



Oregon CURE

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Citizens United for the Rehabilitation of Errants

A Newsletter for Families and Friends of Incarcerated Individuals

1631 NE Broadway, #460 Portland, OR 97232
(503) 977-9979 (Portland Area) 1-877-357-CURE (Outside Portland)

Overuse of Segregation – At What Cost by Kris Vala

Solitary confinement has been called a prison within prison. The United Nations Declaration on Human Rights states that "prolonged solitary confinement is internationally recognized as a form of torture" and in its more recent report, Section IV, it declares that the negative effect on mental health is clearly documented. Why then, is segregation such a common practice in our prisons and for such varied reasons as self-defense, talking back, swearing, unauthorized movement, or drinking fermented fruit juice - offenses that would not be crimes on the outside? Bill Quigley, a law professor at Loyola University in New Orleans, published an article on February 23, 2012, reporting that the U.S. is in violation of the Universal Declaration of Human Rights with its conditions and practices of isolation.

The Vera Institute of Justice is working on a Segregation Reduction Project and is currently collaborating with the Washington State Department of Corrections "to assess its segregation policies and practices, analyze the effects of its use of segregation, and make recommendations for handling its protective custody, disciplinary, and intensive management populations." The Vera Institute is also partnering with the Maryland Department of Public Safety and Correctional Services and the Illinois Department of Corrections to help them "decrease the number of people held in segregation, transition prisoners out of segregation, and improve conditions for those who remain. The project draws on methods Ohio and Mississippi used to reduce their segregated populations by 85 to 89 percent."

In the mid-2000s, Ohio reduced prisoners in segregation from 800 to 90 while decreasing violence. Mississippi went from 1,000 to 150 people and also reduced violence and disruption. The Mississippi Department of Corrections improved conditions in segregation after the American Civil Liberties Union filed a suit against them in 2005. They also changed the criteria for segregation placement for only those prisoners who had committed serious infractions and only the commissioner had the authority to place someone in the segregation unit. Not only was the population in segregation reduced but there was also a nearly "70% reduction in prisoner-on-prisoner and prisoner-on-staff violence and the use of force by officers."

To further quote Vera's work: "Holding people in isolation with minimal human contact - for days, years, or even decades - is exceptionally expensive and in many cases counterproductive. Long-term isolation can contribute to serious mental health problems and assaultive or antisocial behavior among incarcerated individuals. Empirical evidence suggests that long-term segregation has negative outcomes for institutional and public safety and increases the risk of recidivism."

Oregon is one of many states looking to cut unsustainable costs. Illinois, in February of 2010, had more than 46,000 incarcerated men and women and is looking at segregation reduction as an effective means to reduce expenses and improve prison conditions.

Perhaps, Governor Kitzhaber's Public Safety Commission could also investigate the Vera Institute's Segregation Reduction Project.

Policy changes that Vera recommends are:

- Using alternative sanctions for minor violations
- Reducing segregation time for certain categories of violations
- Employing standardized incentivized reductions in segregation time for sustained good behavior
- Providing opportunities for gradual re-socialization to the general prison population

The goal is twofold - to decrease prison violence and increase prisoners' positive adjustment. This would not only benefit the Corrections system but also the communities our incarcerated loved ones will be returning to with a direct effect on public safety. In a front-page New York Times article, March 11, 2012, "Rethinking Solitary Confinement - States Ease Isolation, Saving Money, Lives and Inmate Sanity", the author, Erica Goode, describes the violence in a solitary confinement unit in a Mississippi super-maximum-security prison in 2007 and how the conditions were dramatically changed. These changes happened not by increasing restrictions but by decreasing them. The prison officials "allowed most inmates out of their cells for hours each day. They built a basketball court and a group dining area. They put rehabilitation programs in place and let prisoners work their way to greater privileges." Prior to this prisoners were "kept in solitary confinement for 23 hours each day, allowed out only in shackles and escorted by guards, they were restless and angry - made more so by the excrement-smearred walls, the insects, the filthy food trays and the mentally ill inmates who screamed in the night, conditions that a judge had already ruled unacceptable."

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Oregon CURE
1631 N.E. Broadway, #460
Portland, OR 97232



Support Group Meeting Information Please visit our website www.oregoncure.org for additional information!

Our Support Groups and Facilitators are:

Beaverton: Gretchen (503) 350-0236

Eugene: Ken (541) 935-1182
Dave (541) 344-7612

Medford: Sam (541) 944-3304
Adelia (541) 772-9680

Salem: Alicia (503) 930-0330

NE Portland: Wanda (503) 289-8120

SE Portland: Sheri (541) 310-2025

Please note: If you are attending a meeting for the first time, please phone the facilitator to confirm the location, date and time. Meet other people who are making their way through the challenges of having a loved one in the prison system.

To ensure you receive your copy of the Oregon CURE Newsletter, please remember to send us your change of address so we can update our database.

Overuse of Segregation..., Continued from Page One

As a result, of decreasing restrictions and improving conditions, violence decreased and behavior improved! "So many inmates were moved into the general population of other prisons that Unit 32 was closed in 2010, saving the state more than \$5 million."

Other states in addition to those mentioned previously, that are rethinking the use of long-term isolation are Colorado, Maine, and California, which recently announced a plan for policy changes in its' three existing super-maximum-security units.

Ms. Goode states that "more inmates are held in solitary confinement here than in any other democratic nation, a fact highlighted in a United Nations report" the first week of March 2012. To further quote Ms. Goode: "Humanitarian groups have long argued that solitary confinement has devastating psychological effects, but a central driver in the recent shift is economics. Segregation units can be two to three times as costly to build and, because of their extensive staffing requirements, to operate as conventional prisons are. They are an expense that many recession-plagued states can ill afford; Gov. Pat Quinn of Illinois announced plans late last month to close the state's supermax prison for budgetary reasons".

Not only does research suggest that "isolation is vastly overused and that it does little to reduce overall prison violence", but also that "inmates kept in such conditions, most of whom will eventually be released, may be more dangerous when they emerge."

Does Oregon really want to use its' limited financial resources with costly, inhumane, counter-productive practices, or with researched based, psychologically healthier conditions?

One hopes that the Governor's Public Safety Commission will have read the "New York Times" article of March 11, 2012, as well as investigate the work of the Vera Institute, to review and rethink the use of solitary confinement and determine best practices for the treatment and transition of our incarcerated loved ones.

Phone Carrier Changes by Gretchen Vala

On July 1, 2012, the Oregon DOC began its contract with a new phone service provider, Tel-Mate. Within Oregon CURE's earliest conversations with the DOC, we advocated for more affordable phone rates for the entire prison population. In comparing Oregon prison rates to those of other states, Oregon's were among the highest in the nation for in state (intrastate) and also out of state (interstate) long distance calls.

It was difficult to understand how rates could be so exorbitant, particularly with the advances in technology and the fact that few of us, if any, on the outside pay anything extra for long distance calls. In speaking with DOC administrative staff, we first heard the phrase: "flattening the phone rates," which was explained to us as increasing some of the less expensive calls (local calls) and decreasing the more expensive calls (collect and interstate calls). This is a concept that several states have adopted, and while we recognize that it is unfortunate that the cost of local calls increased, there is such a huge benefit to those people in prison who have not been able to make calls due to the extremely high cost of calls.

The new rate of \$.16 per minute, may force some people to keep their calls to less than 20 minutes (\$3.20 a call), which is comparable to the previous cost of \$2.75 for a local call. There is another benefit, though, in that if you only have 10 minutes to talk – you're only paying \$1.60 for a 10 minute call, regardless of where the call is made to within the United States!

As a result of the decreased phone charges, the phones are busier and it may be difficult for your loved one to maintain their phone schedules. However, we have to acknowledge the fact that the new rates have opened up the possibility of creating and maintaining relationships between our loved ones on the inside and on the outside! The DOC may find that they will need to add phones so that everyone can take advantage of the new rates!

Supreme Court: Eighth Amendment Prohibits Schemes of Mandatory Life without Parole for Juveniles

On June 25, the U.S. Supreme Court announced that a scheme requiring mandatory sentences of life without parole for juveniles violates the Eighth Amendment's prohibition against cruel and unusual punishment, regardless of the nature of the offense. The decision came down in two consolidated murder cases in which the defendants were 14 years old at the time of the offenses, *Miller v. Alabama*, 10-9646, and *Jackson v. Hobbs*, 10-9647. It is a 5-4 decision authored by Justice Kagan, and joined by Justices Kennedy, Ginsburg, Breyer, and Sotomayor.

"Today's decision in *Miller* is a victory for the Eighth Amendment as well as for the all-important judicial discretion that such legislatively-enacted mandatory sentencing schemes undermine," explained NACDL President Lisa Wayne on June 25. "With today's Supreme Court decision, America's juvenile justice system became a little bit more humane and grounded in the scientifically demonstrable differences between juveniles and adults."

A Loved One in Segregation at SRCI

For those of us who can afford the high costs associated with traveling from the Portland metropolitan area, we're fortunate to visit once a month. During the winter months, this may be less frequent due to the challenges of driving through three mountain ranges in snow and ice. There is the option of flying into Boise, renting a car, and limiting the driving time to an hour from the Boise airport to Ontario and SRCI. This also can be cost prohibitive and can easily average a couple of hundred dollars per person.

But – we do it! It's worth it to stay in touch with our loved ones and to make sure that they are surviving the prison experience and even more importantly to confirm that they know the love that we have for them, recognize that we have not given up on them, that they have value, and we're in this with them – for the long haul. When your loved one has been found guilty of breaking one of the prisons' rules and is placed in segregation, the visiting experience takes on an increased feeling of helplessness. Visits are limited to two hours, must be arranged ahead of time and are limited to two visitors from the person's approved visiting list. At SRCI, the person in seg is chained and attached to the wall. There can be no touching, hugging or kissing. At one of my visits with my son, there were parents visiting their son at the cubicle next to mine, and the woman left the seg visiting area to inform the officer in charge that there was a problem with their area. There was only one phone, and they had two people. What could the officer do? Well, you can see where this is going. The officer couldn't do anything. Unlike basic visits in the general population visiting room where there are two phones for visitors, in seg there is only one, requiring the visitors to "share" a phone.

If you are reading this, and you are on the outside or have never visited anyone in either the Disciplinary Segregation Unit or the Intensive Management Unit, it is simple enough to say: "Stay out of seg!" And then we examine the rules that when broken lead to a stay in segregation. As most of us found out when our loved ones were convicted and sentenced, what we thought we understood about the criminal justice system in theory – turns out to be much different in practice. Apply this to prison rules: the result of a disciplinary report can be as simple as distribution of contraband, which in one case, turned out to be cookies. Sharing cookies breaks a rule. For all that we hope our loved ones can change the habits that led them to their conviction – do we really want them to close their hearts to others in a similar situation? Okay – so we understand that the DOC is ever vigilant and watching for extortionists – but cookies?

I don't intend to make light of rule infractions, which in many cases are associated with drugs or alcohol, or fighting with another person in prison or insubordination or a physical assault towards a corrections officer. With the relocation of most people serving time in DSU or IMU to SRCI, what once were single cells in isolation is now double occupancy. Imagine – a 5'x8' space (or whatever the size is – it's small) housing two men – and although allowed 60 minutes outside of the DSU cell each day, they can be fortunate to have 30-45 minutes at which time they can shower or exercise. There are no phone calls allowed from the Hole.

If you have the wherewithal to pay for collect or direct calls so you can hear your loved one's voice – and a week or so goes by, and you haven't heard from your loved one, you may want to contact their case manager and find out if they are still in general population. And when you receive the letter, on newsprint paper, without lines –you know – your loved one is in seg. Most of us who have had this experience understand the hopelessness of mandatory sentencing – with no earned time possible, there are few incentives to stay on task. Yes, staying out of seg is a punishment that we hope our loved ones can avoid, because after all, prison is to be used as punishment not for punishment – so – what is segregation? It is the jail within the prison for those found guilty of breaking a prison rule.

We want our loved ones to be safe and secure. We also know that their reality is much different than ours. Each prison is a community with a hierarchy of its own. There may be people who are in constant fear, or who cannot adapt to the prison experience. With the reduction of prison programs due to budget cuts, there are fewer opportunities for people in prison to find a way to improve their situation, to learn from their mistakes and to figure out how to realign their behavioral patterns that may have led them to their initial conviction. We need to find alternatives to segregation, limit the time spent in the hole and actually assist people in prison to learn new ways of dealing with their anger or frustration and utilize their time in prison as a threshold for a successful return to our communities.

Walk to "Get Healthy" by Ken Olson, Eugene CURE

At the June meeting of Eugene CURE, a discussion arose about beginning a "Walk for Your Health" activity. After deliberating about who to lead it, what day to walk, what time to start, how often, where to walk, and a myriad of other details, the plan got off the ground just like a giant Albuquerque balloon. Enthusiasm ran rapid. We could hardly wait to get started.

Sandra Warren, who has been attending our group for nearly nine years, volunteered to organize our walk and coordinate with those interested. Anyone who is willing to walk in Mother Nature's fresh air, enjoy new sights and new sounds, feel fresh air, breezes and sunshine is welcome. As an additional bonus we will develop stronger relationships with our friends who have gone through some canyons deep and dark, almost like an abyss. We will share our thoughts as we walk.

We will walk on the second Monday of the month at 6:30 p.m. and on the third Saturday of the month at 9:00 a.m. To get this program rolling, we will begin at the bike bridge over the Willamette River behind Valley River Center, on the right side of the bridge.

We have a group of eight people to start this week and we think we'll have twenty before the summer ends. We all want to get healthy. Please contact Sandra Warren at 541-915-5664 or email Rands1988@msn.com for more information.

International CURE Board Meeting by Gretchen Vala

Washington DC August 31-September 4, 2012

Two of Oregon CURE's board members were able to attend this year's board meeting in Washington DC. Over 30 state and issue chapters were represented as well as the international attendees from Japan and 4 African countries. The first evening and following day were well spent in a development workshop led by Kay Perry (Michigan-CURE) to ensure that each chapter follows the structure, recommendations and tenets of CURE's founders, Charlie and Pauline Sullivan. One workshop led to another and we also took part in the Social Media workshop held later on in the conference. One of the goals of the board meeting was to complete two position papers. The first is our position on Sentencing and the second is our position on the Sex Offender Registry. Both positions are geared towards where we think the U.S. should be, not necessarily where we are now. After lively discussions and rewrites, both positions are completed and approved and will be posted shortly on the National CURE website: www.curenational.org. You can also find earlier positions on this site: Alternatives to Incarceration, Prisoner Telephone Costs, Private Prisons, Correctional Education, Drug Laws, Prison Labor Reform, Prison Employment, Death Penalty and Control Units.

The Sullivan's arranged a "Teach In" which included 15 topics presented by CURE members and people working for organizations advocating for change. At each successive board meeting we attend, we find a greater number of people who are engaged in grass roots advocacy work, some who are currently employed by the U.S. Government as evidenced the by the panel from the U.S. Department of Justice who are working on prison reform. Jonathan Smith, the Chief of Special Litigation in the Civil Rights Division spoke to us about his 25 plus year relationship with the Sullivan's and what he is working on currently with the DOJ.

Tuesday, September 4, we scheduled meetings with our Oregon Representatives and Senators on Capitol Hill. Unfortunately, the house and senate were not in session, however, we were able to meet with judiciary assistants in the offices of Senators Wyden and Merkley, and Representative Blumenauer and Schrader. Since several prisons are in Representative Walden's district, we also stopped by his office, however, since we had not been successful in scheduling an appointment, we left information and only hope that he will find the time to read about our issues. The focus of these appointments was to thank Senator Wyden for sponsoring Virginia Senator Jim Webb's Senate Bill 306 which would create a bipartisan commission to review the nation's troubled criminal justice system and offer recommendations for reform. We asked Senator Merkley to sign on as a co-sponsor and urged our representatives to vote for or sign on as a sponsor if this bill successfully makes it out of the Senate and moves to the House this session.

The people who spend their time and energy and frequently their hard earned savings to advocate for reform of our nation's laws and prison systems are compassionate and caring and have a generosity of spirit that is unequaled. Working towards this goal enriches all of our lives and we cherish the people we've met, respect the events in their lives that brought them to this work and are honored to stand beside them.

New Special Issue Chapter by Rebecca Swope

CURE - Women Incarcerated was designed as a special issue chapter of CURE National in November of 2011. We provide a network of resources and support for women incarcerated, their families and loved ones. We understand women deal with many of the same issues men face, but also acknowledge the apparent differences as they are integrated into and transition through the criminal justice system. We are a voice advocating for the needs of women today and in the future. We are passionate about working with our local, state and federal authorities to ensure the correctional system is humane, just and restorative, promoting a rational approach to criminal justice issues.

As I begin the journey of leading CURE-Women Incarcerated my true passion is to advocate for the many needs women face as they encounter the various aspects encompassing the criminal justice system. I am personally committed to prison reform, knowing there are many more effective alternatives to incarceration. Our chapter was designed to bring to light the areas in need of change. However, this will not be accomplished unless the members are active in providing input and feedback to us. We are in the very beginning stages of building this chapter but we believe we can be a voice for many women and a key part of ensuring the needed changes are brought to light at local, state and federal levels. We are enthusiastic about the role CURE-Women Incarcerated will play in seeing these changes be made policy. We will not be as effective as we could unless we hear from those involved, or who have been involved within the criminal justice system. We look forward to working with you as a team in seeing great accomplishments made in 2012 for women's prison reform.

I am committed as ever and passionate about advocating for prison reform and incarcerated women's issues. I delivered my only child 7 years ago on January 19, 2005 in Laurel, Maryland, shackled to a bed, without family, only correction officers at my side. Knowing that within hours, my newborn daughter would be taken away. I was serving a sentence for a felony conviction at the Maryland Correctional Institute for Women in Jessup, MD. The experience was inhumane to say the least. No woman should ever have to endure such a traumatizing ordeal when giving birth to a child. My goal is to one-day witness legislation enacted banning the practice of shackling during labor and delivery. Besides the birth of my daughter Hannah, the ten months I spent at Jessup, MD was an eye opening experience. Seeing firsthand inside the prison walls, revealed a community failed by their society. I vowed to do my part after my release to advocate for a very broken system. Some of the most real and talented women I have ever met in my life, I met in prison. I promise the women of this chapter, as well as the ones I have crossed paths with in the past, your voices will be heard.

**If you have issues or questions regarding women in prison, please forward your concerns to Oregon CURE and we will send them on to Rebecca.*

Employment Wanted: EEOC New Guidance

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The U.S. Equal Employment Opportunity Commission (EEOC), Washington, DC 20507 voted 4-1 on April 25, 2012, to issue updated enforcement guidance on employers' use of arrest and conviction records when making employment decisions.

The new rules call for assessing applicants on an individual basis rather than excluding everyone with a criminal record through a blanket policy. Although it doesn't prohibit the use of criminal background checks, it urges employers to consider the "nature of the crime, the time elapsed, and the nature of the job" both in writing a hiring policy and in making a specific hiring decision.

Also, employers should not reject a candidate because of an arrest without a conviction. At least 13 states (AK, AR, CA, CT, IL, MA, MI, NE, NY, ND, PA, RI, & WI) have statutes explicitly prohibiting arrest record inquiries and/or dissemination subject to certain exceptions. 75 of the largest counties in the country reported that nearly one third of the felony arrests did not result in a conviction because the charges against the defendants were dismissed.

Finally, the new policy encourages employers to give applicants a chance to explain their criminal records. An applicant might inform them that the record is inaccurate, the conviction was expunged, that he or she has been fully rehabilitated or that the conviction is unrelated to the job.

CURE was responsible for some of the 324 comments filed on the issue after an EEOC meeting on July 26, 2011. In fact, CURE was publicly thanked by EEOC Commissioner Stuart J. Ishimaru at both the July and April meetings.

Pre-Employment Inquiries and Arrest & Conviction as written from the EEOC Website

There is no Federal law that clearly prohibits an employer from asking about arrest and conviction records. However, using such records as an absolute measure to prevent an individual from being hired could limit the employment opportunities of some protected groups and thus cannot be used in this way.

Since an arrest alone does not necessarily mean that an applicant has committed a crime the employer should not assume that the applicant committed the offense. Instead, the employer should allow him or her the opportunity to explain the circumstances of the arrest(s) and should make a reasonable effort to determine whether the explanation is reliable.

Even if the employer believes that the applicant did engage in the conduct for which he or she was arrested that information should prevent him or her from employment only to the extent that it is evident that the applicant cannot be trusted to perform the duties of the position when

- considering the nature of the job,
- the nature and seriousness of the offense,
- and the length of time since it occurred.

This is also true for a conviction.

Several state laws limit the use of arrest and conviction records by prospective employers. These range from laws and rules prohibiting the employer from asking the applicant any questions about arrest records to those restricting the employer's use of conviction data in making an employment decision.

For more information, see, e.g., <http://www.usis.com/commercialservices/transportation/FaqStateImpact.htm>.

In some states, while there is no restriction placed on the employer, there are protections provided to the applicant with regard to what information they are required to report.

The Fair Credit Reporting Act (FCRA) imposes a number of requirements on employers who wish to investigate applicants for employment through the use of consumer credit report or criminal records check. This law requires the employer to advise the applicant in writing that a background check will be conducted, obtain the applicant's written authorization to obtain the records, and notify the applicant that a poor credit history or conviction will not automatically result in disqualification from employment.

Certain other disclosures are required upon the employee's request and prior to taking any adverse action based on the reports obtained.

Publication Notice

This newsletter is a publication of Oregon CURE. Oregon CURE is a 501 (c) (3) organization whose goal is to reduce crime through criminal justice reform.

The opinions and statements contained in this newsletter are those of the authors and do not necessarily reflect the views of Oregon CURE.

Contributions of articles, letters to the editor, notices, etc., are welcome, but may be edited or rejected for space considerations.

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Newsletter Editor: Bonnie Nusser
Contributions and Inquiries can be directed to:

Oregon CURE
1631 NE Broadway, #460
Portland, OR 97232
Telephone: (503) 977-9979 (Portland area)
1-877-357-CURE (2873) (Outside Portland)

Website: www.oregoncure.org

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Letter From the Editor:

Our loved ones come home. Several months go by and we wait for “normal” to come to be. Housing and jobs must be had. But wait, their sentence isn’t over. Doesn’t seem to matter if our loved one served for 24 months or 96 months, they have a record. Their sentence continues... but this time on the outside. There are labels to overcome with stigmas attached. Jobs, when obtained, are usually at an entry level. No matter the experience. It will have taken time, energy, perseverance, and a bit of luck. Will they have enough money to pay their rent, food and bills at the end of the month? There are some who will have family or friends “in business” who will hire them or create jobs for their newly arrived family. And those with family and friends who help pick up the slack. What about those who are not as fortunate?

The Oregon Department of Corrections does have several opportunities for people in prison to learn trades. So, we have trained individuals being released daily without the opportunity to work because our communities are failing them. The question regarding felony conviction continues to be asked regardless of position sought, without the opportunity for explanation. Please see the articles regarding employment and the new EEOC guideline on page 6.

Experience with housing hasn’t proven to be much better. A list of apartments renting to people with a history proved to be worthless. Not one manager on the list was willing to rent to the recently released person. Again, we know families who purchase rental property or “fixers” for the sole purpose of providing housing to their loved one. How many families are able to do this?

There are several programs available to people just coming home, but that is not enough. Our communities need to actively participate. The programs out there are few and far between. There need to be incentives offered to employers and apartment managers. And if they are already out there, they shouldn’t be this difficult to find.

Preaching to the choir? You bet I am, but it’s a beginning. *Bonnie Nusser*

Letter from the President:

Whatever path led you to your current situation, you have a golden opportunity to alter the course of your future. This adjustment starts with developing a positive attitude. We all control how we feel and how those feelings are projected towards those people around us, whether at home, at work, or in our cells or on the yard. How can we manage to do this? Circumstances are beyond our control – times are hard – we aren’t where we want to be – we’re barely making ends meet and we just don’t have enough time in the day to accomplish everything on our “to do” list. Well – the answer is quite simple, according to Arthur Ashe, “Start where you are, use what you have and do what you can”. So here we are, where we don’t want to be – and yet – this is our reality and we can make the best of it.

When my son first went to prison, I remember his cousin asking what he did all day; as he had yet to begin his first job working in the kitchen, he replied that he spent a lot of time reading. My niece was thrilled and responded with another question: “You get to read all day?” Her tone of voice held an intense jealousy that most of us can sympathize with as work and chores seem to eat up our day and we just don’t have time to read as frequently as we’d like.

Oregon CURE continues to advocate for educational programs to be added to the prison educational curriculum. Although we agree that it would be fabulous if everyone could walk out of prison with a two or four year degree – we’re not quite there yet – but you know what? If you have some time on your hands, you can chart your own course of study. Check out the prison library, find something you’re interested in and read all about it. If you will be releasing soon, you may want to read about career opportunities and what you may have to do to prepare yourself for this next chapter in your life. This is something you can do now, and once you have the knowledge, no one can take it from you. You own it! *Gretchen Vala*