When Republicans took control of state government in 2011, Rick Raemisch became a target for ridicule. Tasked by former Gov. Jim Doyle to find ways to reduce the prison population, the former Wisconsin corrections chief’s program to let offenders out of prison early was dubbed “catch and release” or “hug a thug” by GOP lawmakers, who repealed it.

In mid-2013 he took his reform philosophy to Colorado, where his effort to end the use of solitary confinement is getting a lot more respect. “We’ve done some things in Colorado that no other corrections department would even think of doing,” Raemisch told a group of about 100 Friday at First Congregational United Church of Christ near the UW campus.

Solitary confinement inmates in Colorado prisons now make up less than 1 percent of the total prison population, down from nearly 7 percent in 2011.

Raemisch, a former Republican Dane County sheriff and federal prosecutor, didn’t start the steep downturn. But he was hired by Democratic Gov. John Hickenlooper to finish the job of his predecessor, Tom Clements, who was killed at his home by a white supremacist who had mistakenly been released early directly after spending seven years in solitary confinement.

Raemisch, you might remember made national news by putting himself in solitary for 20 hours in 2014. Now he’s trying to spread the word about the measures that have made a Colorado a model of reform. “I talk about this because it can be done, and it can be done anywhere,” he said. Wisconsin, too, is making efforts to reduce its use of solitary confinement, but not nearly as comprehensively as Colorado.

Solitary confinement, often called segregation, typically involves 23 hours a day in a small isolation cell, with one hour out for exercise. Studies has shown that prolonged periods of solitary confinement have contributed to or even caused mental illness and in some cases neurological damage.

In recent years solitary confinement has come under fire as an inhumane punishment and an ineffective rehabilitation tool. A growing movement in the U.S. has focused on eradicating it. United Nations officials have called such confinement for more than 15 days torture, while many U.S. inmates spend years, sometimes more than a decade, in solitary.

“Keeping someone in a cell by themselves for years, at what point did we ever think that’s a good thing to do?” Raemisch said.

In Colorado, Raemisch has taken a multi-pronged approach that includes housing problem inmates in prison residential treatment programs, which has reduced to use of restraints by 93 percent, reduced forced entries into cells by 77 percent, and reduced assaults on staff by 46 percent and assaults overall by 20 percent.

In addition, Colorado is the only state to ban the placement of seriously mentally ill inmates in solitary, and is also the only state where inmates in solitary know how long they’ll be in solitary, with a maximum term of one year. And rather than one hour a day, inmates in Colorado spend four hours a day outside their cells.

“You have to try different things,” Raemisch said, “because we certainly know what doesn’t work.”

The event was sponsored by the Prison Ministry Project and WISDOM, an initiative to end mass incarceration, and it included a screening of the new HBO documentary “Solitary,” which was filmed over the course of a year at Red Onion State Prison in Wise County, Virginia.

It was the first public screening for the documentary, which portrays the struggle off several men to stave off madness as they live out a bleak existence in their 8-by-10-foot cells.

These are men who didn’t land in prison by accident: One stabbed two men to death for taunting him and his girlfriend; another threatened the owner of a gas station he was robbing, then shot the man repeatedly just because he questioned his resolve.

But power of the film lies in its ability to elicit sympathy for these men, as well as a sense of wonder that some of them aren’t more broken than they are.

"Segregation is tricky on the inmate," says one inmate. “Because if the inmate is not careful, they adapt to it. And they start becoming antisocial, they become crazy. They can lose their mind. Ask yourself, can you live in a bathroom for 10 years?"

Transportation for Visiting Prisoners
Hello,
I first would like to take a moment to introduce myself. My name is Kristin.

I am reaching out to inmates throughout the Wisconsin prison system because I know that doing time is tough, but I understand it’s even worse when there are transportation issues that prevent you from being able to visit with loved ones.

I have family/friends that were or still are incarcerated so I know what it’s like when a person can’t make it for a visit for reasons like; not having reliable transportation, no driver’s license, unable to drive, doesn’t like driving on freeway, medical conditions that prevent them from driving, etc. So I decided that I would reach out to the community by opening my own transportation business so I can make the impossible become possible.

The cost per each passenger would be $25 (if facility is two hours or less from Milwaukee) or $45 (if facility is two to three hours away from Milwaukee) this includes transportation to and from the facility. Children 10 and under will cost $15 (there will be a minimum of only one child per adult passenger). Please note that car seats are not provided, however they will be enforced.

I would need to receive reservations to hold one’s spot on the van at least 2 weeks (preferably 3 weeks) in advance. In order to make a trip I would need a minimum of at least 14 passengers (unless facility is 1 hour away or less from Milwaukee) I can make some exceptions.

This is my contact number 414-207-4362.

If you know anyone that you think I may be able to provide transportation for their loved ones, please pass my information along to them and be sure that they mention who referred them along with your DOC# at the time of their reservation. I will offer a small incentive like a discount for that inmate’s loved ones on their next visit.

Kind regards and God bless during these difficult times,
Kristin

Supreme Court: Life sentences on juveniles open for later reviews
By Robert Barnes January 25, 2016
http://www.washingtonpost.com/politics/courts-law January

The Supreme Court ruled Monday that those sentenced as teenagers to mandatory life imprisonment for murder must have a chance to argue that they should be released from prison. The ruling expanded the court’s 2012 decision that struck down mandatory life terms without parole for juveniles and said it must be applied retroactively to what juvenile advocates estimate are 1,200 to 1,500 cases.

More than 1,100 inmates are concentrated in three states — Pennsylvania, Louisiana and Michigan — where officials had decided the 2012 ruling was not retroactive. They should have a chance to be resentenced or argue for parole, said Justice Anthony M. Kennedy, who wrote the new 6-to-3 decision.

Kennedy has been the court’s champion in a line of cases that declare that juveniles convicted of even the most heinous crimes must be treated differently than adults. The court in 2005 ruled out capital punishment for juveniles and later said they could not be locked away for life for crimes other than murder.

The 2012 case ruled out mandatory life imprisonment without parole, which was the situation facing Henry Montgomery of Louisiana, who brought Monday’s case. In 1963, when he was 17, Montgomery shot and killed Charles Hurt, a sheriff’s deputy. Montgomery is now 69 and says his rehabilitation in prison should make him eligible to be considered for parole. The Louisiana Supreme Court rejected his plea, saying the U.S. Supreme Court’s 2012 ruling in Miller v. Alabama was not retroactive.

The six-member majority, which in addition to Kennedy included Chief Justice John G. Roberts Jr. and the court’s liberals, said on Monday that it was.

“Prisoners like Montgomery must be given the opportunity to show their crime did not reflect irreparable corruption; and, if it did not, their hope for some years of life outside prison walls must be restored,” Kennedy wrote.

Kennedy acknowledged that the court’s 2012 Miller decision recognized that a judge “might encounter the rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is impossible and life without parole is justified.”

But he said the ruling’s overarching lesson was that “children’s diminished culpability and heightened capacity for change” cast doubt on mandatory sentences, and that this “harshes possible penalty will be uncommon.”

In a dissent that described Kennedy’s ruling as “astonishing” and “sleight of hand,” Justice Antonin Scalia said the majority’s goal was abolishing life imprisonment without parole for juveniles. There are two pending cases asking the court to do that. And Christopher Slobogin, a juvenile-justice expert at Vanderbilt Law School, wondered what the next step might be for a (2)
court majority that thinks the immaturity and impetuous behavior of juveniles, as well as their potential for reform, makes them different from adults.

“The next step might be no mandatory sentences for children at all,” he said.

Many states that previously allowed life imprisonment without parole for juvenile offenders had already agreed that those sentenced under the old codes could have their sentences reviewed. Others, such as Arkansas and Texas, have enacted mandatory sentences — 40 years, for instance — before parole can be considered. But seven, including Louisiana, had said the court’s ruling was not retroactive. Most changes in criminal law do not apply to settled cases.

But Kennedy said the Miller ruling was a substantive change in the law that must be applied to earlier sentences. “A penalty imposed pursuant to an unconstitutional law is no less void because the prisoner’s sentence became final before the law was held unconstitutional,” Kennedy wrote. “There is no grandfather clause that permits states to enforce punishments the Constitution forbids.”

Scalia retorted: “There most certainly is a grandfather clause — one we have called finality — which says that the Constitution does not require states to revise punishments that were lawful when they were imposed.”

Kennedy acknowledged the difficulty of determining decades later whether a judge was correct to have justified sentencing a youth to life imprisonment because of “irretrievable depravity.” But he said the situation could be remedied by giving the offender a parole hearing.

“Those prisoners who have shown an inability to reform will continue to serve life sentences,” Kennedy wrote. “The opportunity for release will be afforded to those who demonstrate the truth of Miller’s central intuition — that children who commit even heinous crimes are capable of change.”

Scalia said that was a power play that showed the majority’s true goal of getting rid of life imprisonment for juveniles. “In Godfather fashion, the majority makes state legislatures an offer they can’t refuse: Avoid all the utterly impossible nonsense we have prescribed by simply ‘permitting juvenile homicide offenders to be considered for parole,’” Scalia wrote. “Mission accomplished.”

Scalia was joined in dissent by Justices Clarence Thomas and Samuel A. Alito Jr.

Kennedy said Montgomery will still have to prove his case but that he had a good case to make.

“Henry Montgomery has spent each day of the past 46 years knowing he was condemned to die in prison,” Kennedy wrote, but added that Montgomery “has discussed in his submissions to this court his evolution from a troubled, misguided youth to a model member of the prison community.”

Those inmates affected by the court’s decision will probably have to bring individual claims or requests for parole, juvenile-justice experts said. Marsha Levick of the Juvenile Law Center said there could be special proceedings to deal with those inmates. For instance, of about 500 serving life sentences without parole in Pennsylvania, she said, about 300 are from one county, Philadelphia.

The case is Montgomery v. Louisiana.

Summations of two long articles on Compass testing
State High Court Rules on Crime Predictor
Supreme Court says warning labels needed for COMPAS scores rating defendants’ risk of future crime.

The Wisconsin Supreme Court on Wednesday raised concerns about a risk assessment tool that scores criminal defendants on their likelihood of committing future crimes and is increasingly being used during sentencing.

The court said judges may consider such scores during sentencing, but it said that warnings must be attached to the scores to flag the tool’s “limitations and cautions.”

The court’s ruling cited a recent ProPublica investigation into COMPAS, the popular software tool used to score defendants in Wisconsin and in other jurisdictions across country. Northpointe’s software is just one of many risk and needs assessment tools currently in use across the country in different stages of the criminal justice system but in Wisconsin, Northpointe’s software is used at every decision point in the prison system, from sentencing to parole.

The court’s ruling cited a recent ProPublica investigation into COMPAS whose analysis found that the software is frequently wrong, and that it is biased against black defendants who did not commit future crimes 2013 falsely labeling them as future criminals at twice the rate as white defendants. There are few standards to ensure the underlying tests are accurate and transparent. The exact formula underlying Northpointe’s software is proprietary. That means many defendants are getting rated as potential future criminals without knowing the basis for their scores.

The case decided in Wisconsin on Wednesday was brought by Eric Loomis, who pleaded guilty to driving a stolen car and evading police in 2013. At sentencing, Loomis’ trial judge in La Crosse County cited his high risk scores as justification for (3)
Risk scores attached to defendants unreliable, racially biased
By Julia Angwin, Jeff Larson, Surya Mattu And Lauren Kirchner, ProPublica
May 30, 2016

In Wisconsin, Arizona, Colorado, Delaware, Kentucky, Louisiana, Oklahoma, Virginia and Washington, the results of such assessments as Northpointe's COMPAS testing are given to judges during criminal sentencing. Rating a defendant's risk of future crime is often done in conjunction with evaluating a defendant's rehabilitation needs. The U.S. Justice Department's National Institute of Corrections now encourages the use of combined assessments, and a landmark sentencing reform bill currently pending in Congress would mandate the use of assessments in federal prisons.

However, a ProPublica analysis has found the risk scores remarkably unreliable in forecasting violent crime. Only 20% of the people predicted to commit violent crimes actually went on to do so. When a full range of crimes were taken into account — including misdemeanors such as driving with an expired license — the algorithm used to determine the score was somewhat more accurate than a coin flip. Of those deemed likely to re-offend, 61% were arrested for any subsequent crimes within two years.

Northpointe was founded in 1989 by Tim Brennan, then a professor of statistics at the University of Colorado, and Dave Wells, who was running a corrections program in Traverse City, Mich. Brennan and Wells shared a love for what Brennan called "quantitative taxonomy" — the measurement of personality traits such as intelligence, extroversion and introversion. The two decided to build a risk assessment tool for the corrections industry.

Brennan wanted a tool that addressed the major theories about the causes of crime. Brennan and Wells named their product the Correctional Offender Management Profiling for Alternative Sanctions, or COMPAS. It assesses not just risk but nearly two dozen so-called "criminogenic needs" that relate to the major theories of criminality, including "criminal personality," "social isolation," "substance abuse" and "residence/stability." Defendants are ranked low, medium or high risk in each category.

As often happens with risk assessment tools, many jurisdictions adopted Northpointe's software before rigorously testing whether it works. Nevertheless, today it is among the most widely used assessment tools in the country.

'Correctional pinball machine'
Wisconsin has been among the most eager and expansive users of Northpointe's risk assessment tool in sentencing decisions. In 2012, the Wisconsin Department of Corrections launched the use of the software throughout the state. It is used at each step in the prison system, from sentencing to parole.

In a 2012 presentation, corrections official Jared Hoy described the system as a "giant correctional pinball machine" in which correctional officers could use the scores at every "decision point."

Some Wisconsin counties use other risk assessment tools at arrest to determine if a defendant is too risky for pretrial release.

Once a defendant is convicted of a felony anywhere in the state, the Department of Corrections attaches Northpointe's assessment to the confidential presentence report given to judges, according to Hoy's presentation.

In theory, judges are not supposed to give longer sentences to defendants with higher risk scores. Rather, they are supposed to use the tests primarily to determine which defendants are eligible for probation or treatment programs.

But judges have cited scores in their sentencing decisions. In August 2013, Judge Scott Horne in La Crosse County declared that defendant Eric Loomis had been "identified, through the COMPAS assessment, as an individual who is at high risk to the community." The judge then imposed a sentence of eight years and six months in prison.

Zilly is a 48-year-old construction worker sent to prison for stealing a push lawn mower and some tools he intended to sell for parts. After Zilly was scored as a high risk for violent recidivism and sent to prison, a public defender appealed the sentence and called the score's creator, Brennan, as a witness.
Brennan testified that he didn't design his software to be used in sentencing. "I wanted to stay away from the courts," Brennan said, explaining that his focus was on reducing crime rather than punishment. "But as time went on I started realizing that so many decisions are made, you know, in the courts. So I gradually softened on whether this could be used in the courts or not." Still, Brennan testified, "I don't like the idea myself of COMPAS being the sole evidence that a decision would be based upon." After Brennan's testimony, Judge Babler reduced Zilly's sentence, from two years in prison to 18 months. "Had I not had the COMPAS, I believe it would likely be that I would have given one year, six months," the judge said at an appeals hearing on Nov. 14, 2013.

Zilly said the score didn't take into account all the changes he was making in his life—his conversion to Christianity, his struggle to quit using drugs and his efforts to be more available for his son. "Not that I'm innocent, but I just believe people do change."


These are much longer articles, and link to study assessing accuracy of compass is here-available at FFUP

**Founders Notes**

This is another stuffed newsletter with many submissions from inmates, lots on the legal front.

Here are summations of three cases submitted by prisoners and in response to requests for information on the recent Supreme Court decision on Juveniles, I include one of many articles. Another concern addressed here is compass testing which is under scrutiny nationally. We will be reinstating our “FFUP” report for these and other concerns you have brought forward. This is a technique we used many years ago and now we have more allies committed to change and know the legislative pathways to effecting change. Besides asking for a review of compass testing, here are subjects for our next report. 1) 180-360 segregation sentences are being widely reinstated. What happened to the much applauded “guidelines” of January 2016, where the upper limit was 90 days. (we have copy of those guidelines) 2) 50% restitution passed by legislature is being applied retroactively—we have received a couple excellent articles by prisoners which will help us make our point. 3) We get occasional news of deaths, usually without name or date. There is a legislative committee on inmate deaths we can contact if you can relate any specific information to us. Your input is always welcome even though I grumble about being swamped. When you write about whatever subject, let me know if I can post and if you want to remain anonymous. I would also like help putting this report together.

This newsletter also includes parts of an article from The Nation dealing with the national anti-prison slavery movement, relating what is happening in different parts of the country. Although the Wisconsin “Food refusal” campaign is totally a prisoner effort and neither prisoners or FFUP or WISDOM supporters knew of the national movement, the sacrifices and struggles of WI prisoners are considered very much part of the whole effort and are much appreciated. Your efforts have been mirrored in the protests, and letter writing and real concern out here but mainstream media has not picked up the story, and except the valiant Center for Investigative Journalism articles, mainstream media has ignored the food refusal effort. We are also disappointed with the lack of positive response from the WI DOC.

In my view, we are at the end of a long process—FFUP and prisoners have been working at “this” since about 2000 and have watched the rules, the money situation, the care worsen as the “tough on Crime” laws show their full effect. I think many of us have come to the difficult conclusion that public pressure does not work alone, is not constant enough unless combined with legal and/or legislative action. Changes in response to pressure last as long as the public if focused. Period. Legal action and public pressure are both essential in my view.

As many of you know, FFUP is working with inmates and allies on a comprehensive class action lawsuit and bill proposal. We have two mountains to climb at present—finding a lawyer (Howard V Pollard discussed in last news!) and getting details of cases and whether exhaustion of administrative remedies is done. The first effort is ongoing. Because of mail difficulty, I am going to use this newsletter as a “shout out.”

There is in discovery a thing called “a statement” where an inmate litigator witness writes in detail what he/she underwent/witnessed and then signs it attesting to truth of statement “under penalty of perjury. I have received many stories and pleas of help from many inmates and have them on file. I need updates and information on whether administrative remedies are exhausted from these prisoners and we are also reaching out to others in similar situation. These will be used both for the suit and/or the bill. On another page is a template for the Form. You can use this if you are ready or we can write the affidavit from your notes and send to you for signing. Be specific and factual on your claims.

We are modeling out efforts after the Flynn vs Doyle suit, which among other things, brought to the women’s prisoner in Fond du Lac (Taychedah) a mental health treatment Center and insured that nurses dispense prescription meds (among other things). This comprehensive suit is our template for both the bill and legislative action as it addresses many of the same conditions we must change. Here are categories we need: please inform us whether we can post on our education blogs and whether we can use your name on those blogs. If agreeable to you, please send family contact info-phone, address, email or give them my info.

**Parole and reincarceration for non-felones**—unlike the TCI case, We will be linking the dysfunction in the WI DOC with the overcrowding and loss of mission starting with the infamous 1994 memo by the Tommy Thompson which derailed parole in order to receive billions of federal dollars. Reinstating parole and ending non felony revocations may well end up as a separate bill/suit but will be addressed also here as it is the biggest road block to all other reforms. Here we need the specific (5)
techniques used to detain OL prisoner and the rules broken for revocations- their version and yours. In both bill and suit we will propose the adoption of the excellent parole rules litigator guides and I devised for the rule change proposal last year.

**Mental health care**- be factual about what has happened to you. Also give your diagnosis and whether you have exhausted administrative remedies. If you have not, we can use your case as an example still. You will not gain monetarily but can file on your own later and will benefit from the reforms you help engender.

We are after the ending of long term solitary confinement, training of guards, effective treatment and programming and the building of treatment centers like the ones court ordered in TCI. A big question is how to ensure that psychological staff can act independently from Security. Research is ongoing on details to ask for / one source we are looking into is the radical changes for the better by Rick Raemisch( former WI DOC secretary) in CO (see article page 1)

**Health care**- goal here is to have nurses dispense prescription meds, change rules so that doctor’s prescriptions are followed, requests for help are answered appropriately in timely manner. The shortage of staff through the system has led to much “pretend care” where notices fly but no care really given. A big item is the refusal of pain medication, either by stopping it cold turkey or by refusing meds prescribed in hospital by DOC staff/ and all ramifications in between.

**Programming- we hear there is little and that is impossible to get**

**PRC/ PAC contradictions**

Old law-compass testing concerns ( see page3)

we particularly need to hear from TIS people who are not being prepared for release- what attempts to get into programming have you made?

Would like to know what actually is offered and what is good.

**Here is the squinched affidavit template.** Use this if appropriate to your case and situation.

---

**AFFIDAVIT of ______________________________**

Pursuant to 28 U.S.C. 1746

I, ________________________________, pursuant to 28 U.S.C. 1746, Under penalty of perjury, do hereby attest that:

1) I make this affidavit based on my own personal knowledge, willfully, voluntarily and truthfully, and will so testify in court.

2) ____________________________________________

3) ____________________________________________

4) ____________________________________________

Etc etc

Signed: ________________________________

Print name: ________________________________

Address: ________________________________

City/state/zip: ________________________________
The largest prison strike in U.S. history has been going on for nearly a week, but there’s a good chance you haven’t heard about it. The inmates are protesting a wide range of issues: from harsh parole systems and three-strike laws to the lack of educational services, medical neglect, and overcrowding. Siddique Abdullah Hasan, an inmate in Ohio State Penitentiary and a member of the Free Ohio Movement, describes it as just the latest part of “an ongoing resistance movement” that has seen increasing numbers of work strikes, hunger strikes, and protests hitting prisons across the country in the past decade.

Back in 2010, inmates in at least six different state prisons in Georgia staged a labor strike, protesting prison conditions and lack of remuneration for their forced labor.

In 2013, in perhaps the most widely reported prison action in recent years, up to 30,000 inmates engaged in a hunger strike across California’s state facilities, initiating a lawsuit that forced the California Department of Corrections and Rehabilitation to reform long-term solitary confinement policies, releasing as many as 2,000 prisoners to the general prison population in 2015. So far, 2016 has brought a wave of new strikes, starting with inmates in seven Texas state prisons striking in April. Alabama inmates engaged in a work strike and protest in May, and since then there have been work strikes and hunger strikes in Mississippi, Wisconsin, Minnesota, Ohio, Nevada, Louisiana, and Pennsylvania.

Due to the number of facilities involved in September’s strike, the list of grievances, as well as the list of demands, is long, and varies both state-to-state and prison-to-prison. In Texas one of the common complaints is the deadly heat, with most facilities lacking air-conditioning, and heat indexes reportedly rising into the 150s Fahrenheit in some units. Inmates in Wisconsin and Ohio are protesting the excessive use of solitary confinement.

But the issue that has unified protesters is that of prison labor — a $2 billion a year industry that employs nearly 900,000 prisoners while paying them a few cents an hour in some states, and nothing at all in others. In addition to work for private companies, prisoners also cook, clean, and work on maintenance and construction in the prisons themselves — forcing officials to pay staff to carry out those tasks in response to work stoppages. “They cannot run these facilities without us,” organizers wrote ahead of the strike. “We will not only demand the end to prison slavery, we will end it ourselves by ceasing to be slaves.”

Prisoners on strike are calling for the repeal of an exception listed in the 13th Amendment to the United States Constitution, which bans “involuntary servitude” in addition to slavery, “except as a punishment for crime whereof the party shall have been duly convicted.” The costs of organizing are high,” Robert Perkinson told me. The prisoners who strike on September 9 will face serious, and likely violent, consequences. Kinetic Justice Amun, an inmate in Alabama and one of the founders of FAM, has experienced firsthand the system’s wrath: He has been in solitary confinement for nearly three years, let outside sometimes for only a few hours every week. Prison is “not about rehabilitation,” Amun told me. “It’s not about crime and punishment. It’s about money. What Alabama is doing is not about corrections. It’s about creating a market of people.”

But today’s courage to organize inside prisons is inspired, in part, by the increased race consciousness and organizing momentum outside of prisons. Greg Curry, an inmate in Ohio State Penitentiary, said, “Just as the Black Lives Matter Movement are saying to the cops and to society we ain’t having this no more…. It’s a new day. We’re saying that as prisoners it’s a new day. Just because we’re in prison we’re not going to accept this anymore. We’re fighting for our basic human rights.”

That forced labor remains legal in prison is unknown to many Americans, and that’s something strikers hope to change with this action. But it’s also a sign of how little the general public knows about the country’s massive prison system. “A nation (7)
that imprisons 1 percent of its population has an obligation to know what’s happening to those 2.4 million people,” Ethan Zuckerman, director of the Center for Civic Media at MIT, wrote in a blog post about the tepid response to the strike. “And right now, we don’t know.”

Another problem for the striking prisoners is the seemingly limited interest in their plight, which remains confined to a few activists, family members, and formerly incarcerated people, even at a time when criminal justice issues and prison reform are high on the agenda of social justice advocates and politicians alike. “There are probably 20,000 prisoners on strike right now, at least, which is the biggest prison strike in history, but the information is really sketchy and spotty,” said Ben Turk, who works on “in-reach” to prisons for the Incarcerated Workers Organizing Committee, a chapter of the Industrial Workers of the World union helping to coordinate the inmate-led initiative from the outside. “The strike has been pulled off, but we’re not quite breaking through to getting mainstream media,” Turk told The Intercept, noting that the strike was widely covered by independent media. “I talk to people who aren’t in that milieu and aren’t seeing it on their social media, and they’ll be like, ‘We didn’t hear about it, there’s nothing about it anywhere.’ That’s bad news for the strikers, who rely on the support of outsiders to push for more radical reform but also depend on their outside visibility to mitigate retaliation.

One Year Since Landmark Solitary Confinement Settlement By Azure Wheeler

Today marks the one-year anniversary of the historic settlement in the federal class action lawsuit *Ashker v. Governor of California*. The case was filed in 2012 on behalf of prisoners in solitary confinement at Pelican Bay State Prison, who were held there for years – some for decades – without any meaningful way out. Originally filed by prisoners in solitary confinement on behalf of themselves, *Ashker* confronted California’s use of indefinite solitary confinement and transformed the system state-wide, making it far more difficult to submit prisoners to the torture of prolonged isolation.

The settlement is the result of the remarkable organizing efforts of thousands of prisoners across California. That they were able to achieve this victory in spite of their isolation is extraordinary. As the plaintiffs said in a joint statement released when the settlement was signed: This settlement represents a monumental victory for prisoners and an important step toward our goal of ending solitary confinement in California, and across the country. California’s agreement to abandon indeterminate SHU confinement based on gang affiliation demonstrates the power of unity and collective action. This victory was achieved by the efforts of people in prison, their families and loved ones, lawyers, and outside supporters.

Under California’s pre-settlement regulations, prisoners identified as gang affiliated were sent to solitary in Security Housing Units (SHU) for indefinite periods, regardless of whether they had ever violated a prison rule. Even a prisoner with a spotless disciplinary record could be put in isolation, simply on the basis of his alleged gang affiliation. Under these regulations, being in solitary meant not only being isolated in a cement box, but also being deprived of privileges and programs, including phone calls and contact visits with loved ones, and access to vocational, recreational, and educational classes. The little “yard” time they did get was spent in a completely enclosed pen, with very little natural sunlight. Deprived for so long of those basic human needs that most of us take for granted, these prisoners have suffered unimaginable psychological and physical harms, as documented by experts in the case.

As a result of the settlement, California has overhauled its procedures for SHU placement, raising the standard so that only prisoners who have committed the most serious rule violations may be placed there. In addition, the settlement requires that by next month California is to complete its individual reviews of the approximately 1,560 prisoners indefinitely placed in SHU for purported gang affiliation. As of mid-August, about 1,290 prisoners – 83 percent of those reviewed – have been, or will soon be, transferred to general population units. A few of these prisoners and their family members have beautifully described some of the “firsts” they have had since their release from isolation, including hugging their mothers, seeing the sunrise, walking without shackles, feeling the wind on their bodies as they run, and rediscovering and relishing in simple pleasures like sipping a soda.

From now on, those who are found guilty of a SHU-eligible offense are assessed a determinate term and have increased privileges in SHU. No prisoner may be involuntarily held in SHU for longer than five years. California has also created a Restricted Custody General Population (RCGP) unit designed to facilitate meaningful social interactions and programming for prisoners about whom California has serious safety concerns. A minority of prisoners are held here, and have small-group recreation, educational and vocational programming, as well as phone calls and contact visits with loved ones.
Greetings;

You might care to know that in pending federal appeals of prisoners’ civil-rights actions (i.s. Ajala v. Swiekowski, Appeal No.16-1523 and Lindell V Pollard, No. 16-152B) two prisoners are seeking sanctions against Jody Schmelzer for unethical and illegal litigation tactics in their cases.

The Ajala case attests that A.A.G. Schmelzer presented perjurious evidence to argue for dismissal of his suit over Swiekowski and other GBCI staff punishing Ajala for drafting a group complaint. The case further states that AAG Schmelzer also denied Ajala discovery because she know it’d reveal that her clients were guilty. The claim states that GBCI Staff also falsely averred that Ajala’s complaint contained threats to assault staff.

Lindell case states that AAG Schmelzer filed a motion to dismiss his free speech claim (about WCI staff destroying Lindell’s drawings of wolves and Celtic knots) based on a general concern about excess property, the same justification she made in response to Lindell’s discovery request seeking “all” the reasons W.C.I. staff had for destroying his drawings. After Lindell explained in his response to that motion that the justification was specious and inadequate. A.A.G. Schmelzer presented additional justifications and an expert witness affidavit supporting those justifications. To this Lindell wrote: “Such sandbagging isn’t permissible particularly given that her new justifications weren’t given in her discovery response.” A.A.G. Schmelzer was told by Wis. Judge Crabb that she couldn’t do so in a previous case of Lindell’s. This is explained in the rely brief filed by Lindell in his appeal.

According to Lindell, AAG Schmelzer lied about what the record said Multiple times, argued that a supposedly misjoined claim must be dismissed when the law requires misjoined claims be severed, not dismissed.

In Ajala’s appeal, he states A.A.G. Schmelzer also misrepresented the record in her argument to dismiss his appeal.

Attorneys can’t lie to the court, misrepresent the law or present other unethical arguments in their briefs. Federal Rules of Civil Procedure and 28USC 1927 require that such conduct be severely sanctioned. A lawyer can also be disciplined by the Wisconsin Supreme Court’s Office of Lawyer regulation (OPR). Lindell will be seeking action against AAG Schmelzer.

More than a decade ago, in Dane County Circuit Court Case o2-CV-1272, State ex rel. Lindell V Litscher, Judge Nowakowski Sanctioned AAG Richard A Victor for pursuing a frivolous defense of a prison disciplinary action. Lindell was awarded 200-some dollars for that. Submitted by Mustafa El Ajala and Nathan Lindell. 8 2016

Bismillah ir Rahman ir Rahim.

NO MORE CANCELLATION OF PRISONERS’ RELIGIOUS SERVICES

In June of this year I settled out of court in a case I brought against prison officials asserting that my right to practice Islam was being infringed, upon every time prison officials cancelled; Jumu'ah and Talim Services, and delayed the Rid al-Fitr prayer whenever they failed to provide an outside Islamic volunteer to lead them at the Columbia Correctional Institution (CCI). The district court dismissed it. I filed a reconsideration motion. While awaiting the decision on my motion, CCI officials had me transferred to the Green Bay Correctional Institution (GBCI), via an impromptu PRO process, despite my PRC results several weeks prior stating that I was to remain at CCI for another year. After notifying the court of my transfer, the district court denied my motion as moot being that I was no longer at CCI.

I appealed the decision to the Seventh Circuit Court of Appeals, which reversed the district court's decision and held that because the DOC's actions were the result of a state-wide policy, my challenge was not limited to CCI, but to every prison in the state of Wisconsin. I was subsequently appointed a Dream Team of attorneys out of the Axley Brynelson LLP Law Firm, headed by attorney Michael J. Modi. The end result is a settlement agreement that affects all Wisconsin prisoners (not just Muslims) who have their religious services cancelled due to the DOC failing to provide that particular service with an outside volunteer or a staff from that particular faith who's capable of leading that service. The DOC agreed that no prisoner's religious service will be cancelled for that reason. They also agreed to post a memo by no later than September 25, 2016, stating this change, and also to make sure that it stays posted for a period of 6 months thereafter. They also have until that date to be in full compliance of the settlement agreement throughout the state of Wisconsin. Their failure to comply by that time will result in the DOC being in violation of the settlement. It’s every prisoner’s responsibility to make sure that they are in compliance therewith. If I learn that the DOC is not in compliance, I will create a paper trail by filing a complaint via the ICRS. Afterwards, I will inform the court of this breach of contract and produce the court with my ICRS documentation as evidence. (InshaAllah.)

Al-Haradulillah

Rufus West 225213, P.O. Box 19033 (GBCI), Green Bay, WI 54307, July 25, 2016
LAND of the FREE, LAND of the BRAVE/By MOHSIN HAMID/ TIME October 24, 2016

A PAIR OF RUNAWAY SLAVES fleeing the antebellum South, arriving in Boston. A family of Jews fleeing the Third Reich, arriving in New York. A baby boy fleeing the destruction of his home world of Krypton, arriving in Kansas. Most Americans know what must be done with such people. They must be taken in. Given a chance. Allowed to become an equal part of the American story.

How many Americans today would think it right to send the slaves back to the plantation, the Jews back to Europe, the infant Superman back into space? The very idea seems abominable, absurd—un-American.

Why, then, is there such an outcry over accepting refugees from places like Syria? From places that have been bombed into rubble or fallen under the control of psychopathic, sadistic, murdering gangs? What distinguishes these refugees from the slaves, from the Jews, from Kal-El?

One currently potent answer appears to be that it's because these refugees are Muslims. And Muslims kill Americans. So they must not be let in. But Americans kill Americans too. Indeed, they do so at more than four times the rate at which the British kill the British, the Indonesians kill the Indonesians and the Chinese kill the Chinese. An American's chance of being killed by a terrorist is vanishingly small.

Nonetheless, over the past 15 years Americans have become thoroughly terrorized. In this, the terrorists have succeeded. They have been helped by much of the American media. "Under attack!" makes better click bait than "Lightning killed far more people this year than terrorists—again!" And the terrorists have been helped by many American politicians who use fear to sell themselves, to sell their own personal political product.

Fear is potent. Fear can make it difficult to behave decently, to do the right thing, to take in desperate refugees. Fear can warp a society, change its values, and transform it into something monstrous. Fear must be resisted. The most potent antiterrorism defense in the world costs nothing and is available to all. It is courage.

It takes courage to jump off the high diving board into a pool. It takes courage to leave the beach for the waves after watching Jaws. (As a child, I didn't do so for weeks.) It takes courage to choose the subway seat next to the Middle Eastern–looking guy with a beard and a backpack. And it takes courage not to condemn countless families to unimaginable suffering or perhaps horrific deaths because maybe, just maybe, one of them might want to murder someone someday.

Life isn't perfectly safe. We're all going to die eventually. Something is going to get us. Courage is about living with decency in the face of that reality. Courage is a choice. A daily, hourly choice. Terrorists offer an invitation to be terrorized, to lose perspective. It is up to each of us whether to accept that invitation. And for the country of "The Star-Spangled Banner;' that choice is a particularly poignant one. No land can aspire to be the land of the free, unless it aspires also to be the home of the brave.

Hamid is the author of The Reluctant Fundamentalist and other novels

Final Note: FFUP is getting more stamp requests than it has funds. Also, we have been warned that people who do not need the stamps are requesting them and misusing them. So in remedy I need to be stricter about requesting an account statement and I have been stratifying the buying of stamps so at most people have a month and half between stamp donations. I will require an account statement from all new requesters—or other obvious evidence like "indigent env") and need a renewal acct statement at regular intervals, around every three months. In turn I will be more reliable and will tweak my system so it is less work and less fudging and allows no one to fall off the radar. I thank you for your patience.

FFUP is also having trouble getting free online law guides in with NOND claiming these don't come from the publisher. On sending the legal guides, recipients of NOND need to appeal and ask the prison to hold the offending texts while I appeal. So far we so get the finding reversed but often by that time the guides are already destroyed. These are expensive in postage to send and time consuming to print etc. On the other hand, I have found that litigators keep their brains and psyches intact even in solitary and the guides are vital. Learning the law is one thing you can do in every situation. We will soon have all the online guides okayed.

Bridge of Voices, FFUP Forum for Understanding Prisons (FFUP); 29631 Wild Rose Drive, Blue River, WI 53518; 608-536-3993. Donations appreciated and needed.