Pro Se

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SUPREME COURT AFFIRMS ORDER REQUIRING REDUCTION IN CALIFORNIA PRISON POPULATION

On May 23, 2011, the United States Supreme Court issued a landmark decision in Brown v. Plata, 2011 WL 1936074 (May 23, 2011), ruling that as a result of its impact on the state's ability to provide medical and mental health treatment to prisoners with serious mental health and medical care issues, overcrowding in California's prisons results in cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution. The ruling requires the state of California to reduce its prison population by approximately 32,000 prisoners within the next two years.

This case began in 1995, when, after a 39 day trial, a federal district court found overwhelming evidence of the systemic failure to deliver necessary care to mentally ill inmates in the California state prisons. Coleman v. Wilson, 912 F.Supp. 1282 (E.D.Ca. 1995). Specifically, the court found that the state had failed to implement suicide prevention procedures and that mentally ill inmates went months and sometimes years without necessary care. The court appointed a special master to oversee the development and implementation of a remedial plan. Twelve years later, the special master reported that due to increased overcrowding, mental health care in California prisons was deteriorating.

In 2001, after inmates with serious medical problems in California state prisons filed a lawsuit, now known as Brown v. Plata, alleging that they were being harmed by constitutionally deficient medical care, the state conceded that prison medical care violated the prisoners' Eighth Amendment rights and stipulated to a remedial injunction. In 2005, after the state failed to comply with the injunction, the court, finding that the California prison medical care system was broken beyond repair and had resulted in an unconscionable degree of suffering and death, appointed a receiver to oversee remedial efforts. In 2008, the receiver reported continuing deficiencies in the health care provided in California prisons and attributed many of the deficiencies to overcrowding.

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A Criminal Justice Approach Premised on Human Rights and Respect

A Message from the Executive Director – Karen Murtagh-Monks

Halden Prison in Halden, Norway, frequently referred to as "the world's poshest prison," officially opened on April 8, 2010. Billed as the "most modern prison in Europe," Halden has a capacity of 252 prisoners and took ten years to build at a cost of $250 million. Although Halden prison is new, the philosophy behind Halden, a focus on human rights and respect, is not, and that philosophy boasts a 20% recidivism rate as compared to the United States' 60%. The Norwegians' criminal justice policy is based on the "normality principle;" the belief that successful reintegration is much more likely if living conditions inside a prison mirror those outside the prison as closely as possible. The "normality principle" was a guidepost in the design and building of Halden. As noted by one of the architects, Hans Henrik Hoilund, "The most important thing is that the prison looks as much like the outside world as possible." (see http://www.time.com/time/magazine/article/0,9171,1986002,00.html).

Critics, and there are a number of them, view Halden as a prison built to "coddle criminals" and sarcastically assert that "Norway is now the place to go to commit a crime" because "Halden prisons cells are nicer than some people's homes." Although it is highly unlikely that anyone would move to Norway solely to embark upon a criminal career, there is no question that, when compared to other prisons across the world, Halden prison is quite luxurious.

The prison sits on a 75 acre site and, although it is surrounded by a 20-foot concrete security wall, the wall is obscured by hundreds of beautiful trees. At Halden, each prisoner has a private cell with a mini-fridge, a flat screen TV and a private bathroom. The cells have long vertical windows, strong enough that they don't require iron bars, an important feature for the architects who wanted to ensure that the cells let in as much sunlight as possible. Every dozen or so rooms shares a commercial grade kitchen with stainless steel work tops and lounge areas furnished with stylish sofas and coffee tables. The facilities include a gym with a rock-climbing wall, a training room, a sound studio, a chapel, a library, jogging trails and a two-bedroom house where prisoners can have overnight visits with their families.

Unlike most prisons where the hallways are dark and dank and often smell quite unpleasant, the corridors of Halden are painted in bright pastel colors to create a soothing environment and pleasant scents of spices and desserts emanate from the kitchen where prisoners take cooking courses. Numerous areas in the facility are decorated with beautiful art, including a mural that is painted on one of the prison walls depicting a prisoner in a striped uniform using a ball and chain as a shot put.

But the fact of the matter is that prisoners don't actually wear uniforms, no one does except for the correction officers and earning the right to wear those uniforms doesn't come easily. The prison guards have to dedicate two years of their lives attending "prison school" before they are allowed to don a prison guard uniform. Half of the guards are women, based upon the belief that this "decreases aggression" and none of them carry guns. The guards are trained in "milieu therapy" a form of psychotherapy that creates therapeutic communities where the guards take part in all aspects of the prisoners' daily lives including routinely eating meals and playing sports with them. They work hard to help create a sense of family. "Our goal is to give all the prisoners – we call them our pupils – a meaningful life inside these walls," said Charlott-Renee Sandvik Clasen, a music teacher and a member of the Halden's security-guard chorus! With that in mind, the prison provides a multitude of programs for the prisoners including numerous apprenticeships such as welding, cooking, carpentry and engineering. Educational opportunities also abound including the option of enrolling in a distance learning college for those who have completed their high school education. Finally consistent with its focus on reintegration, the prison offers programs such as "Daddy in Jail," a program where children come to the prison and go through a regular work day with their parent; "Atonement," a program in which prisoners talk openly and honestly about their crimes and the harm they have caused; a "Service Center," providing prisoners a complete array of community, health and career placement services; and "Transitional housing," available to prisoners who are nearing release.

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Unlike the typical punitive focus of prisons, Norway uses a prison formula that focuses on treating prisoners humanely in an effort to boost their chances of successful reintegration. Explaining the philosophy of the Halden prison, the prison's 'governor,' Are Hoidal, notes that Halden houses all sorts of criminals including drug dealers, murderers and rapists and "when they arrive, many of them are in bad shape. We want to build them up, give them confidence through education and work and have them leave as better people."

If Norway's approach is on target – and its present recidivism rate statistics would indicate that it is – it would behoove the United States and other countries to consider adopting the same approach. In New York State an average of 22,000 people are paroled every year. Our current recidivism rate will result in approximately 13,200 of those returning to prison over the next two years. If we were to reduce our recidivism rate to 20%, that number would be 4,400. It costs approximately $36,000.00 per year to house a prisoner in New York State. If 8,800 less people returned to prison in any given year, it would save New York State $316,800,000.00.

Critics of Halden question how Norway can justify spending 250 million dollars to build a "luxury prison" to house criminals. But the critics are asking the wrong question. The question should not focus on the costs, but on the results. The question critics should be asking is: "Does this approach work?" Will the 'Halden model' reduce recidivism by better preparing people to successfully reintegrate into society? Because Halden prison is only one year old, it is actually too soon to tell. But the general criminal justice philosophy behind the building of the Halden prison – a philosophy that focuses on human rights and respect – has unquestionably proven to be a successful one.

To read more about Halden prison go to: http://www.haldenfengsel.no/

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Believing that the remedy for unconstitutional medical and mental health care could not be achieved without reducing overcrowding, the plaintiffs in Coleman and Plata moved their district courts to convene a three judge court empowered under the Prison Litigation and Reform Act (PLRA) to order prison population reductions.

The PLRA requires that any court order that reduces or limits the prison population must be made by a panel of three judges. See 18 USC §3636(a)(3) and (g)(4). The district court judges in Plata and Coleman asked the chief judge of the Ninth Circuit Court of Appeals to convene a three judge court and he agreed to do so.

In 2009, the three judge court issued a decision finding that overcrowding was the main cause of unconstitutional conditions in California's prisons. The court required the defendants to reduce prison overcrowding by 40,000 prisoners within two years. This would put the prison population at 137.5% of capacity. The order was stayed pending an appeal to the United States Supreme Court. In its recent decision, a 5 to 4 majority of the court affirmed the order issued by the three judge court.

News and Briefs

DOCS Recognizes Same Sex Marriages

In recent proposed regulations, the Department of Correctional Services announced its intention to amend its regulations to recognize same sex marriages. To that end, the definition of "spouse" in the regulations allowing family ties furloughs, death bed visits and attendance at funerals – 7 NYCRR §§1901.1(c)(2)(i)(a), 1900.3(a)(1) and 1901.1(a) – will be amended to include a person who is the same sex as the inmate if the same sex marriage or civil union was performed in a jurisdiction that authorizes same sex civil unions or marriages.

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Disciplinary

Defense of Medication-Related Difficulty in Urination

In Matter of Stauffer v. Prack, 918 N.Y.S.2d 901 (3d Dep't 2011), the petitioner defended a misbehavior report charging him with refusing to provide a urine sample for the purpose of drug testing with the claim that he was taking medication that interfered with his ability to urinate. He was nonetheless found guilty of the charge. In the Article 78 challenge, the court confirmed the determination of guilt, finding that the claim presented a credibility determination for the hearing officer to resolve.

Further, the court found that the petitioner's rights to due process of law were not violated by the hearing officer's failure to admit the "manufacturer's specification list" because a patient drug education report was provided that listed the possible side effects and facility medical staff testified that they were unaware the medication caused urinary retention.

Nor did the court find that the petitioner was improperly denied access to his medical records because a nurse testified that she had reviewed the petitioner's medical records and there were no references to difficulty urinating.

Failure to Timely Serve Article 78 Papers Leads to Dismissal

In Matter of Gantt v. Lape, 920 N.Y.S.2d 923 (3d Dep't 2011), the Appellate Division affirmed the supreme court's dismissal of an Article 78 petition challenging two prison disciplinary hearings. The dismissal was based on the petitioner's failure to serve the papers in the manner required by the judge.

The petitioner sought to file his action by way of an Order to Show Cause. Such orders allow a court to order service on the respondents by means of regular mail, as opposed to requiring personal service. In this case, the court ordered that the petitioner mail the petition and a copy of the Order to Show Cause to the Attorney General and the respondent "on or before March 15, 2010," and ordered the petitioner to file affidavits of service showing compliance with the order. The court dismissed the petition because the affidavits showed that the petitioner had not served the Attorney General in a timely manner and had not served the respondent at all. In ordering the dismissal, the court noted that not only did the petitioner not comply with the court's order; he also failed to show that his non-compliance was excused by obstacles imposed by imprisonment that had prevented him from doing so.

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Without a Showing of Prejudice, an Untimely Extension Does Not Warrant a Reversal

Departmental regulations require that when an inmate is confined to SHU due to a misbehavior report, the hearing on that report must begin within 7 days of the day that the confinement started and be completed within 14 days of the day upon which the misbehavior report was written. See 7 N.Y.C.R.R. §251-5.1. Frequently during the Tier II or III hearing process, hearing officers seek extensions of the deadlines within which to start or finish hearings. The question arises, when a hearing officer fails to request the extension of time to begin or finish the hearing until the deadline for starting or finishing has passed, is the inmate entitled to have the hearing reversed?

In Matter of Tafari v. Fischer, 918 N.Y.S.2d 742 (3d Dep't 2011), the Third Department reiterated its prior holdings that in the absence of a showing of prejudice, an untimely extension is not a basis for reversing a hearing determination. Rather, as numerous prior decisions have stated, in the absence of a showing of *substantial* prejudice flowing from the delay, the regulatory time limits for prison disciplinary hearings are construed to be directory rather than mandatory. See, e.g., Matter of Frazier v. Artus, 836 N.Y.S.2d 352 (3d Dep't 2007).

Sentencing

Court of Appeals Clarifies the Point After Which an Illegal Sentence Cannot be Corrected

For the last three years, the courts have been deciding a range of legal issues that grew from the Court of Appeals decisions in People v. Sparber, 859 N.Y.S.2d 582 (2008) and Matter of Garner v. NYS Department of Correctional Services, 859 N.Y.S.2d 590 (2008). These two decisions held that where a court had imposed a determinate sentence but had failed to impose post release supervision, DOCS did not have the legal authority to add a period of post release supervision to the determinate sentence. As a result of the Sparber and Garner decisions, DOCS, the Division of Parole and the Office of Court Administration implemented a plan to organize the re-sentencing of the individuals in DOCS custody and under Parole supervision whose determinate sentences did not include post release supervision. Then, in People v. Williams, 899 N.Y.S.2d 76 (2010), the Court of Appeals ruled that it was a violation of due process to resentence an individual after he or she had been released from DOCS custody.

Now, in People v. Lingle, 2011 WL 1583943 (April 28, 2011), the Court established the deadline by which an individual upon whom an illegal sentence has been imposed may be resentenced. After an individual has fully served the term of the sentence that was actually imposed by the court and has exhausted any appeal taken, the Court ruled, an expectation of finality arises for the purpose of double jeopardy. In reaching this result, the Court rejected the argument that the line should be drawn as of the date upon which an individual is released to conditional release.

In this decision, the Court also ruled that where a defendant is before the sentencing court for resentencing to add post release supervision, the sentencing court does not have the authority to reduce the incarceratory portion of the sentence in the interests of justice, nor does the appellate division, in an appeal from a resentencing proceeding, have the authority to reduce the incarceratory portion of the sentence in the interests of justice.

Our Thanks . . .

To Cheryl Kates, Esq.
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For her generous donation to *Pro Se*.

Parole

Parole Board Commissioner Has Authority to Override ALJ's Recommendation

Clarence Mayfield, charged with violating the conditions of parole, agreed to plead guilty to a violation of knowing association with a person with a criminal record in exchange for a joint recommendation of an 18 month time assessment.

The ALJ accepted the recommendation but cautioned that the Parole Board would make the final decision with respect to the time assessment, which could be up the remainder of the sentence time owed.

Despite the ALJ's recommendation, one of the Parole Board Commissioners rejected the 18 month assessment and imposed a 36 month assessment, giving as his reasons the violent nature of the instant offense, prior convictions for robbery and attempted murder and that the parolee had been on parole for only a month and a half when he engaged in the conduct that led to the violation.

In Matter of Mayfield v. Evans, 4/4/2011 NYLJ 27, (Sup. Ct. N.Y. Co. April 4, 2011), the court rejected Petitioner Mayfield's challenge to his hearing, holding that there was no conflict between the statute, Executive Law §259-i(3)(f), and regulation 9 N.Y.C.R.R. §8005.20(c)(6) and that petitioner's right to due process of law had not been violated. Petitioner had asked the court to annul 9 N.Y.C.R.R. §8005.20 and reduce his time assessment to 18 months. The statute in question, the court found, sets forth the rights that an individual has at a parole revocation proceeding and further provides that "nothing in this article shall be deemed to preclude a member of the state board of parole from exercising all the functions, powers and duties of a hearing officer upon the request from the chairman." Section 8005.20(c)(6) of the regulations provides that when a parole violator is serving a sentence for a felony offense under [Penal Law] articles 125 (homicide), 130 (sex offenses), 135 (kidnapping), or 263 (sexual performance by a child), all parole revocation decisions must be reviewed by a member or members of the Board of Parole, and that a single member must make the final decision that imposes a time assessment. Thus, the court noted, for violators who are serving sentences for the listed felony offenses, like the petitioner, the commissioner, through the agency's rules, has given parole board members the authority to make the final determination as to time assessments.

The court noted that Executive Law §259-i(3)(f)(x) provides that the presiding officer's disposition (at the parole revocation hearing) had to be authorized by the rules of the board. It found that 9 N.Y.C.R.R. §8005.20(c)(6) – requiring board members to review parole revocation decisions where the parolee is serving a sentence for certain specified crimes – was a rule of the board and that nothing in the governing statute prohibits the board from a rule giving a single member of the parole board the ultimate authority over time assessments given to a specified category of felons. For this reason, the court rejected the petitioner's challenge that the regulation was inconsistent with the statute.

The court also rejected the petitioner's argument that having the board member, rather than the presiding officer, decide the time assessment violated his right to due process of law. Under Morrissey v. Brewer, 408 U.S. 471 (1972), the court noted, parolees are entitled to written notice of the charged violations, disclosure of the evidence against them, the opportunity to be heard and to present evidence and witnesses, the right to confront and cross examine witnesses against them, a neutral and detached hearing body and a written statement by the factfinder as to the evidence relied upon and the reason for revoking parole. The court found that the petitioner was given the required protections and that due process was therefore not violated when the parole board member doubled his time assessment.

Finally, the court held that the parole board member's decision to increase the time assessment from 18 months to 36 months was not arbitrary and capricious, finding that there was a rational basis for the decision: that the petitioner had been convicted of attempted murder and robbery and had only been on parole for one and a half months at the time of the violation.

Parole Regs Governing Parole Eligibility of Juvenile Offenders

When Demetrius Stanley was 15 years old, he shot and killed a young man. He was sentenced as a juvenile offender to an indeterminate term of 9 years to life. Between 2003 and 2009, he was five times denied parole and four times was held 24 months each time. At the 2009 hearing, the parole board questioned Mr. Stanley about the crime, "a recent tier II hearing," and his release plans. In fact, Mr. Stanley had not had a disciplinary hearing since before he saw the board in 2007.

In denying parole for the fifth time, the board stressed the violence displayed during the offense

and the petitioner's multiple disciplinary violations including a recent Tier II.

Petitioner filed an Article 78 challenge to the denial, arguing that by repeatedly denying him parole, the board had converted his juvenile sentence into an adult sentence. In addition, petitioner argued that where the board had held him far beyond his minimum term based almost entirely on the nature of his crime, especially where there is a presumption in favor of release for parole board reappearances, the decision was an abuse of discretion, arbitrary and capricious and irrational to the point of bordering on impropriety.

As the foundation for its analysis, the court noted that parole release is discretionary and should not be disturbed unless the decision is irrational bordering on impropriety, and the determination was thus, arbitrary and capricious. Further, parole shall not be granted merely because of good conduct or efficient performance of duties while confined, but only after considering whether there is a reasonable probability that if released, the inmate will not violate the law and that his release is not incompatible with the welfare of society and does not **deprecate** (belittle) the seriousness of the crime and thereby undermine respect for the law. Executive Law §259-i(2)(c).

In making this assessment, the statute requires that the board look at the inmate's institutional record, performance in temporary release programs, release plans, deportation orders and the victim's statement. See Executive Law §259-i(2)(c)(A).

The Division of Parole has specific juvenile offender parole release decision-making guidelines. The guideline for petitioner's offense was between 36 and 60 months. Since petitioner was serving a minimum of 9 years, he was not even considered for parole within the period set by the guidelines. By the time that the court reviewed the case, petitioner had served 176 months – 68 months (5 years and 8 months) over his minimum sentence of 9 years.

The regulations provide that when decisions are outside of the guidelines, the board must provide the petitioner a written detailed reason for the departure, including the fact or factors relied on. See 9 N.Y.C.R.R. §8001.3(c)

Here, the court found that the board's decision was arbitrary and capricious because of the board's 1) failure to reference the juvenile offender parole release decision making guidelines; 2) failure to provide a detailed reason for making a decision which was outside of the juvenile offender guidelines; 3) its mistaken reference to a "recent" tier II report; 4) the continual primary focus on the nature of the crime after the petitioner had been denied parole four times for substantially the same reason; and 5) the conclusory statement in the decision that "[t]he probability you will live and remain at liberty without violating the law is not found to be reasonable, given the factors above.

For these reasons, the court found the board's decision was not made in accordance with the requirements of the statutory guidelines in Executive Law §259-i(2)(c)(A) and was irrational bordering on impropriety and annulled the decision, ordering that a re-hearing be conducted within 30 days.

Miscellaneous

Court of Appeals Reviews Rejection of Job Applicant with Criminal Record

Executive Law §296(15) and Corrections Law §752 prohibit a public or private employer from denying an application for employment or a license based on an individual's criminal conviction. According to the Court of Appeals, this law was enacted to further the general purpose of the Penal Law, namely, "the rehabilitation of those convicted" and the promotion of their successful and productive reentry and reintegration into society. See, Matter of Acosta v. NYC Department of Education, 16 N.Y.3d 309 (2011). There are two exceptions to this general prohibition on using a criminal conviction as the basis for denying employment or a license. The first arises where there is a direct relationship between an applicant's criminal conviction and the specific license or employment that he or she is seeking. This exception comes into play where the nature of the criminal conduct for which the applicant was convicted has a direct bearing on his or her fitness or ability to perform one or more of the duties or

responsibilities necessarily related to the license, opportunity or job in question.

The second exception allows for adverse treatment of such applications where the issuance of the license or the granting of employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In Matter of Acosta v. NYC Dep't of Education, the Court considered the application of the second exception to the petitioner's application for employment with a corporation that provides special education services through a contract with the Department of Education (DOE). The position was for clerical work and did not involve contact with children. The agency hired the petitioner whose application was then submitted to the DOE for approval.

When petitioner was 17 years old, she was convicted of robbery in the first degree. She served 3 years in prison and was granted parole in 1996. Since then, the petitioner had earned a college degree and worked in positions of responsibility in two law firms. While in college, she volunteered with an agency that provides assistance to inmates to help them to reintegrate into society when they are released.

In support of her application, the petitioner provided two letters of recommendation and other documents showing her education, rehabilitation, and volunteer work over the 13 years since her conviction. The agency that hired petitioner stated that she had model references from past employers and colleagues.

The petitioner was interviewed by one of the three DOE employees who were assigned to review her application. This employee told her that she had to summarize the supporting documents that she has enclosed with her application because the other reviewers did not have time to read them.

The Department of Education denied petitioner's application because, it said, the serious nature of her convictions posed an unreasonable risk to the safety and welfare of the school community.

The Supreme Court denied petitioner's Article 78 challenge to the DOE's action. The Appellate Division reversed, concluding the DOE had acted arbitrarily in rejecting the petitioner's application, granted the petition, and remanded the matter to the Supreme Court to fashion a remedy. The Appellate Division then "certified a question" to the Court of Appeals concerning its order.

The Court of Appeals, while noting that the "unreasonable risk" analysis under the second exception was subjective, stated that Correction Law §753(1) provides that in making a determination as to whether the "direct relationship" (first exception) or the "unreasonable risk" exception applied, the agency or employer must consider eight factors:

1. The public policy of the state of New York to encourage licensure and employment of individuals previously convicted of crimes;
2. The specific duties and responsibilities necessarily related to the license or employment sought by the applicant;
3. The bearing, if any, the crimes of conviction will have on the applicant's fitness or ability to perform such duties or responsibilities;
4. The time that has passed since the date that the crime or crimes were committed;
5. The age of the applicant on the date that the crime or crimes were committed;
6. The seriousness of the crime or crimes;
7. Information provided by the applicant or someone else on the applicant's behalf concerning his or her rehabilitation or good conduct; and
8. The legitimate interest of the agency or employer in protecting property and the safety and welfare of specific individuals or the general public.

While it was not necessary, the Court said, for the DOE to state with specificity a detailed analysis of each of the 8 factors, in petitioner's case, "it was plain" that the DOE had failed to consider all of the factors in making its determination as to whether the "unreasonable risk" exception applied to petitioner's application, thus rendering its denial of the application arbitrary and capricious.

It was the DOE's own statements, the Court wrote, which demonstrate that it had failed to comply with the statute and acted in an arbitrary manner. For example, the affidavit from the DOE's Director of Employee Relations states that among the considerations relevant to the decision to deny the application is that petitioner did not provide

references from any previous employers. However, the Court noted, the petitioner was not asked by the DOE to provide references from previous employers, and the agency where she had applied to work had noted in its letter to the DOE that the agency wanted to hire her because of model references from past employers. Thus, had the DOE wanted to review the references, they were available.

The Court also found that although the Correction Law requires that in determining whether the unreasonable risk exception applies, the DOE consider any information produced by the applicant or by someone else on her behalf, in regard to his or her rehabilitation and good conduct, the DOE did not consider the documentation that petitioner submitted in support of her application.

The Court noted that in light of the DOE's failure to consider the statutorily mandated minimum requirement of reviewing all of the documentation submitted by the petitioner, its statement that the DOE has a general policy of reviewing more closely first-time applicants with criminal histories who have not worked with children could only mean that this closer review amounted to a pro forma denial of the petitioner's application on the basis of her prior criminal conviction. Such a denial, without consideration of each of the Correction Law §753 factors, is, the Court found, exactly what the statute prohibits.

PRO SE PRACTICE

Beyond Going Home: From Reentry to Reintegration

Leaving prison is easy. Reintegration is the challenge.

The desire to return to the community evokes different images in the mind of each incarcerated person. Some people look forward to being with their families, while others look forward to working and being productive members of society. Still others simply look forward to breathing the air of freedom and enjoying the "little things," such as eating at a restaurant, watching their favorite television shows or taking a walk with the dog. After years lost in prison, it is natural to want to make up for lost time by seeking immediate financial, social or personal success. Unfortunately, the desire to achieve goals immediately can promote an unrealistic or even self-destructive view of freedom. All too often, "going home" is viewed as a single event that occurs on the day when the gates open and you are finally allowed to leave. In reality, going home is best viewed as a series of small, yet attainable, steps.

Researchers repeatedly associate avoidance of criminal activity (desistance) with a certain few building blocks that come together to form the solid foundation needed for a fulfilling life. Similar to basketball, where long-term success comes not from trick shots but from practicing fundamental skills, a successful and satisfying life can be built on fundamentals such as social connectedness, living-wage employment and community involvement. Below are some tips for a successful reintegration.

1. <u>Work to Establish a Positive Relationship With Your Parole Officer.</u>

Most people who are released from prison are required to undergo a period of supervision. It is common for incarcerated people, prior to their release, to worry about potential problems with their parole officers. While this is natural, it would be more productive to instead focus on laying the groundwork for a satisfying life, which in turn will go far in ensuring that you satisfy the conditions of your supervision. It is important to have a positive line of communication with your parole officer. This may initially be difficult because it may seem that your parole officer does not trust your sincere desire to live a law-abiding life. Do not let this initial period of distrust put you off – it is your parole officer's job to be skeptical. If your actions back up your words and you comply with the conditions of supervision, your parole officer will eventually realize that you are serious about your goals. Your plans are important, but it will be impossible to put them into action if you are not able to establish a working relationship with your parole officer. It is important to find the balance

between meeting your obligations to parole and building the positive life you seek.

2. Establish Positive Connections in the Community.

You will find the clearest reflection of who you are is in the faces of your friends. Who you choose to associate with has a great deal of influence on your development, even as an adult. Friends or family members who are well-established, mature and responsible will model the positive changes that you are seeking to make in your own life. For example, a friend with a home and a steady job, and who chooses not to engage in risky or illegal activity, will provide legitimacy to your goals. This could be a co-worker, family friend, former teacher, job coach, mentor or community leader. On the other hand, if you align yourself with people whose priorities are diametrically opposed to yours, you are likely to be distracted from the positive goals you have set for yourself. In short, you should choose to associate with people who embody the characteristics that you want to see in yourself.

3. Meet the Challenge of Obtaining Employment.

While finding employment will be important, there is no question that it will be challenging to find work as more and more employers conduct background checks on job applicants. You should try to connect with community-based agencies that provide job training, employment counseling and advocacy for people with criminal conviction histories. Just as importantly, do not automatically say "no" if the first job available to you is not your ultimate employment goal; in fact, you should make a habit of saying "yes" to every positive opportunity that comes your way if it will help you move toward your goals. If a job has a lower salary than you were hoping for, look for the other potential benefits that the job provides, such as valuable experience and skill development that can lead you to a better job in the future, or the financial stability you need while you continue your search for something better. Your first job, in most cases, is better than being unemployed.

Work offers not only the financial stability required to pay living expenses, it also can help you to develop the positive associations that are so important to your long-term success. Identify potential leaders at work and reach out and develop a good working relationship with them. Not only will being around positive people provide moral support for your efforts, you will have people with whom you can compare goals and exchange ideas and from whom you can ask advice when necessary. Many people make connections at work which later open the door to better work opportunities.

4. Get Involved in Positive Community Activities.

In addition to being around the right people and developing positive friendships, community involvement can help anchor you in a positive way. Associating with groups that do positive work will give you the opportunity to demonstrate the impact you can have on your community, and can also ease your efforts to gain acceptance back into society upon release. In Syracuse, there is an occasional "Block Blitz" where members of the community and local contractors volunteer for one day to work on building projects, cleaning, painting and generally refreshing an area of a neighborhood. One neighborhood has a "Residents' Coalition" that meets bi-weekly to plan projects and discuss neighborhood issues in order to create better opportunities for the people who live there. There are also social justice groups that include among their members many people who understand the challenges of prisoner reentry and who welcome people of diverse backgrounds with shared interests.

5. Accept the Fact That Things Out There Are Not How You Remember Them.

Memory is selective. With all the time that prison provides you to think, it is too easy to dwell only on your positive memories. These memories can fuel your longing for home and can contribute to an unrealistic picture of what you expect life to be like in the future. When people reminisce, their natural tendency is to focus on the good things and to think that, in the past, "life was better than it is now." While that may be true while you are in prison, upon release it will be important to balance these positive memories with a realistic picture of

what life was really like prior to your incarceration. Life has its challenges no matter what stage you are at. Take enough time to review the past, and you will remember the less pleasant times, whether they were paying bills, not liking your job, or relationship issues. It is important to stay in touch with these thoughts for two reasons. First, measuring your future progress against an unrealistic standard can be destructive by creating the perception that you are destined to fail. Second, if you measure accurately, you can assess any important personal growth that you have undergone during your time in prison and beyond.

Conclusion

It is important that you take time to be thoughtful about how to deal with the various issues you will face when you get home. It is also important to be patient and to accept the fact that your progress will come in small steps. Over time, those small steps will add up, and when you look over your shoulder you will be amazed at the distance you have come.

This article was written by Isaac Rothwell and Jeff VanBuren, Re-integration Specialists for the Center for Community Alternatives in Syracuse, NY.

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