

Your newsletter  
was,  
"Informative  
(and  
wrenching)"

Noam Chomsky  
MIT Professor



"Senator Eldridge  
appreciates your  
advocacy for Criminal  
Justice reform"

Michael B. Carr  
Chief of Staff  
for Senator James Eldridge

Citizens United for the Rehabilitation of Errants  
Adherence to the Rehabilitation Mandate

Volume 1, Issue 2  
Summer  
2014

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Special points of interest:

- Support senate bill #2078 sponsored by Sen. Eldridge, "An act promoting Restorative Justice Practices."
- Support HB#1638, sponsored by Rep. Swan, for a "Mass Innocence Commission"
- Support the passage of SB#1885, act relative to veterans allowances, Labor Outreach & recognition.
- Support Sen. James Eldridge, Rep's Ben Swan & Gloria Fox, legislators wanting prison reform
- To learn more about prison reform go to:

- ⇒ <http://betweenthebars.org/blogs/101/>
- ⇒ <http://www.realcostofprison.org/writing/>
- ⇒ <http://Solitarywatch.org>
- ⇒ [cure@curenational.org](mailto:cure@curenational.org)
- ⇒ [www.exprisoners.org](http://www.exprisoners.org)
- ⇒ Jeff Dicks Medicalsusan.huskins@bellaliant.net

## Presumptive Parole by Ken Seguin

In a presumptive parole system, the primary focus of the Parole Board is the ex-convict's successful reentry to society. Simply put, when the Judicial Branch of government sentences someone to a term with a minimum and maximum time, the prisoner would be released on parole at his minimum date. The only exception would be if he had major disciplinary problems or did not adhere to the rehabilitation programs prescribed. Massachusetts is far from a presumptive parole system.

In essence, the Parole Board has evolved into an agency which has taken upon itself the responsibility to determine if a prisoner has been punished enough by his/her minimum date of incarceration based on examination of the facts of the underlying crime. Prisoners eligible for parole are given a hearing in which the onus is on the prisoner to demonstrate why they should be paroled, not on the Parole Board to show why the prisoner should not, based on incarceration history. In order to bring presumptive parole into reality, a legislative change is required. But it seems there is not the legislative will to pass the necessary laws.

Here is the basic problem when a parole board puts more effort into determining if more punishment is needed rather than what help is needed for successful reentry:

**More ex-cons are released back to society having wrapped up their sentence, and go back to society with NO supervision straight from prison.**

We are then left with the question: Is the Parole Board really serving its public safety mission when it denies felons' releases even though the felons may have applied themselves to the rehabilitation available in their incarceration? The reality is that it results in: (1) more ex-cons lacking supervision and help upon initial release during the greatest post-incarceration risk period, and (2) it deflates the zeal of the incarcerated in attending programs. (Prisoners who see someone who has applied themselves to rehabilitation and then get denied parole lose interest in pursuing programs in prison.)

The current legislation that dictates how the Parole Board operates states, "good behavior alone does not justify parole." Go figure.

A Boston Magazine review of the newly  
Continued on page 2

## Proof of Failure by Tim Muise

How does one prove that any entity is a failure? Well in our culture different entities have their own set of criteria which are applied in order to determine if they are successful or not. For many businesses it would be the "bottom line"; how much of a profit are they making. For a school system it would be the graduation rate. Well in

corrections the "Gold Standard" for how the system is working is the recidivism rate. How many people are coming back to prison after a previous stay there. There is another layer to this recidivism test, that being: how much are you spending on this system? Results and costs.

The Massachusetts Department of Correction has about 5500 employees who oversee approximately 11,350 prisoners. The staffing ratio works out to about 2.2 prisoners for each staff member. Alabama has a ratio of about 12 to 1 and

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## AN UPDATE ON JOBS NOT JAILS COALITION

A successful rally was held at Boston Common on April 26th to decry the governor's office estimates that Massachusetts will spend \$2 billion by 2020 to build 10,000 more prison cells and increase the D.O.C. annual budget by another \$150 million for their union's jobs program. Despite being a rainy day, some thousand activists gathered. The rally's speakers pointed out how the national trend is in reducing prison populations due to the failed incarceration model; NY, WA, and TX are closing prisons confirming the trend while MA remains behind the 8-ball.

The following Wednesday the Coalition went to the State House and presented about 40,000 signatures of people against any funding to increase the prison population and in support of preventative measures to help employ people rather than incarcerate them when it is too late.

With increased financial support, the Jobs not Jails effort has offices in both Worcester and Springfield. The most immediate issues they are pushing at the State House are:

- ◆ H1646, An Act to repeal mandatory minimum sentences for drug offenses.
- ◆ S1643/H3099 An Act relative to motor vehicle license suspension due to a drug offense
- ◆ Funding to divert non-violent drug offenses into addiction-treatment programs instead of prison
- ◆ \$26.5 million to engage young people in positive, self-sustaining work
- ◆ Raising the minimum wage. This has been accomplished with an \$11 minimum after an increase of \$1 per year ver 3 years. It passed the House and senate and is on the governor's desk to be signed.

You can read more about the great work they are doing at: their website: [www.JobsNotJails.org](http://www.JobsNotJails.org)



## Presumptive Parole

(continued from page 1)

managed parole board by Jean Trounstine states, "A drop in parole numbers actually makes us less safe" when referring to the larger number of unsupervised recently released ex-convicts that results. In a parole system that was focused on ex-cons succeeding in their transition to society this would be true, But the Massachusetts parole system is about seeking reasons to pull parolees back behind the wall no matter how minute an infraction. In a detailed recidivism review of 1998 and 2007, it showed how the recidivism rate was higher for parolees than for ex-cons released without supervision. This is evidence that the current parole system is broken; that is, unless the objective is all about incarceration.

Prison overcrowding is being exasperated. The annual cost of incarceration increasing from the growing increase of elderly inmates needing more medical care is far above the national average. With the aging of the prisoners and denial of paroles at an all time high, our legislature needs to take a hard look at changing the dictates of parole and adopting a presumptive parole system.

The current state of Massachusetts's discretionary parole system is that more than 75% of state prison-

ers reenter the community at the expiration of their sentences rather than under parole supervision. Also, parole supervision lacks in transition services, focusing mostly on monitoring the parolee. Smart criminal justice is needed; the age of punitive policies has proven itself a failure.

With 2nd degree lifer parole rates at an all time low, the recent "Guidelines For Life Sentence Decisions" published by Josh Wall, (<http://www.mass.gov/eopss/agencies/parole-board>), the Parole Board Chairman, points out why. He

states "some inmates will never merit parole." Apparently Mr. Wall is unfamiliar with 1st degree murder convictions where the judicial branch of government makes those decisions.

### PAROLE FACT

The average approval rate for the new Parole Board (2011-13) for initial 2nd degree lifer hearings was 53.6% lower than the averages of 2009/10.

In 2013 the Massachusetts Parole Board held 137 hearings for 2nd degree lifers. Twenty-one (21) or 15.3% were granted parole, but only after first serving time in a lower security prison.

### Parole is broken!



We need to change the directive of the MA Parole Board. We need a presumptive parole system. This would require legislation to change the current law directing the Board. You need to express your displeasure with this inane system to your legislature.†

## CURE LIFE-LONG

Editor—Gordon Haas

Director—Willis X Harris

News for long-term prisoners to subscribe to and/or send article submissions. The newsletter will be published quarterly. You can get the initial issue (May 2014) or submit short articles for the next quarter by writing:

(MA prisoners)  
CURE Life-Long  
665 W. Willis St., S-B1  
Detroit, MI 48201

(Outside MA.)  
Gordon Haas W38878  
MCI Norfolk  
P.O. Box 43  
Norfolk, MA 02056

In order to produce and distribute this publication, funds/stamps are needed, so when you write, please donate.



## Excerpts from "CRISIS IN THE GULAG"

by: Tim Muise

Massachusetts state medium security prison at Shirley is home to the Assisted Daily Living (ADL) and Skilled Nursing Facility (SNF) for all male Massachusetts State prisons. Most of these elderly and infirmed men no longer pose any type of threat to society but due to the fact that there exists no compassionate medical release vehicle in Massachusetts these men must serve out sometimes lengthy terms at an exorbitant cost to the state due to added security costs that would be eliminated in a free world managed care setting. It is a morally and economically woeful situation.

One of the saddest subsets with-

in this aging prisoner demographic is the dementia patients. They no longer know they are in prison. These poor souls, as defenseless as newborn lambs, become targets of ridicule and abuse at the hands of draconian guards and medical staff. They are easy prey, and prey they become. Unfed, unclean, and left in filth and despair, they languish in the house of horrors that is this prison hospital unit with no one to advocate for them. It is an ugly underbelly that our state keeps tucked away behind prison razor wire.

Corrections

makes no room for compassion. It is forbidden for a warden to pick up the phone and detail to the Governor's Office that a man in her charge should

*A people confident in its laws and institutions should not be ashamed of mercy... a decent and free society founded in respect for the individual ought not to run a system where there is a sign at the entrance for incarcerated people saying, 'Abandon Hope All Ye Who Enter Here.'*

U.S. Supreme Court Justice Anthony Kennedy

be released due to his medical condition. The goal of modern corrections is to keep as many prisoners as possible locked up for as long as possible in the pursuit of job security. Massachusetts spends roughly \$520 million on its prison system with 68% of that for salaries alone, and the fact that it produces a 50% recidivism rate proves out the argument that this is a department of "employment", not corrections. These poor, helpless dementia patients fall victim to this failed system of corrections. We as a society should be repulsed and work to end this barbaric practice. To find out more about compassionate medical release issues and other articles please go to:

<http://between.the.bars.org/blogs/101>

or

<http://www.facebook.com/curearminc>

or

[tmuise63@gmail.com](mailto:tmuise63@gmail.com)

## Proof of Failure (continued from page 1)

Mississippi about 15 to 1. The taxpayers here in the Commonwealth foot a yearly bill of approximately \$520 million (and this does not take into consideration the employees who retire and continue to receive pay and benefits—the actual yearly cost of corrections is closer to one BILLION dollars if you

figure in all the costs) and 68% of that yearly budgeted figure goes to staff salary: approximately \$364 million. The bottom line with all these staffing ratios and costs is what do they produce? How is this immense investment paying off for Massachusetts? The answer is: "Not too good!" †

## CURE-ARM Moving Forward

The inaugural issue of CURE-ARM was a major success. We hope you enjoy our second issue just as much as the first. So much has happen since then that I will try and fill you in on our latest endeavors. Sen. Ruth Balsler, stated that Rep. Khan and her bid to build a new prison was not gaining much support. And that Sen. Jehlen's bill for Compassionate Release is deferred until the next session.

Sen. Eldridge has asked us to support his bill promoting Restorative Justice. It is something he has

been working on for a very long time is passionate about. Years ago, Ken Seguin worked on this very issue and plans to write him regarding his thoughts and feedback.

MCI Framingham was one of the many facilities that brought a smile to our face simply because they seem to be the forgotten prison in MA. It was great to hear that the woman appreciate and support CURE-ARM. Any one willing to help, please contact us, as we are interested in what goes on in pris-

George Kayer Editor of  
**"Inmate Shopper Catalog"**  
 Has selected CURE-ARM for  
 the 2015 edition of  
 "The Best 500 Organizations"  
 The Inmate Shopper has generated a lot of positive feedback here in MA. It is the most comprehensive and up to date catalog with over 1,000 resources for prisoners. It is a must have for all prisoners everywhere. For more information contact:  
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[www.freebirdpublisher.com](http://www.freebirdpublisher.com)

ons regardless of gender, race and state lines.

We will continue the Pass the Pen Project. You can find out more at: [Worldbodymind.wordpress.com](http://Worldbodymind.wordpress.com) Cure-ARM will also be submitting our own draft for a Compassionate Release Bill, to be submitted by State Representative Benjamin Swan. In a recent letter, Representative Swan stated, "keep my office updated with CURE-ARM" He has been crucial in our efforts to effectuate change and we are honored to work with him on any



Send us your comments/feedback

Holly Barnoski

CURE-ARM

P.O. Box 396

Billerica, MA 01821

<http://www.facebook.com/curearminc>

Donna Barnoski President

Lynette Reicks Vice President

Holly Barnoski Secretary

Shawn Fisher Director

Tim Muise Dir. Steering Com.

Ken Seguin Outreach Cord.

## MORE BAD LEGISLATION HB#4184

On June 18<sup>th</sup>, the House of Representatives overwhelmingly passed HB#4184 (129-16), that would make juveniles convicted of 1st degree murder serve 20 to 30 years before parole eligibility, and receive 5-10 year set backs for parole instead of the 1-5 year set backs on the books now. This fails to honor the spirit of the law in the Miller v. Alabama decision making it unconstitutional to sentence Juveniles for life. It's sad how MA. legislatures continue to implore failed "tough on crime" policies. They don't see how only 3 nations even consider sentencing a juvenile to life without parole and that the U.S. accounted for 99% of those convictions. They don't want to acknowledge the juvenile mind will mature, the person rehabilitated, and that true justice can still be found in the wake of a senseless murder. Nor, do they mind spending \$1.44 million to incarcerate a juvenile for 30 years before even considering parole.

CALL YOUR SENATOR AT THE STATE HOUSE AND TELL HIM/HER TO VOTE AGAINST THIS UNSOUND LEGISLATION OF HB#4184.

## Mission Statement

The Commonwealth of Massachusetts has a very unique distinction in that General Laws of this state **MANDATE** that prisoners be rehabilitated as stated under the Powers and Duties of the Commissioner of Corrections, M.G.L. 124 § 1(e):

*In addition to exercising the powers and performing the duties which are otherwise given him by law, the commissioner of corrections, shall: ...*

*(e) establish, maintain, and administer programs of rehabilitation, including but not limited to education, training and employment, of persons committed to the custody of the department, designed as far as practicably to prepare and assist each such person to assume the responsibilities and exercise the rights of a citizen of the Commonwealth.*

It is apparent to our organization that the Department of Corrections has engaged in efforts to usurp the legal mandate to rehabilitate here in the Commonwealth of Massachusetts. The Massachusetts special interest group of CURE-ARM will work toward the melioration of that failure in accordance with justice and the enhancement of public safety.

## Our Platform

- Re-establishment of a viable commutation system in Massachusetts
- Enacting a presumptive parole system focusing on managed successful reintegration to society as well as motivated and effective rehabilitation during incarceration.
- Working toward the implementation of compassionate medical releases dovetailing into viable commutations and effective parole with more cost effective management of the D.O.C. medical budget
- Effective use of the Massachusetts Department of Corrections medical budget which is the 2<sup>nd</sup> largest portion of their budget. Cost effective preventative care is the goal.
- Work toward realization of the mandated duty that the D.O.C. focus on care and custody that promotes successful reentry and goes beyond a predominant focus of security-only.

Reading about the efforts of CURE-ARM has put some hope back in my life as an incarcerated person"

Robin C.  
MCI Framingham

"The work you are doing is very important"

Coalition for Prisoners' Rights



## MORE INFORMATION ABOUT CURE

### NATIONAL CURE

Executive Director Charlie Sullivan

P.O. Box 2310

Washington, DC 20013

[cure@curenational.org](mailto:cure@curenational.org)

### MASSACHUSETTS CURE

State Chapter Chair Louise Carcione

MA@GMCC

670 Washington St.

Dorchester, MA 02124

[Massachusetts@curenational.org](mailto:Massachusetts@curenational.org)



Contact CURE for state and national Criminal Justice reform issues