

The DAs Who Want to Set the Guilty Free

“Sentence review units would revisit harsh punishments from the past”

Over the last decade, more than 30 district attorneys nationwide, many who consider themselves part of a new wave of prosecutors more interested in fair play than a stack of guilty verdicts, have established conviction integrity units. The stand alone teams of lawyers and investigators delve into an office’s past cases, hunting for people wrongfully convicted of a crime. (This article was published in collaboration with [The Nation](#).)

But the practice – which affects the handful of cases in which someone truly innocent went to prison – offers limited redress, functioning more as an emblem of a cultural shift than a broad righting of wrongs. The conviction review unit in Brooklyn, N.Y., considered one of the most effective in the U.S., has identified just 23 wrongful convictions over the past several decades.

None of these conviction review units have undertaken the far more ambitious task of examining cases where the conviction might be sound but the punishment doesn’t fit the crime. That would mean poking into the sentences sought by a previous generation of prosecutors whose reflexive stance, for decades, was often to seek maximum charges carrying hefty terms behind bars. “It might open the floodgates to reviewing thousands of sentences,” said Steven A. Drizin, a law professor at Northwestern University and an expert on wrongful convictions who said he supports sentence reviews.

Despite the daunting undertaking, the idea is gaining traction. In Philadelphia, where former civil rights attorney and public defender Larry Krasner was recently sworn in as district attorney, staffers are making plans for a sentence review program, likely the first of its kind in the country. Nationally, nearly two dozen newly elected prosecutors are working with an advocacy organization called “Fair and Just Prosecution” to implement their own sentencing review procedures in the coming year, said Miriam Krinsky, the group’s executive director and a former longtime federal prosecutor. Such a massive undertaking is, like many of the ambitions of this new breed of prosecutors, far easier said than done.

Normally, courts allow a prosecutor to seek re-sentencing only in limited circumstances, such as when new evidence arises or when legislators pass a new sentencing law that needs to be applied retroactively. For example, Maryland in 2016 revised its mandatory minimum sentences, with a clause allowing judges to use those changes to reduce the time that then-current prisoners were serving.

Sometimes, a prisoner can be rewarded with a reduced sentence for cooperating in a police investigation. The compassionate release process also lets corrections agencies and courts reduce sentences retroactively, usually when the prisoner is gravely ill.

But there is no mechanism in many states for requesting a new sentence for a current inmate simply because a newly elected prosecutor says it’s in the best interest of justice.

Kevin S. Burke, a Minnesota state judge who was the president of the American Judges Association, said many of his colleagues on the bench would love to revisit old cases in which their discretion was fettered by mandatory minimum sentence requirements. But they would still need to have a clear reason, grounded in law, for reopening a closed prosecution. “You have to actually find an error,” he said.

In Philadelphia, Patricia Cummings, head of the conviction integrity unit, already has a work-around in mind. She said a group within the DA’s office focused on sentencing – which she would likely direct but that still needs staff and funding – could start by looking into first-or-second-degree murder cases the office prosecuted in the past.

In Pennsylvania, a conviction on those charges automatically ends in a sentence of life in prison without parole. More than 5,000 of the state’s prisoners are currently serving these sentences, the second-highest number in the nation, and about half are from Philadelphia.

If the unit identifies a case where they believe the facts did not warrant such a harsh sentence, it would ask the trial court to throw out the original conviction and accept a guilty plea on a lesser charge of third-degree murder or manslaughter. Those charges carry much lighter sentences. “We’re still kicking this around,” said Cummings, who previously ran the conviction integrity unit in Dallas.

Philadelphia’s new project is akin to the recent nationwide review – ordered by the U.S. Supreme Court – of all cases in which juveniles were sentenced to mandatory life without parole. The court ruled that condemning minors, who are by nature impulsive and less cognizant of the consequences of their actions, to an entire life behind bars could constitute a form of cruel and unusual punishment. But that ongoing effort was not originally driven by prosecutors.

Another precedent can be found in Seattle, where prosecuting attorney Dan Satterberg has been giving people in prison second chances for the past decade. He and his staff review old cases in which defendants were banished to life in prison for relatively minor crimes, often under the state’s three-strikes-you’re-out law. They then sign onto clemency petitions for some of those prisoners.

Three of the 16 prisoners who were effectively “re-sentenced” this way have committed new crimes since getting released. But, Satterberg said, “there’s no way to avoid that other than to leave everyone in prison forever.”

“I think a prosecutor has a continuing obligation to justice, past the sentencing date,” said Satterberg. “We have to be willing to roll up our sleeves, look through the files of old cases, and really ... compare them to our contemporary law and practice.”

Most states don’t have such a robust clemency system that prosecutors can use it as a kind of backdoor re-sentencing program. In Pennsylvania, for example, only eight life sentences have been shortened through commutation since 1995. State law requires a pardons board to agree unanimously on any such decision.

That means the mechanism will have to differ by state, said Krinsky, the head of the prosecutors’ group. It may even require lobbying efforts to pass new legislation granting DAs the power to file a special motion for amending a sentence.

Another challenge may be the reaction of crime victims, whose attackers might end up with shorter sentences because of leniency, not innocence. “Re-opening the wounds of victims has been a concern of conviction integrity work since it appeared on the scene,” said Cummings, the head of the Philadelphia DA’s unit.

Cummings says her office has nonetheless begun reviewing letters from prisoners who say their original sentences were too harsh and deserve another look. “If nothing else, even if you don’t ultimately change many sentences, it probably heightens the attitude of people within a prosecutor’s office to be careful when they’re making charging decisions,” said Burke, the former American Judges Association president. “So, at least in concept... more power to them.” By **ELI HAGER** (3-20-18 NEWS)

The 7 Habits of Highly Effective People

Habit #5 – Seek First to Understand, Then to Be Understood

Next to physical survival, the greatest need of a human being is psychological survival - to be affirmed, to be appreciated, and to be understood.

What training have you had that enables you to listen so you really, deeply understand another human being from that individual’s point of view?

Although the tongue weighs very little, few people are able to hold it.
- Unknown

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Proposal Update:

<u>Current Proposals</u>	<u>Submitted / Status</u>
<u>Adding additional Tablets</u>	<u>10/12/17 / Pending</u>
<u>Accessing Law Library Info on Tablets</u>	<u>10/12/17 / Pending</u>
<u>Accessing GED materials on Tablets</u>	<u>10/12/17 / Pending</u>
<u>Getting released for Call Passes to Education Floor</u>	<u>10/29/17 / Submitted</u>
<u>Stop single-cell property roll-up for overnight stay</u>	<u>11/1/17 / Drafted</u>
<u>Is there a replacement for the MP4 yet?</u>	<u>11/2/17 / Drafted</u>
<u>DNA research pack approval</u>	<u>11/1/17 / Denied</u>
<u>Yard BBQ</u>	<u>12/1/18 / Approved</u>
<u>DRU Microwaves</u>	<u>1/20/18 / Submitted</u>

Need your manuscript typed?

I have worked with inmates for over 10 years. Contact Jane at:
Ambler Document Processing P.O. Box 938 Norwalk, CT 06852

Canteen

Gentlemen, we are looking for people to come up and work with the canteen committee to put together a list of items for a survey like we did in 2015 to get items on the Holiday List. Please send a kyte to the club if you are willing to come up and work or if you just have suggestions of things that you would like to see. Remember, because of your help in 2015, we were able to get 11 items added to the Holiday List, and now five of them are on the regular canteen list.

Thanks,
Jeff

A Word From Your Secretary:

“THANK YOU FOR YOUR OVERWHELMING SUPPORT”

The other day I found a jewel on the OSP recreational yard. I overheard a conversation between two men talking about prison life. “This penitentiary is a reflection of the men serving life sentences. Unless the lifers demand a better livability it will never happen; they set the tone for the entire institution. This includes how the administration deals with the population, the lack of variety on canteen, and even the amount of assaults that happen on the line.” I agreed with just about everything except his displeasure with the lack of violence; shit, who really wants to be in an environment where you’re forced to abide by the “mangle-mentality” day in and day out? Anyway, I began thinking about the members of the lifers club and what they truly stand for. What was the last issue this club adopted unanimously and didn’t stop pushing for until it happened? I see the big picture; Do you?

Note; I’ll be sure to report the meeting minutes in the next newsletter, and feel free to approach me.

Your new club Secretary, J-HICKMAN

Meeting Facilitator

First and foremost please allow me to express my gratitude for being voted into the position of meeting facilitator. I truly appreciate the opportunity to represent my fellow lifers in this way. I know that this newly elected executive body has some very large shoes to fill but I know we are going to do all that we can continue the great work that those before us started. I personally vow to do all that I can to help our club move in a positive direction and help better our lives as well as the lives of those closest to us. My hope is that I can be a voice for those who can’t speak for themselves, I know that its sometimes difficult to speak up in a crowd so I hope that everyone feels comfortable enough to approach me whenever they need to. I’m a very approachable person and I love hearing any and all new ideas that anyone may have. I always have time to speak with a fellow lifer so please feel free to pull me aside on the yard at any time or if need be, send me a kyte and I will do all I can to help. Again I’d like to thank everyone for your vote of confidence and I hope to make all of you proud to call me your meeting facilitator.

The Desk Of Your V.P.

Gentlemen, I hope you’re all doing as well as can be expected? Summer is right around the corner, are you all ready? I am. It’s my favorite time of year! Well until night time comes around anyway and then it’s too hot to sleep. On another note though, I missed many of you at last night’s meeting. Maybe “Dog Night” isn’t your thing but, for those of you that did make it, I hope the night was enjoyable. I would like to reiterate a couple things I spoke of that evening though. First I’d like to thank everyone who voted for me, I appreciate your confidence. To you and even those who didn’t vote my direction, I do promise my heart is in the right place and I will always do my best to not let you all down. I intend to give 100%. One thing I mentioned and I want to expand on is that I sometimes have a difficult time thinking outside the box, so I implore you to please help me help **US**. Whether it’s things for the outside community, just stuff for lifers, whatever you think we could do more of for our community in here; I encourage you all to think outside the box but set within reality please as I am new up here. Baby steps, right? One thing I ask though, I used to share things with Kyle or ask things of him and he’d say, “send me a kyte” and in my head I’d think, “Kyle, its one thing” but now I’m starting to get it! Myself. I’m on the yard a lot so bring your Ideas and requests straight to me if you wish, we can discuss any part of it or send your thoughts via kyte but either way, **WRITE IT DOWN!** Lastly, I would like to add that I went out to DRU today and I just want to say it was great getting the opportunity to meet some of you out there. I look forward to working with you all more in the future. Okay, that’s enough from me for now, talk to you all soon but remember, no regular meeting next month. **Respectfully, Brian** ☺

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Vice President Brian Waybrant
Secretary Jerrin Hickman
Treasurer Bill Knepper
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Gentlemen,

I want to thank you for having faith in me, the abilities I bring to the table, and my earnest desire to serve this club. I assure you I will do my best to serve you and this club. Congratulations to the new members of the executive body... those men who stood courageously before you all at our last meeting. I believe Rob Kelley, Has some big shoes to fill. With that being said, I am confident he possesses great aptitude, and the desire to take this club of ours to the next level. I look forward to working with this group of men to do our best, in making our stay here a little easier. As we are all aware of the unity found within a group of people is far more powerful than the person who stands alone. I appreciate and thank our retiring executive body members for their years of hard work and commitment to this club, it was an honor to work beside them. I am walking away with a respectful understanding for who they are as men. I look forward to receiving your ideas, comments and concerns. Please send a kyte with your return info, and I will share your ideas with our president, and get back to you. I will leave you with this final thought, “When we begin to realize that we want to change a situation, we first have to change ourselves, and to change ourselves effectively we first have to change our perceptions.” Again thank you for your confidence in me.

Bill Knepper

Announcements/Upcoming Events

2018 Meeting Dates

June 28th Fundraiser
July 12th Open – ACLU/OJRC
Aug 9th Banquet
Sept 13th Banquet
Oct 11th Open – Misha Isaac – Clemency; Rep. D. Stark
Nov 8th Open – Just Outcomes
Dec 13th Christmas Party

Address Label

Turn Prisons Into Colleges (Cont.)

Corporation showing that inmates who took classes had a 43 percent lower likelihood of recidivism and a 13 percent higher likelihood of getting a job after leaving prison.

Lawmakers have rightly recognized the wisdom in turning prisons into colleges. In 2015, Mr. Obama created the Second Chance Pell Pilot Program, which has enrolled more than 12,000 incarcerated students in higher education programs at 67 different schools. The Senate Committee on Health, Education, Labor and Pensions **is considering** permanently reinstating Pell Grants for incarcerated students, who lost access to federal scholarships under the 1994 crime bill. Even Education Secretary Betsy DeVos calls providing prisoners with the chance to earn a degree “a very good and interesting possibility.” This is no small matter. If we believe education is a civil right that improves society and increases civic engagement, then the purpose of prison education shouldn’t be about training people to develop marketable skills for the global economy. Instead, learning gives us a different understanding of ourselves and the world around us, and it provides us tools to become more empathetic. That’s why prisons with educational programs are often safer, and why there is a stronger correlation between educational levels and voting than with socioeconomic background. Mass incarceration is inextricably linked to mass under education in America. Yale, Princeton, Cornell, Georgetown, Wesleyan and New York University are among a handful of institutions that realize this and have begun to create ways for incarcerated people to take college classes. These universities recognize that they have a moral responsibility to pursue educational justice for prisoners, a group that has disproportionately attended under resourced public schools.

College presidents across the country emphasize the importance of “diversity, inclusion and belonging,” and they are reckoning with their institutions’ ties to slavery. Expanding prison education programs would link those two ventures in a forward thinking way. It’s clear that education will continue to be a central part of criminal justice reform. The question we should ask ourselves is not “Will incarcerated students transform the university?” The better question is, “Will colleges begin to address and reflect the world around them?”

The New York Times Mar. 6th ‘18

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Chuckle Corner...

One bank robber got into trouble when he tried to rob a local branch. The teller wouldn’t accept his holdup note without ID!



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Turn Prisons Into Colleges

By
ELIZABETH HINTON

Imagine if prisons looked like the grounds of universities. Instead of languishing in cells, incarcerated people sat in classrooms and learned about climate science or poetry – just like college students. Or even with them.

This would be a boon to prisoners across the country, a vast majority of who do not have a high school diploma. And it could help shrink prison populations. While racial disparities in arrests and convictions are alarming, education level is a far stronger predictor of future incarceration than race.

The idea is rooted in history. In the 1920's, Howard Belding Gill, a criminologist and a Harvard alumnus, developed a college-like community at the Norfolk State Prison Colony in Massachusetts, where he was the superintendent. Prisoners wore normal clothing, participated in cooperative self-government with staff, and took academic courses with instructors from Emerson, Boston University and Harvard. They ran a newspaper, radio show and jazz orchestra, and they had access to an extensive library.

Norfolk had such a good reputation, Malcolm X asked to be transferred there from Charlestown State Prison in Boston so, as he wrote in his petition, he could use “the educational facilities that aren't in these other institutions.” At Norfolk, “there are many things that I would like to learn that would be of use to me when I regain my freedom.” After Malcolm X's request was granted, he joined the famous Norfolk Debate Society, through which inmates connected to students at Harvard and other universities.

Researchers from the Bureau of Prisons emulated this model when they created a prison college project in the 1960s. It allowed incarcerated people throughout the country to serve their sentences at a single site, designed like a college campus, and take classes full-time. Although the project was never completed, San Quentin State Prison in California created a scaled-down version with support from the Ford Foundation, and it was one of the few prisons then that offered higher education classes.

Today, only a third of all prisons provide ways for incarcerated people to continue their education beyond high school. But the San Quentin Prison University Project remains one of the country's most vibrant educational programs for inmates, so much so President Barack Obama awarded it a National Humanities Medal in 2015 for the quality of its courses.

The idea of expanding educational opportunities to prisoners as a way to reduce recidivism and government spending has again gained momentum that's partly because of a study published in 2013 by the right-leaning RAND

(Continued on back page)

From Your President

I just want to thank the lifers' membership for their confidence in electing me as your president. I'll take this opportunity to congratulate the other elected officers to the Executive Body. I am grateful for all of the offers of support and am looking forward to working together not just with the new Executive Team but also with all of you in taking our organization through the 2018-19 term.

Your President,
Rob Kelley

Job Opening!

Gentlemen, We have an opening for a clerk here in the lifers' Office. As always we are looking to hire and support our fellow lifers. If you feel this is something in your wheelhouse or you know a fellow Lifer in need of a job, we need someone with basic computer skills. These skills must include, Excel, Word, and Power Point. Please send your application up to the office. Thank you.

Mission Statement

The purpose of the Lifers' Unlimited Club is to unite the incarcerated men of OSP with a goal of improving the quality of life for those inside and outside of these walls. The club will work with charity programs, informational services, youth speaking panels and other positive programs. We cannot change the past, however, we believe through rehabilitation and pro-social behavior we can create a more productive future.