through Congress before, as his 21st Century GI Bill passed last year. And it's hard for anyone to accuse the former Navy secretary of not being "tough" enough. Reported support from Democratic leaders, President Obama, and interest from Judiciary Committee Ranking Member Arlen Specter could help him in this latest endeavor.

*"You cannot tell from appearances how things will go. Sometimes imagination makes things out far worse than they are; yet without imagination not much can be done."*  
Winston Churchill

## Transportation for Families Of Those Incarcerated

"Try a New Route Transportation LLC" a local transportation company will begin offering transportation for visitation in July. In order to sign up you must be registered. You may register at the F.F.I.P. regular Friday night 7:00 pm. meeting located on the grounds of Christ Episcopal Church 2000 So. Maryland Parkway Las Vegas, or contact Try a New Route directly at (702) 303-8976. Their mailing address is 7435 South Eastern Avenue Las Vegas 89123.

An investment banker walks into a restaurant. "How are things going?" asked the owner. "Great," the banker replied, "I haven't lost a thing all week!" "Really?" "Yeah, because last week I lost everything."

## Keep those Cards & letters coming

Letters from home are a valuable source of hope and encouragement. The cost of phone calls home can sometimes be prohibitive. Keep cards to a size of less than 8" x 10", no musical or electronic cards are allowed. Photos from home will also be appreciated. Only 10 photos per envelope are allowed. In most cases regular postage will cover a letter of about six pages. Photos and extra pages will sometimes require an extra stamp. Avoid gel pens, crayons, glitter etc. I make a photo copy of pictures drawn by our child to send using our computer's printer. It is so important to keep our loved ones encouraged, and involved in our daily lives. A couple of lines about the day's events, mailed at the end of the week may sound boring to us, but will mean so much to a loved one on the inside.

## Nevada Legislature Notes

A number of bills passed this legislative session that effect parole, probation, and sentencing.

**AB 117** makes changes to relating to parole hearings. Sections of this bill authorize the State Board of Parole commissioners to grant parole to a prisoner without a meeting if the Board anticipates that parole will be granted. And provides that a member of the Board or a case hearing representative may recommend releasing a prisoner on parole without a hearing if certain conditions are met. Certain sections also provide that such a recommendation remains subject to final approval by a majority of the Board.

**AB 259** Sections of this bill requires the standards adopted by the Director of the Department of Corrections concerning eligibility for residential confinement to provide that an offender who has been convicted of a category B felony is eligible for residential confinement if: (1) the offender is not otherwise ineligible for residential confinement; and (2) the Director makes a written finding that assigning the offender to residential confinement is not likely to pose a threat to the safety of the public. Sections of this bill authorize a court to provide for forfeiture of credits for good behavior of a probationer who violates conditions of his probation and, for the restoration of such credits. Sections of this bill amends existing law to provide generally that a person who is sentenced to a period of probation for a felony or a gross misdemeanor and who is in compliance with the terms and conditions of his probation must be allowed a deduction from his period of probation of ten days for each month he serves and is current on any fee to cover the cost of his supervision and on any fines, fees and restitution ordered by the court; and an additional 10 days for each month he serves and is actively involved in employment or enrolled in certain programs.

*"If you have made mistakes, there is always another chance for you. You may have a fresh start any moment you choose, for this thing we call 'failure' is not the falling down, but the staying down. "*

*~ Mary Pickford*

**AB 385** Portions of this bill requires the Board to adopt additional regulations establishing the maximum number of prisoners that may be incarcerated in a private facility or institution. Those regulations must be based upon the standards adopted by the American Correctional Association. Section 1.5 of this bill requires the Department to monitor private facilities or institutions which house prisoners incarcerated according to the authority of another state to ensure that the care and custody of the prisoners comply with the Nevada Constitution and the United States Constitution.

**AB 474** Section 2.5 of this bill provides that eligibility for parole of a prisoner sentenced to two or more consecutive sentences of life imprisonment with the possibility of parole: (1) for offenses committed on or after July 1, 2009, must be based upon the aggregation of the minimum sentences for those offenses; and (2) for offenses committed before July 1, 2009, may, at the option of the prisoner, be based upon the aggregation of the minimum sentences for such offenses, provided that the prisoner has not previously been considered for parole. Existing law provides for the mandatory release on parole of certain prisoners 12 months before the expiration of their maximum term if they have not previously been released on parole and are not otherwise ineligible for parole. (NRS 213.1215) Section 3 of this bill requires mandatory parole of prisoners who were sentenced to life imprisonment with the possibility of parole and who were less than 16 years of age at the time of the offense if they have: (1) served the minimum term of their sentence; completed a program of general education or an industrial or vocational training program; (3) not been identified by the Department of Corrections as a member of a group posing a security threat; and (4) not committed a major violation of the regulations of the Department of Corrections and not been housed in

disciplinary segregation within the immediately preceding 24 months. Sections of this bill become effective July 1, 2009 and October 1, 2009

All other bills listed here become effective July 1, 2009. To read the complete bills go to the Nevada legislature's web site at:

<http://www.leg.state.nv.us/75th2009/Reports/AllPassedBills.cfm>

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## Spring Picnic

Our spring picnic was held Saturday April 4, at the former Jaycee Park. The weather was perfect, we thank all of you who attended. Stay tuned for our next event!

Why can't a chicken coop have more than 2 doors?  
Because if it had 4 doors it would be a chicken sedan.

## Nevada prisons go smoke free

CARSON CITY (AP)

Nevada's state prison system will soon be going smokeless. State Corrections Director Howard Skolnik says inmates and staff will not be allowed to light up beginning July 1.

Skolnik says prisons in other states have imposed similar tobacco bans and have not reported any major problems. He says the change should mean savings in inmate medical costs over time.

A spokesman for a union that represents many prison workers says he thinks there could be some problems stemming from inmates and officers going through nicotine withdrawal.

Crave Coping Techniques - You have conditioned your mind to expect the arrival of nicotine when encountering various times, places, activities, people, events or emotions. The first time you encounter each crave trigger you should expect a short yet possibly powerful anxiety episode lasting up to three minutes. Don't fear or hide from your triggers but confront and extinguish each of them. You'll find that most are re-conditioned by a single encounter during which the subconscious mind does not receive the expected result - nicotine.

Welcome and embrace every episode as each reflects a beautiful moment of subconscious healing, and the reclaiming of another aspect of your life.

## Smoke Free Cont.

One crave coping technique is to practice slow deep breathing while clearing your mind of all needless chatter by focusing on your favorite person, place or thing. Another is to say your ABCs while associating each letter with your favorite food, person or place. For example, "A" is for grandma's hot apple pie, and "B" is for ..." It's doubtful you'll ever reach the challenging letter "Q."



## F.F.I.P.

**Friend and Family of Incarcerated Persons** is a support and advocacy group. We are non-profit, non denominational and confidential. Our mission is to move forward and confront the problems as we deal with life on the outside, including shame. We attempt to heal through openness within our group and turn negative feelings into positive forward movements through group support which leads to strength. Join us for our regular meetings Fridays at 7:00 pm at Christ Episcopal church 2000 Maryland Parkway. Our mailing address is P.O. Box 27708 Las Vegas, Nv 89126. **There are no regular meetings in the month of August.** E mail us at: [ffipffip1@cox.net](mailto:ffipffip1@cox.net) You can also get meeting updates on our message phone the number is (702) 223-6600.

Visit us on the web at: <http://ffip.tripod.com>



FFIP executives tour potential location for reentry site.

## California man can sue over too much prison time

By Bob Egelko  
The San Francisco Chronicle

SAN FRANCISCO — A Bay Area man can sue California officials for allegedly violating his rights by keeping him in prison for 18 months after a state court had overturned the law under which he was convicted, a federal appeals court ruled Monday. William Cousins claimed in his lawsuit that the state attorney general, prison system director and prison warden should have taken steps to free him in October 2003 after an appellate panel in San Francisco ruled in another man's case that part of the state's sex offender registration law was unconstitutional. In Monday's decision, the Ninth U.S. Circuit Court of Appeals in San Francisco did not say whether state officials have a duty to examine any new ruling that overturns a law and release all prisoners convicted under that law. But the court overturned a federal judge's dismissal of Cousins' suit and said California law does not immunize the attorney general or prison officials from such claims. The ruling allows Cousins to try to prove that those officials acted negligently by failing to look into his case and set him free. He seeks unspecified damages. Cousins' suit said he lives in Alameda County but gave no further details of his circumstances or background. His lawyers were unavailable for comment. Deputy Attorney General Wilfred Fong, the state's lawyer, said his office disagrees with the ruling and will consider a further appeal. "There's no duty owed by these state officials to undertake this kind of effort," he said. Cousins was arrested in San Jose in 1999 and was charged with failing to report to police within five days of changing his address, as required for all registered sex offenders. He was convicted in January 2000 and, because of previous felony convictions, sentenced to 25 years to life in prison under the state's three-strikes law. In October 2003, the First District Court of Appeal ruled that the registration law was unconstitutionally vague as applied to transient sex offenders, who were required to report to police within five working days each time they changed their location. The law also compelled them to specify all the places they were regularly located in a city. The court said the terms of the law were unclear and that homeless people wouldn't know how to comply. Cousins, who had been convicted under that law, sued for his release in January 2004. State officials took more than a year to reply, arguing at first that the law was valid in Cousins' case, but eventually dropping their opposition and releasing him from the Mule Creek Amador County

prison in June 2005. In Monday's ruling, the three-judge panel said an attorney general can't be sued under federal law for actions taken as a prosecutor. But the court said California law doesn't provide the same immunity to the attorney general or prison officials for allegedly negligent conduct that results in a "false imprisonment."

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## The high court flunks a DNA test

The San Francisco Chronicle

After noting that DNA testing has an "unparalleled ability both to exonerate the wrongly convicted and to identify the guilty," a five member majority of the Supreme Court said there was no right to the convincing reviews. If that strikes you as strange, you're not alone.

DNA lab work has become the new gold standard in deciding guilt or innocence. A slender hair, a scrap of skin or drop of blood or body fluid can all spell jail time or freedom for a suspect accused of a serious crime.

While many states have adopted varying standards to allow such testing, some states haven't. That gives rise to an unequal standard of justice, a situation that the high court was called on to rectify.

But the conservative majority didn't follow through. Instead it decided the matter should be left to the states to hash out, a spot of reasoning that will continue a pattern of differing rules and the very real fear that full justice won't be served

.....  
DNA evidence is a crucial tool available to prosecutors, police and defense attorneys. Prisoners on death row have been freed while nearly forgotten cases have finally been solved when stored away evidence was re-examined for DNA matches.

.....  
The majority opinion said such disputes were best left to state legislatures, not the federal courts, to work out. It's a predictably tame and restrained ruling from the court's conservative bloc. It's also an insensitive result, one that downplays the importance of a powerful new force for justice. Both sides in criminal cases have lost a chance for a federal standard in DNA testing. Full justice wasn't served.

*Edited for space, see complete article* San Francisco Chronicle 6/20/09

*"When you feel like giving up, remember why you held on for so long in the first place."  
~ Unknown*

