

Reply ID 6dtd

S. Brown,

March 4, 2015

First of all, I'd like to say thanks for taking time out not only to read my post, but also to respond. I often find myself wondering how many people have read the things I've written, and without access to the Internet, I have no way of creating, or checking, a hit counter, so your response goes a long ways towards letting me know that my posts are indeed being read by someone. Besides, being incarcerated, especially so far from where I grew up (more than 2,000 miles), is a remarkably lonely experience that I wouldn't recommend to anyone, so receiving a letter is always appreciated. Believe it or nor, I was actually happy to receive a bill!

You're 100% correct in what you said, but I'd take it a step further. While many counties have additional rules and regulations regarding what is, and isn't, considered "reasonable" when it comes to temperatures in an institutional setting, those rules and regulations stem from state and federal statutes and constitutions. Unfortunately, the law fails to state exactly what is, and isn't, appropriate when it comes to issues such as temperatures, but they do provide a basic set of guidelines. For instance, putting an inmate in an unusually cold cell, by itself, isn't considered against the law, or even cruel and unuual, in and of itself. However, if you were to put that inmate in that cell without blankets, then you'd have an issue, and that's what I brought to the attention of the officers working on our quad. Unfortunately, all I got was a runaround that day. Their excuse was that, because this was a holiday weekend, they had no way of obtaining additional bedding from anyone. We'd just have to deal with it until the holiday weekend was over, after which time we could bring the issue up again.

Such runarounds are, unfortunately, the rule and not the exception. Unlike for profit businesses, in prison, no one really wants to stand up and take initiative. Instead, they like to refer things up the chain-of-command, and even that's often discouraged by their superiors. Accordingly, inmates are forced to pursue other remedies, be it administrative apeals, litigation or civil disobedience, the latter of which **always** has the **most** severe consequences possible when committed behind bars. Unfortunately, the inmate appeals process can often taken months to complete, usually around 6-months from start to finish, and you can't file anything in court until that process has concluded, and court is where the real games are played by the prison adminnistration's lawyers.

I'd like to say that, when it comes to lawsuits, I've seen every dirty trick the prison is capable of playing, but sadly, with each passing day, new ones are devised. I can, however, say that I've seen more than I'd care to admit. I personally had a petition dismissed because the prison refused to allow me to make copies of documents the court had requested. In fact, I've got a lawsuit going on right now which is in danger of being dismissed. As an inmate, the court conducts most, if not all, of the hearings prior to trial via a teleconference, at a cost of \$86 per phone call, which I must pay out of my own pocket, regardless of whether I'm able to attend or not. To say that I'm having difficulties obtaining access to the phone to utilize the "Court Call" process, a for profit service, would be a dramatic understatement. The last 2 times I tried, I was turned away by people who refused to even look at the court order in my hands. I was fortunate though. Even though I hadn't been able to make it in person or on the phone, and despite not being represented by an attorney, my moving papers were crafted strongly enough that the Judge was able to rule in my favor without my presence. (In fact, I have another Court Call scheduled for tomorrow morning, which I still don't yet know whether or not I'm going to be allowed to attend.) I explain all of this to show how easy it is for the prison to get a lawsuit against them dismissed when the inmate isn't represented by an attorney. In this case, all they'd have to do is deny me access to the phone at the right time, and they'd win by default.

Incidentally, being represented by an attorney isn't a guarantee that you're case isn't going to be dismissed. The prison has another trick up its sleeve. Most suits are filed because of an issue the inmate is suffering at that particular prison, such as not having any heat at the California Men's Colony (CMC), the prison I'm currently incarcerated in. Were I to spend all my time exhausting my administrative remedies, file in court and then obtain an attorney to represent me, all they'd have to do is transfer me to another prison, making the issue moot and the lawsuit would be dismissed. It happens all the time, and why not? They have absolute power, and we all know what Spiderman said about absolute power: "...absolute power corrupts absolutely." And to add insult to injury, the fees to fight otherwise legitimate lawsuits against the prison system are paid for by the taxpayers.

Fortunately, they finally got around to giving us an extra blanket, even if we did have to wait until after the holiday weekend, and the cold spell, passed us by. Even better yet, this is California, where the cold spells are almost nothing compared to the snow belt. That might not have been of much comfort as we were shivering in our cells, but it probably made the difference between someone being miserable and someone dying.

By-the-way, I agree with you. Prison shouldn't just be about punishment, it should also be a chance for rehabilitation. Sadly, despite changing our name to the California Department of Corrections and Rehabilitation (formerly, there was no "Rehabilitation" in our title), rehabilitation isn't really offered to those that need it most. I've tried, on more than one occasion, only to find that either the prison doesn't offer any programs for people in my situation, or I'm not close enough to my parole date to participate. Not only that, but they refuse to allow those who need it most to receive the extra time credits given to everyone else who participates, meaning that those who need it most have no incentive to participate.

You're also right to ask how can we expect people to rehabilitate themselves if they're barely treated like human beings. The sad fact of the matter is that people are, to a large degree, a product of their environment. Treat them like animals. For many in the outside world, this isn't an issue. After all, we're in prison for a reason, right? However, I beg to differ. Putting aside the fact that there are innocent people being released from prison every week, keep in mind that most of us are getting out sooner or later, which means that, at some some point-in-the-future, we're going to be neighbors. Which would you rather have? An ex-convict that was showed compassion and helped throughout his term of incarceration? Or someone society tossed into a cell and threw away the key until their sentence had expired, ignoring the conditions they had to endure, no matter how horrible? Personally, I'd much rather have the former, knowing that **something** had to eventually rub off, even if their rehabilitation wasn't 100% complete.

Thanks again for taking the time to respond to my post, and should you wish to respond again, or just to write for the sake of writing, feel free to drop me a line.

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