

COORDINATING COUNCIL OF PRISONER ORGANIZATIONS
Workshop summaries from May 10, 1980 conference
Legislative workshop: Joe Gunterman

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What we brought out to our group was that you can accomplish things through legislation. Incidentally, most of the things you want to accomplish you must do so through the legislature. The Prison system is under the control of the legislature and the Governor. You can achieve things and we pointed out examples of things that have been achieved in recent years, in connection with stopping prison construction and pointed out also that this is an election year, which means that legislators are very sensitive to constitute opinion and that later in the year we will be selecting new legislatures or returning the old ones to office and this is an excellent time to bug the candidates both as incumbants and challengers on the issues that are important to you because that will make an impression on them this year more than it might between election years. We had a short session and we did not get on to a discussion or an agreement on proposals, however we did bring out what we consider some good ideas or major changes in the whole structure in the near future. So I would like to mention these with the understanding that this is not to be considered to be the result of a group vote, but these are some of the things people mentioned.

One was to get the sentencing or term setting power out of the hands of the legislature. Under the old indeterminate sentencing law a person was sentenced for a range of years. Like one to life or something like that- the actual time served was set by a parole board for adult offenders, the adult authority or for women the Women's Board of terms. Then we got the determinate sentencing

law which was supposed to clean up all the uncertainties people had about when they were going to get out--that sort of cat and mouse game that was played by the parole board with prisoners. And what has happened is that since the term setting has been taken out of the hands of the authorities pretty much is that the legislature has taken it over and the legislature is now setting terms and passing new laws every year which get worse and worse in terms of longer choices within the range. So get the term setting power out of the legislature. Two, make a number of minimum security and maximum security beds available to the conviction rate. This would get away from the situation where corrections says it needs 25% more maximum security beds, I'm taking the 8 out of the air. When the conviction rate is only 10% for the kind of crimes that require maximum security beds. The next suggestion was actually two suggestions, one has to do with mandating community programs. One suggestion was that money be mandated towards purchasing community beds, that is for places where people, prisoners, can stay outside of the prison. At the present time there are 150 beds in the correctional system, that is, outside of the walls for all of the 20,000 persons we have and we could mandate that there be a certain percentage of all beds outside the walls. Then similar to that would be a mandate say 10% of the entire budget spent on community programs, this being a permanent feature that every year 10% of the corrections budget has to be spent on programs outside the walls. Another suggestion was that the D.C. be required to meet the health and safety regulations applicable to all institutions. I'm sure that technically this exists now, but to make it real somehow to

get some legislation or procedures through that would make it real. The medical standards, the health standards and the sanitation standard, food standards and everything else that applies to institutions outside must apply to the prisons. Another suggestion was to have a zero based budget for corrections. Corrections would have to come each year to justify its entire program if they wanted to get any money. There would be no assumption that since corrections did something last year that required say 50 million dollars, it would get 50 million or some addition to that this year. So long as corrections would have to justify their entire programs each year and combine that with sunset laws, the laws giving corrections certain powers would expire at certain intervals and would have to be reconsidered entirely again. These were the suggestions that were made and you might consider them to be legislative suggestions.

One suggestion was made and I think it applies to the private groups, CCFO and other of us who are working for corrections and prison change and that is, to prepare little wallet cards or purse cards with essential facts on them about the prison system. You might have a whole set, people can carry different cards around with them and just hand them to your friends and neighbors when the discussion comes up about say the high cost of college tuition, you might point out that for the cost of keeping a prisoner in California state prison for one year you could send him to Harvard for that year, little dramatic things like that. Those are the recommendations that came out in our group.

Litigation strategies workshop: Salle Soleady

Well our group had to do with litigation, but it's difficult to summarise it because we talked about an awful lot of different things. We talked about the fact that litigation nation wide regarding prisons exploded between 1968 and maybe up to 1972-3 and has come down considerably since that time. That the "success" of that litigation was not very great in that although there were some orders and decisions and changes the effectiveness of that has not been very great because there seems to have been reverses since that time. Bill Turner had done a study while he was at Harvard with the money provided by his teaching there showing that of the temporal staying orders requested and preliminary injunctions requested across the country which will immediately stop something right now because it's so bad, there were hardly any granted, very few granted. There was discussion about the impetus of the prison movement from about the late 60's up through about the early 70's and feeling, at least by myself, that it was a very successful time, although there was a lot of discussion by many people that it was not. However, of all the legislation that was proposed, over 150 pieces, there was a burst of proposed legislation regarding prisoners, a burst of interest, a burst of cases, hardly any of that legislation was passed. Hardly any of those cases won any sustained victory, that subsequent to that period we went to a period of reversal and there there was my feeling that the reversal came through first of all government cooptation of the idea being put forth and the changes being put forth so that in changing the indeterminate sentencing to determine, we ended up with a greater monster. The getting parole hearing,

through the Morse case, we ended up with a system now of probation and parole revocations in advance, many charges of people doing their time when many of them should not be doing any time at all because the charges aren't sustained. They are not grounds for revocation. That the suits against the AC's and the proposals and legislation against the AC's turned out in this situation where we have Wright V. Enomoto, which was a victory which resulted in people now being determinately sentenced to the AC. In the case of my client Kwatari, to 12 years in the AC following the new law. So we see that cooptation which led to promises and inactivity because people saw what they attempted to change grew worse through the changing. There was a question of what to do and that's what we're talking about today. What does one do? So the time now seems to be the time between one movement and hopefully another movement and the time, this time we discussed should be taken with focusing on what activities should be taken place. And the focus should include everything that has been learned in the past few years about the breaking up of organizational activities, the problems that are created by governmental sophistication in coopting the ideas changing the method of propaganda, and so on and so forth. The attempts now should have the sophistication of the experience that everyone has gone through who participated in those years and it should be able to embrace grass roots organizations of many varieties. There has to be some plugging into organizations and there are many existing organizations that are rising again that deal with issues that are not prison issues. There can be some

connections with those organizations, then we are going to have a stronger prisoner movement. When we are dealing with the kinds of things that the other organizations are interested in too, which is justice, which is opposition to governmental power machine dealing with the wrong things. So that there has to be some fluidity with the new movement and that fluidity has to be able to take in varied opinions, varied expressions, there is going to be racial differences in the 80's than there were in the 70's. There are going to be ethnic groups going on separate lines in some instances having international connections and focuses. There are going to be economic groups, class groups. There're going to be all sorts of different ways of approaching the problems and there should be, so we have to have a movement that's going to be able to tolerate the different kinds of expressions and way of moving. One of the things should be how to make those connections so that the prison movement just isn't an isolated kind of thing with a few people looking at prisons because there is a such large connection. We kind of ended with what are we talking about, **are** we talking about defining goals then before participation or are we talking about finding something to participate. I mean immediate participation with out actual defining goals. Some of the thoughts were that perhaps if there were certain, not minimum goals, but certain goals that all organizations could agree to participate in, that that would be a start, and that we could go from there to other kinds of goals, rather than going in dispersed ways, let's file a suit here, let's propose a law there, something like that, people with ideas ranging from wanting to make little changes in the prisons so that prisoners will have it better to people having more overall

kinds of ideas of systems and that kind of thing. We being able to have room for all those different ideas, people to come together with at least some specific goals that they can agree on, so that we can all work together on that, and perhaps expand the ideas and the goals and the participation. Two suggestions were that access would be something that would be in the interest of probably every kind of goal. Access, the more people that have access to the prison, the more we can get on with the other kinds of things and dispersal of information and trying to get more people involved, that that really couldn't be against any kind of later goal that's worked on.

Community organizing strategies workshop: Paul Comiskey

In our group we talked about community organizing. The first thing you do when you want to organize people, people who are powerless and people who are oppressed, is that you look at the situation, you question what is the opening line of attack, what kind of issues. The organizers call it "cutting the issues". They go into the community, and look around and see a lot of things wrong, and then they say which one of these things are we going to take up as an issue. We are going to package it and give it some emotional appeal, and it is something you can win on and get everybody organized, and it is something that will help as we empower the power, that we are trying to empower. We talked a lot about prison issues, such as corruption, health care, death row and all the things we talked about this morning. We came to the similar conclusion that Galle did, that visiting should be an

opening issue. The reasoning for picking visiting or access as an open issue is first of all that it's something everyone can relate to. Everyone can relate to the need for a family, sticking together, everyone can relate to the idea that keeping a prisoners' family in tack is the best way to keep that prisoner from going back to prison after he or she is released. Also, visiting and access seems to cut across the border in terms of empowering people on other issues. Salle talked about information and other connections and the more people you get going into the prisons to see what is happening. As a result of running a place like the House, many volunteers are exposed to the problems in prisons. Visiting seems to be a good issue to start out on.

I told my group about a new tool that prison organizers can use which we have not been able to use very effectively in the past. This is the administrative petition. In the CDC there are two sources of law that the CDC operates under. One is the law under the penal code, the health and safety code and all the laws passed by the legislature. The other section of law which the CDC operates under is the administrative rules, which are a part of the administrative code, which have the same binding effect of laws you'll find under the penal code. Not too long ago the rules that operated under the CDC were made by the director in his own discretion and it was kind of authority the penal code gave him. Then the American Friends and ACLU and other groups sued the CDC and said that "you should be under the administrative procedure act and that you should be making your rules with public participation.

They lost the suit, but then the legislature came along behind them and though that it would be a good idea that CDC make their rules under the administrative procedure act. So when the CDC wants to change it's rules they have to send out a notice of those proposed new rules they will change or adapt to all interested parties. Then they will have to tell you in their notice about these rules or adapted changes and inform you of the public hearing in Sacramento or S.F., or wherever it happens to be on such and such a date. You can either come there in person or submit in writing your points of view on the issue. So you get public participation in that ruling process. There's always been a provision in the codes that said that if you wanted to propose a change to the CDC you can write a letter to CDC saying, this is a rule you should adopt, or revise. However, on July 1, 1980, the law is going to change and is going to give people, to organize, people, want to empower people by building a political organization by way of administrative petitions. Basically, what this law is going to do this, if an individual group, groups of groups, etc, send a petition to the director and say you ought to adopt this rule or change this rule or do whatever. Then the director is going to have 30 days to either set that proposal for a hearing or deny it. If the director wants to set up a hearing he would do it in the same way if the CDC itself was proposing it by sending it out to all interested parties who asked to be on the list, this is a rule change we are thinking about, what do you think about it? We are going to have a hearing on such and such date, you can be there or submit testimony in writing. Let's assume this is done and the director sets a hearing, then the director has to keep a careful record, of what action is taken on that rule. The record

has to indicate all the petitions that were received concerning testimony from the public in support of or against that particular rule change. Then they also have to keep a record of what studies they made themselves, whatever arguments they've considered among themselves so forth and so forth. Then the action that was taken. So when someone send a petition to the director they consider it and decide not to do it, there has to be a record kept. So someone can look over that record and someone can go into court after that and you can sue the director and say that the director did not make this decision based on the substantial evidence that was presented. The court can do one of two things: either they can say OK director, you must reconsider that rule again in light of this or he has the power now to tell the director that he has to adopt that new rule. So this gives people a new kind of power on the administrative rule making process. I don't want to blow this out of proportion but it is something we've never had before. So if you are going to use rule making process like this you have draft up a rule and sell it to the public and get the best hearing you can on it.

The Prisoners' Union, the Visitors Advocacy Council and a number of other groups are now setting up a proposed rules for visiting, we're going to call it the visiting rights proposal. It's going to contain a lot of provisions that were recommended by CDC, in its own study in 1972, but then never bothered to implement. We are going to say, look your own study said this, and we think you ought to do it. We are going to run down briefly, what some of the rules will be. The first one which be very simple, a matter of elementary human decency, is that they place the prisoner in an institution closest to his or her home. This is a very simple one

but will have a great impact on visiting. Another would be that they establish a system of home visits, where prisoners, or certain large classes of prisoners will be able to go home for visits for a certain period of time. Some will be able to do this immediately and some when they have a parole date. We're going to call this a rule for home visits. Another one would be drafting part of the order from the Marin Superior Court order about strip searching. When we went to a hearing in Sacramento, we discovered that strip searches are going on all over the place Vacaville, Folsom and all over the place, alot more than they are at San Quentin where they are doing it on a random basis at those places. So were are going to propose a rule that would basically put the same restrictions on strip searches that San Quentin has now. Another rule would be that if you want to restrict a visit you'd have to give them immediately a written notice on why this action is being taken, who's taking them and what are the steps to appeal it. Somebody in the group brought up about contact visits, we didn't have any rules about it, but we're going to take a look at that and draft up some rules about it, so we can restrict their ability to put someone behind glass for visiting. So we're going to draw up a whole set of rules about visiting and we discussed in our group what are some strategies and how are we going to sell this to people. How are we going to get a lot of people like you involved in the process so that you know about it and other groups get involved and write letters in support of proposals. To do anything that is necessary, to go to Sacramento and give a big push, because to get something like this happening. It can be done. And one of things the Prisoners' Union is planning to do is put this set of rules in its entirety in the TU paper and put down v ry concrete suggestions on what different groups can do.

If you're in prison here's what you can do, write letters and so on. Have the Men's and Women's advisory council adopt resolutions supporting it. This is just one of the things we'd like prisoners to do. We are going to put things in there so that if you are a member of an organization what we'd like you to do. Then we are going to leave it up to people to develop their own strategies for organizing around visiting. One of the things we found in the Prisoners' Union is a real source of power that has been untapped by people in the prison movement is the families of prisoners themselves. We have been visiting the various prisons and distributing literature on the PU and on various issues, like, visiting. We found out that these people do not belong to any organizations and are a real source of power, very concerned people and are willing to do something. When you think about how you are going to bring about prison change I think about organizations, the organizations that we have are mainly people who have some connections with prisons and prisoners. A lot of you here obviously have family, friends, or love ones in prison, but a lot of us don't but there are many of you out there who have not been contacted and unfortunately the only way we found we could contact them, is to go to the prison gates just as a politician who seeks election goes to the factory. If we want to organize people around prison issues we must go out to the gates of the prisons. We hand out information and talk to the people, this hasn't been done easily, we've been hassled all over the place. However, we found that we have been able to get out there and talked to the people. While drafting the new proposals we plan to go out there to the prisons and talk to the visitors. We will invite you to get in on this thing with us any

way you can. We really depend on you and your organizations to gather any ideas or tactics you may have in mind to help us work on. The goal is going to be improved visiting, obviously we think there is going to be something beyond this because if you empower people then you're not going to be in this bag we been hearing about all day that everytime you work on a reform it ends up being the same old thing with a new face. This has really been the problem that no one has empowered the prisoners or their family and no one is, we must empower ourselves. That means cutting up some issues and getting out and doing it. The issues that we brought up today such as segregation, racism on the inside and the outside can be changed and visiting seems like a good place to start.

Self-help groups strategies workshop- Larry Trujillo

The self help workshop was not exactly a strategy but something that emerged from the workshop was a renewal of energy. We've had a number of people who worked in the self-help groups for a number of years and some who had just started self-help groups were able to see that there were others working in the self-help movement on the inside and in the community. That was the overriding thing that came out of our workshop. So we got a renewed energy in the work were doing and there's other people doing this kind of work. Another kind of overall sense that came to us, which is a critical part of any strategy is the sense that we need to develop and maintain unity, that we must show the people on the inside that we are real, we're viable and we're working together. Some of the concrete strategies we've suggested were the need to develop more networking. There are several groups that are developing several

handbooks and resource materials, but there is no one unified way for one group to find out what other groups are doing. There are several national and local directories that speak to some of the needs that self-help groups have concerning postrelease services. We felt that there is a real need to do more networking to get that information to more people. But also organizations themselves to get into greater contact with each other. One concrete way that this can take place is through CCFPC. Jan spoke to the fact that Howard Way and Ruth Ruschen have both in public press releases and the media made a commitment to access, so that we should really hold them on this issue. We, like the other groups felt that access was one of the overriding issues. For self-help groups, to get into the prisons and maintain contacts inside the prisons. Another thing we felt was that CDC budget should prioritize self-helps, particularly the cultural groups, which are really working towards a true sense of rehabilitation. Working with each other and communicating and having the ability to do that so, there should be a priority given instead of the way CDC now reacts to self-help groups—they hate them and try to keep them out of prisons. We need not only work to get the groups in, but to give a priority to that. We also need to have some training on how to develop self-help groups. Then the issue of commitment was real central in our discussion. Several people suggested that if you are not committed then you really shouldn't be involved in the self-help movement, because the men inside take it very seriously and it is real important to keep a commitment to them. That's basically the points raised in our workshop.

COORDINATING COUNCIL OF PRISONER ORGANIZATION CONFERENCE

Conference summary- Larry Trujillo

One of the unifying principles that came out of the workshops in the afternoon was, first of all, that we need to develop principles of unity that we can all work with. Basic, overriding principles of unity. Basic issues that emerged included access, we need to have access; 2) is the dispensal of information, another principle of unity that seemed to emerge from all the workshops was the real need for a multi facet strategy. We shouldn't abandon legislative work or litigation work, but we need to embrace grass roots communities organization in a much more viable fashion, so that legislation and litigation work does not get coopted. Also the self-help groups need support and need to be part of the movement. And the point came out that in the last 10 years strategies within the prison movement have been sophisticated and we must begin to use this sophistication in the movement to go forward from this point on. We have learned from the movement in the 60-70's. We should have some validity in our movement. We should allow for different ethnic and class groups to have room to develop their strategies within the overall strategies. Then we need to identify key issues and develop concrete suggestions for acting on these. Now these will be the kinds of continuing dialogue around these issues and they will become concretized through the CCPO and we hope that everyone who came today will continue to come. We hope that this is the beginning of the prison movement for the 1980's and that it moves even greater than it did in the 70's.