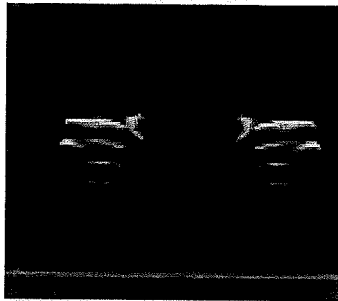


# BEHIND BARS



## U.S. Prison Population Dwarfs That of Other Nations

- The United States has less than 5 percent of the world's population. But it has almost a quarter of the world's prisoners.
- The United States leads the world in producing prisoners... Americans are locked up for crimes — from writing bad checks to using drugs — that would rarely produce prison sentences in other countries.
- Americans are kept incarcerated far longer than prisoners in other nations.
- Criminologists and legal scholars in other industrialized nations say they are mystified and appalled by the number and length of American prison sentences.
- The United States has 2.3 million criminals behind bars, more than any other nation, according to data maintained by the International Center for Prison Studies at King's College London.
- The United States comes in first, too, on a more meaningful list from the prison studies center. It has 751 people in prison or jail for every 100,000 in population. (If you count only adults, one in 100 Americans is locked up.)

By Adam Liptak



# Why we need a Criminal Justice Position

Caucus  
Sunday 8-9 AM  
Make the Time

## Current Positions

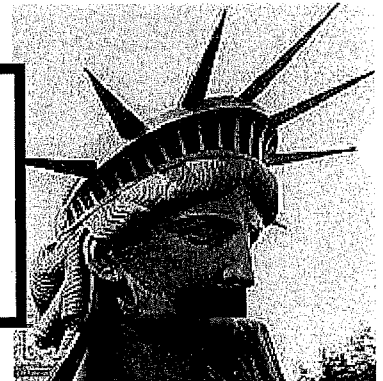
While neither the national League nor LWVPA have an overall position on criminal justice, the US League's overall statement on social policy reads that the League seeks to "promote social and economic justice and the health and safety of all Americans." This should cover criminal justice but clearly in the past members felt we needed more specific statements so the LWVUS has positions on violence prevention, gun control, urban policy, the death penalty, and sentencing policy.

Pennsylvania has a position that "support[s] legal procedures, programs and facilities that enable Pennsylvania agencies and communities to meet the needs of children in the juvenile justice and child welfare systems." It also supports "an efficient unified court system and a responsible, ethical judiciary that is free from political influence."

## Criminal Justice Issues

- Civil asset forfeiture
- Use of fines and penalties to fund government
- Monetary bond that keeps more low income people in jail awaiting trial, costing jobs and child custody
- Funding of indigent defense
- Excessive use of force by law enforcement officers
- Criminalization of a overly broad range of behaviors
- Militarization of police
- No-knock warrants
- Unreliable, incomplete records of death in police custody or contact
- Excessively high incarceration rates
- Unknown number of false convictions
- Unreliable forensic science
- Disenfranchisement of felons
- Lack of commutations of sentences
- Juvenile life without parole
- Incarcerating juveniles convicted as adults with adults
- Growing number of seniors in our prisons

Without a position,  
the League does not  
have a voice.



## Examples of positions or partial positions from other state Leagues

Montana: A continuum of state-wide, community-based options, which provide for probation, halfway houses, deferred sentences, electronic monitoring, and restitution to victims, etc., should be available to judges and should be considered as alternative sentencing, especially in cases involving youth, non-violent and first offenders, and mothers of young children.

Charleston SC: Illegal drug use should be considered a public health issue. Drug use and addiction should be addressed by substance abuse treatment and education programs instead of incarceration.


Illinois: The League supports a bail bond system to ensure court appearances, but opposes a system of bondsmen who provide bail monies for fee.

Alabama: Minimizing the use of traditional incarceration. Should more prisons be built, smaller minimum security facilities should be located in areas where work release opportunities exist.

Georgia: Because we firmly believe that there are far less costly and effective ways than imprisonment to deal with many offenders who have committed non-violent crimes, we support expanding the availability and use of alternatives to incarceration for both adults and juveniles.

Slide 1

OUR CRIMINAL JUSTICE SYSTEM



---

---

---

---

---

---

---

---

Slide 2

IN THE NEWS

New York Times Editorial April 25, 2015

"In recent months, the many grievous cases of unarmed black men and boys who were shot dead by the police — now routinely captured on video — show how the presumption of criminality, poverty and social isolation threatens lives every day in all corners of this country."

---

---

---

---

---

---

---

---

Slide 3

CONSTITUTIONAL QUESTIONS

*The Sixth Amendment of the U.S. Constitution*

*"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the Assistance of Counsel for his defence."*

---

---

---

---

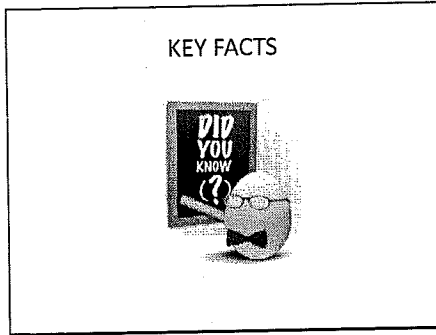
---

---

---

---

Slide 4




---

---

---

---

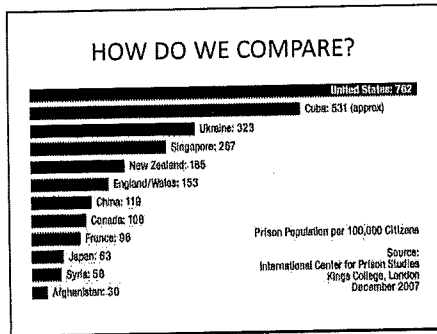
---

---

---

---

Slide 5



*1 of 100 adults in jail*

---

---

---

---

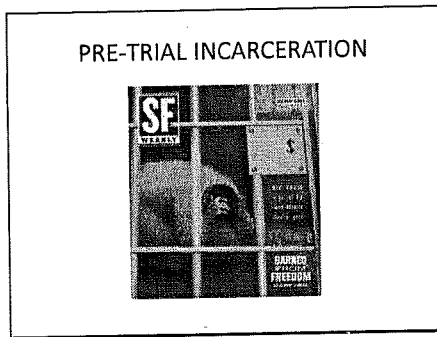
---

---

---

---

Slide 6




---

---

---

---

---

---

---

---

Slide 7

### GUILTY UNTIL PROVEN INNOCENT?

Jails are locally run facilities, primarily holding people arrested but not yet convicted, and are the place where most people land immediately following arrest. Jails are the gateway to the formal criminal justice system in a country that holds more people in custody than any other country on the planet. (VERA Institute of Justice 2015)

Since 2005, a majority of people held in jail have not been convicted of the offense for which they are charged; approximately 50 percent of people in jails are merely awaiting trial or are in the trial process for the offense in question. (Justice Policy Institute, September 2012)

*if spent more time in jail tend to go on more often than those released on bail*

Slide 8

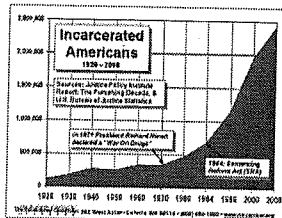
### PRISON PLANET?

Between June 2010 and June 2011, about 11.8 million people were processed through jails across the United States. At midyear 2011, the total U.S. jail population was 735,601 people. U.S. jails have operated at an average of 91 percent capacity since the year 2000, resulting in a huge financial burden to states, cities, and counties.

(Justice Policy Institute, Sept, 2012)

Slide 9

### INCARCERATED AMERICANS



Slide 10

### THE CRIMINAL CODE

- Criminal law is created by the Legislature.



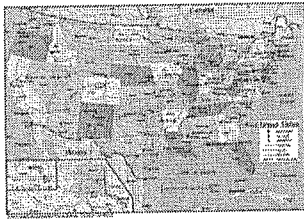
- And can be changed by the Legislature.

*Comparing to many things*

*If have a position can advocate*

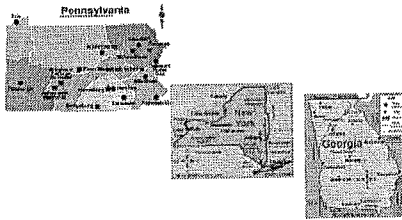
Slide 11

### Different States Have Different Criminal Statutes.



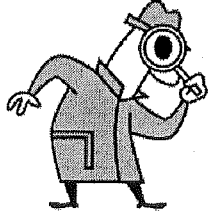
Slide 12

### Compare the Criminal Statutes For Institutional Sexual Offenses In Pennsylvania, New York and Georgia



Slide 13

CRIMINAL PRACTICE AND PROCEDURE  
IN PENNSYLVANIA



A cartoon illustration of a detective wearing a trench coat and a hat, holding a magnifying glass over his eye.

---

---

---

---

---

---

---

---

Slide 14

PENNSYLVANIA PRISON REPORT 2015

Over the past several decades, we have seen an historic increase in the use of incarceration as a response to crime and a skyrocketing price tag to that approach, while, at the same time, poor outcomes.

<http://www.cor.pa.gov/Documents/2015-2016%20DOC%20Budget%20Testimony.pdf>

---

---

---

---

---

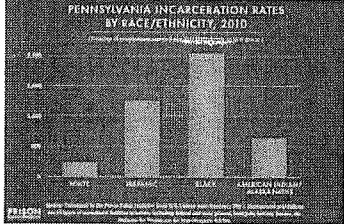
---

---

---

Slide 15

PENNSYLVANIA INCARCERATION RATES BY RACE/ETHNICITY 2010



A bar chart showing incarceration rates by race/ethnicity in 2010. The y-axis represents the rate per 100,000, ranging from 0 to 1,000. The x-axis lists four categories: WHITE, HISPANIC, BLACK, and AMERICAN INDIAN/ALASKA NATIVE. The bars show that the BLACK population has the highest incarceration rate, followed by AMERICAN INDIAN/ALASKA NATIVE, HISPANIC, and WHITE.

Race/Ethnicity	Incarceration Rate (per 100,000)
WHITE	~100
HISPANIC	~300
BLACK	~800
AMERICAN INDIAN/ALASKA NATIVE	~400

In *The New Jim Crow*, Michelle Alexander calls out incarceration as an all too intentional twenty first century form of racism in the United States.

---

---

---

---

---

---

---

---

Slide 16

### PENNSYLVANIA STATE PRISON NUMBERS

The Pennsylvania Department of Corrections ended the 2014 calendar year with 50,756 offenders - the lowest number since June 2009. This was only the fourth time in the past 40 years that our population has shown an annual decrease rather than an increase.

<http://www.cor.pa.gov/Documents/2015-2016%20DOC%20Budget%20Testimony.pdf>

---

---

---

---

---

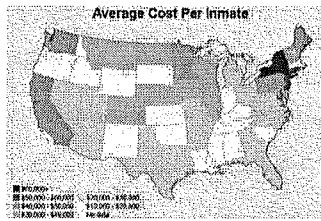
---

---

---

Slide 17

### OUR TAX DOLLARS AT WORK



Pa 40-50,000/yr

---

---

---

---

---

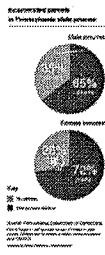
---

---

---

Slide 18

- It costs the public over \$33,000 annually to house an inmate in a Pennsylvania prison.
- The cost of foster care for each child of an incarcerated mother adds an additional \$25,000 a year.
- Combined, the annual cost for each family that enters the prison and child welfare system is at least \$58,000.
- It costs the state more than seven times as much to imprison a woman than to provide her with drug treatment services.



---

---

---

---

---

---

---

---



Slide 19

Our Tax Dollars At Work

- For Fiscal Year 2015 - 16, the The Pennsylvania Department of Corrections is requesting an increase of \$146.5 million in state funds.
- (That's just the increase, and just the state. Does not include counties).

---

---

---

---

---

---

---

---

Slide 20

ARREST



---

---

---

---

---

---

---

---

Slide 21

INTERROGATION



---

---

---

---

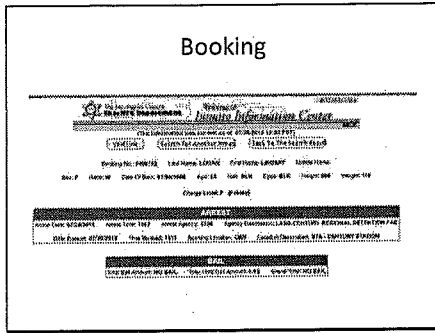
---

---

---

---

Slide 22




---

---

---

---

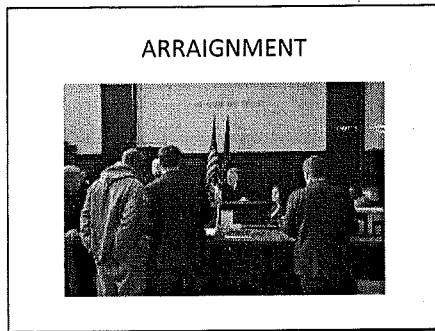
---

---

---

---

Slide 23



*Arrives in court*  
 + plead - guilty or not guilty

---

---

---

---

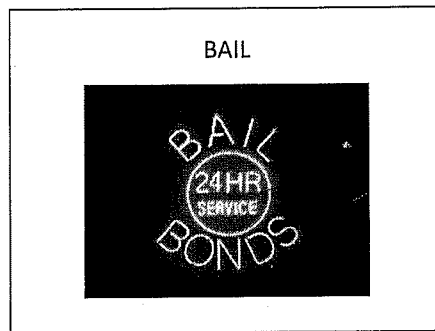
---

---

---

---

Slide 24



*Some let go on their own*  
*Recognize some*  
*let go after bail*

---

---

---

---

---


---

---

---

Slide 25

CRUEL AND UNUSUAL PUNISHMENT?



---

---

---

---

---

---

---

---

Slide 26

CONSTITUTIONAL RIGHT TO BAIL

Bail is a central element of the criminal justice system. Enshrined as a constitutional right, it is intended to strike a balance between shielding criminal defendants from excessive pretrial detention while simultaneously holding them accountable to attend required court proceedings.

From the Report of New Jersey's State Commission of Investigation on Questionable and Abusive Practices in New Jersey's Bail-Bond Industry (May 2014).

---

---

---

---

---

---

---

---

Slide 27

PENNSYLVANIA RULE 523

When deciding whether to release a defendant on bail and what conditions of release to impose, the bail authority must consider all the criteria provided in this rule, rather than considering, for example, only the designation of the offense or the fact that the defendant is a nonresident.

---

---

---

---

---

---

---

---

Slide 28

### BAIL

It is well-documented that substantial numbers of criminal defendants – many of them charged with minor drug violations and other nonviolent offenses – remain behind bars at taxpayer expense pending court proceedings because they cannot afford to pay even nominal bail.

---

---

---

---

---

---

---

---

Slide 29

### SENTENCING



---

---

---

---

---

---

---

---

Slide 30

### MANDATORY MINIMUMS DECLARED UNCONSTITUTIONAL IN PENNSYLVANIA



Alleyne v. US, 138 S. Ct. 2151 (2018)

---

---

---

---

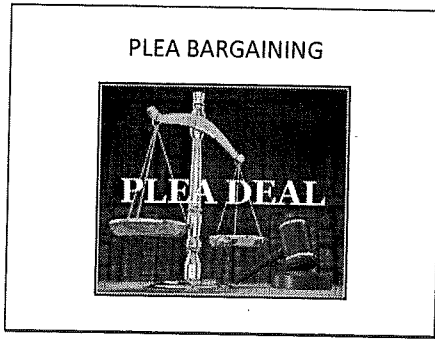
---

---

---

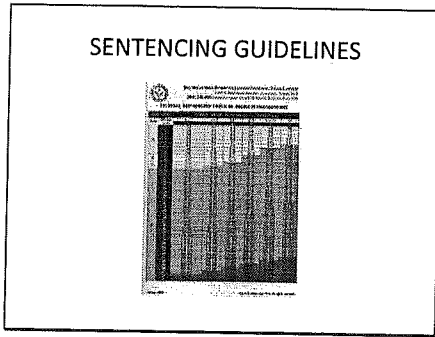
---

Slide 31



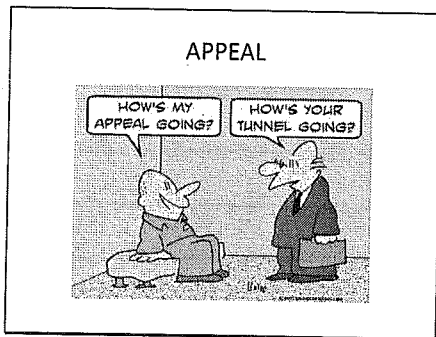
Charge & max crime's etc  
 Can plea down to lesser crime  
 P.D. has discretion what to plea  
 to sentencing

Slide 32



Judge must sentence based on  
 E.g. mandatory minimums

Slide 33



Slide 34

**RIGHT TO COUNSEL?**

- PRE – TRIAL

- TRIAL AND POST-TRIAL

---

---

---

---

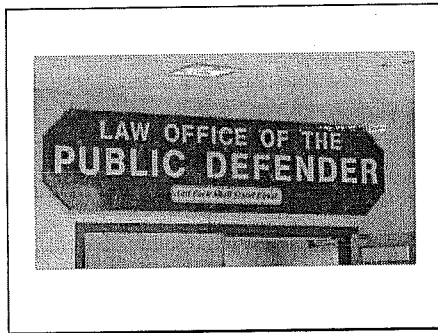
---

---

---

---

Slide 35



---

---

---

---

---

---

---

---

Slide 36

**PERSPECTIVE OF A PHILADELPHIA  
PUBLIC DEFENDER**

The Uneven Application of Justice

---

---

---

---

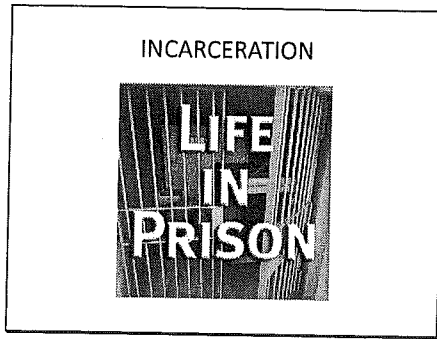
---

---

---

---

Slide 37



---

---

---

---

---

---

---

---

Slide 38

- In Pennsylvania, one in 10 inmates is sentenced to life in prison.
- By Pennsylvania law, there is no possibility of parole for those sentenced to life.
- Accessories to a crime can receive life sentences.
- "Third strike" offenders can receive life, even if crimes were not violent.
- As a result, Pennsylvania has the second-highest proportion of geriatric inmates in the nation.
- At the end of 2010, there were 8,462 inmates in Pennsylvania's prisons over the age of 50, representing 16.5 percent of the inmate population.

---

---

---

---

---

---

---

---

Slide 39

- Pennsylvania has 20 percent of the juvenile lifer population in the United States: currently 480.
- There are more juveniles serving life sentences in Pennsylvania than anyplace else on earth.
- Taxpayers dedicate over \$2 million per child sentenced to die behind bars.
- US Supreme Court ruling, Miller v. Alabama (2012), declared that mandatory sentences of life without parole are unconstitutional for juvenile defendants. This ruling is not retroactive.

---

---

---

---

---

---

---

---

Slide 40

### THE RIGHTS OF THE CHILD

- Life imprisonment for juveniles is forbidden by the United Nations Convention on the Rights of the Child, a treaty ratified by every country in the world except the United States and Somalia.
- Note: In a 2005 case Roper v. Simmons, the United States became the last Western country to abolish the death penalty for juveniles.

---

---

---

---

---

---

---

---

Slide 41

### PRISON CONDITIONS



---

---

---

---

---

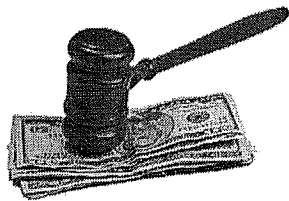
---

---

---

Slide 42

### BEHIND GLASS



---

---

---

---

---

---


---

---



Slide 43

**OMBUDSMAN PROGRAMS**



Non-existent In Pennsylvania Prisons

---

---

---

---

---

---

---

---

Slide 44

**NEW JERSEY OMBUDSMAN PROGRAM**

- The Office of the Corrections Ombudsman provides a mechanism for the continuing resolution of issues, problems or complaints of inmates sentenced within New Jersey's correctional system regarding their living conditions and other matters.
- The office investigates complaints when an inmate has failed to get satisfactory results through available institutional channels.
- Serving as a designated neutral, the Corrections Ombudsman is an advocate for fairness who also acts as a source of information and referral, aids in answering questions and assists in the resolution of concerns during critical situations.
- Since the office is independent from and external to the correctional facilities, it ensures objectivity and credibility among inmates and staff. In considering any given instance or concern, the interests and rights of all parties who may be involved are taken into account.

---

---

---

---

---

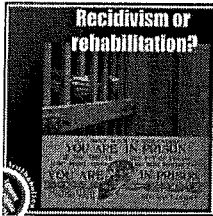
---

---

---

Slide 45

**Rehabilitation or Recidivism**



---

---

---

---

---

---


---

---

Slide 46

REENTRY BEGINS AT THE DOOR

**Diversion**




---

---

---

---

---

---

---

---

Slide 47

There Are Better Solutions Than Incarceration To Keep Communities Safe

- Norristown. A new and innovative approach to indigent criminal defense is emerging in Montgomery County and the public defenders behind it are gaining national attention for their ideas. It's known as "participatory defense" and its goal is to involve families and communities of those facing criminal charges in the defense process with the hope of gaining fairness and better outcomes from the justice system.

---

---

---

---

---

---

---

---

Slide 48

There Are Better Solutions Than Incarceration

- Work and Reparations
- Community Service
- House Arrest
- Week-ends in jail
- Problem Solving Courts

---

---

---

---

---

---

---

---

*7 Prostitution Courts*

*Drug Courts*

Slide 49

RELEASE AND REHABILITATION



---

---

---

---

---

---

---

---

Slide 50

The Shock of Freedom

Returning Residents may:

- Need a place to live. (Marcella's Story)
- Need a job.
- Need access to benefits.
- Need work clothes and tools.
- Need to learn a job skill.
- Need medical care.
- Need mental health and or substance use treatment.

---

---

---

---

---

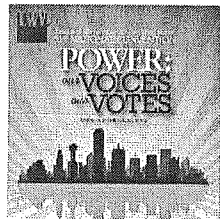
---

---

---

Slide 51

CRIMINAL JUSTICE POSITIONS ACROSS THE NATION



---

---

---

---

---

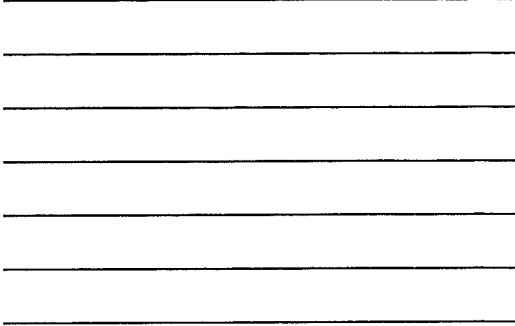
---

---

---

REFERENCES

- <http://www.federaal.com/steven/2015/09/kenyalla-ernesto-court-appeals-national-attention>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal/>
- <http://www.nytimes.com/2015/09/22/us/politics/kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>
- <http://www.mt.com/2015/09/22/kenya-senators-appeal-kenya-senators-appeal-federal-court.html>



## APPENDICES

1. Key Facts. Did you know?
2. Institutional Sexual Offenses. Criminal Statutes of Pennsylvania, New York, and Georgia.
3. Pennsylvania Bail Guidelines. Rule 523 Release Criteria.
4. Types of Release on Bail. Rule 524.
5. Conversation with a Philadelphia Public Defender.
6. Speedy Trial Rule.
7. Behind Glass. Commissary Items.
8. Marcella's Story.
9. The Shock of Freedom.
10. From The White House.
11. Alabama Position.
12. References.



## KEY FACTS: DID YOU KNOW?

- Between 1979 and 2009, the number of prisoners in state and federal facilities increased almost 430 percent.
- Since 1980, the federal prison population has grown 721 percent.
- In the last 29 years, the state prison population has grown over 240 percent.
- One of every nine people in prison—159,000 people—is serving a life sentence.
- As of 2009, some 2,500 people were serving life without parole sentences for crimes committed before age 18.
- In 2011, more than 95,000 youth under the age of 18 were held in adult prisons and jails across the United States.
- Over half (53.4 percent) of prisoners in state prisons with a sentence of a year or longer are serving time for a non-violent offense.
- For every 100,000 Americans in each race or gender group, there are 478 white males, 3,023 black males, 51 white females, and 129 black females incarcerated in state or federal prison.
- Almost one-third of those serving life sentences—49,081 as of 2012—have been sentenced to life without the possibility of parole (LWOP).
- In 2010, 26,200 state and federal prisoners were 65 or older, up 63 percent from 16,100 in 2007.
- Today, immigration offenses account for over 40 percent of all federal criminal prosecutions and almost 30 percent of new admissions to the federal prison system.

Excerpt from *Nation Behind Bars*:

[http://www.hrw.org/sites/default/files/related\\_material/2014\\_US\\_Nation\\_Behind\\_Bars\\_0.pdf](http://www.hrw.org/sites/default/files/related_material/2014_US_Nation_Behind_Bars_0.pdf)





## INSTITUTIONAL SEXUAL OFFENSES

### PENNSYLVANIA: Felony of the Third Degree (18 Pa.C.S. § 3124.2(a.2))

A person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.

(4) A crime is a felony of the third degree if it is so designated in this title or if a person convicted thereof **may be sentenced to a term of imprisonment, the maximum of which is not more than seven years.** (18 Pa.C.S. § 106 b (4)).

### NEW YORK: Class B. Felony. (N.Y. PEN. LAW § 130.75)

A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration: (a) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old. 2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section. Course of sexual conduct against a child in the first degree is a class B felony. **(A prison term of more than one year may be imposed).**

### GEORGIA: Mandatory 25 year sentence. (O.C.G.A. 16-6-5.1)

A person who has supervisory or disciplinary authority over another individual commits sexual assault when that person:

- (1) Is a teacher, principal, assistant principal, or other administrator of any school and engages in sexual contact with such other individual who the actor knew or should have known is enrolled at the same school; provided, however, that such contact shall not be prohibited when the actor is married to such other individual;
- (e) Consent of the victim shall not be a defense to a prosecution under this Code section.
- (f) A person convicted of sexual assault shall be punished by imprisonment for not less than one nor more than 25 years or by a fine not to exceed \$100,000.00, or both; provided, however, that:
  - (1) Except as provided in paragraph (2) of this subsection, **any person convicted of the offense of sexual assault of a child under the age of 16 years shall be punished by imprisonment for not less than 25 nor more than 50 years ...**



## PENNSYLVANIA'S BAIL GUIDELINES

### Rule 523. Release Criteria.

(A) To determine whether to release a defendant, and what conditions, if any, to impose, the bail authority shall consider all available information as that information is relevant to the defendant's appearance or nonappearance at subsequent proceedings, or compliance or noncompliance with the conditions of the bail bond, including information about:

(1) the nature of the offense charged and any mitigating or aggravating factors that may bear upon the likelihood of conviction and possible penalty;

- (2) the defendant's employment status and history, and financial condition;
- (3) the nature of the defendant's family relationships;
- (4) the length and nature of the defendant's residence in the community, and any past residences;
- (5) the defendant's age, character, reputation, mental condition, and whether addicted to alcohol or drugs;
- (6) if the defendant has previously been released on bail, whether he or she appeared as required and complied with the conditions of the bail bond;
- (7) whether the defendant has any record of flight to avoid arrest or prosecution, or of escape or attempted escape;
- (8) the defendant's prior criminal record;
- (9) any use of false identification; and
- (10) any other factors relevant to whether the defendant will appear as required and comply with the conditions of the bail bond.

(B) The decision of a defendant not to admit culpability or not to assist in an investigation shall not be a reason to impose additional or more restrictive conditions of bail on the defendant.



## TYPES OF RELEASE ON BAIL

### Rule 524(C). Types of Release on Bail.

- (1) Release On Recognizance (ROR): Release conditioned only upon the defendant's written agreement to appear when required and to comply with the conditions of the bail bond in Rule 526(A).
- (2) Release on Nonmonetary Conditions: Release conditioned upon the defendant's agreement to comply with any nonmonetary conditions, as set forth in Rule 527, which the bail authority determines are reasonably necessary to ensure the defendant's appearance and compliance with the conditions of the bail bond.
- (3) Release on Unsecured Bail Bond: Release conditioned upon the defendant's written agreement to be liable for a fixed sum of money if he or she fails to appear as required or fails to comply with the conditions of the bail bond. No money or other form of security is deposited.
- (4) Release on Nominal Bail: Release conditioned upon the defendant's depositing a nominal amount of cash which the bail authority determines is sufficient security for the defendant's release, such as \$1.00, and the agreement of a designated person, organization, or bail agency to act as surety for the defendant.
- (5) Release on a Monetary Condition: Release conditioned upon the defendant's compliance with a monetary condition imposed pursuant to Rule 528. The amount of the monetary condition shall not be greater than is necessary to reasonably ensure the defendant's appearance and compliance with the conditions of the bail bond.



## CONVERSATION WITH A PHILADELPHIA PUBLIC DEFENDER

April 2, 2015

1. The system is rigged. Prison is a great way to make money. Everything costs money.
2. The general public do not think of my clients as people. They are people to me. I go to the prison almost every day. I get to talk to my clients. Sociopaths are few and far between. Most of them are just people who did something stupid when they were young, and it has followed them all their lives. They get a permanent record. They can't get a job. If convicted they are not eligible for federal financial aid for a year.
3. I have about 50 clients at the moment. Only 4 of them are out on bail. It is very difficult to prepare a case for someone who is in jail. No way to contact witnesses, for example.
4. Speedy Trial Rule? It's not counted by calendar days. Any delay that is not the fault of the prosecutor is not counted. I have one client who has been in jail awaiting trial for 834 days, and yet the speedy trial rule has not been violated.
5. "I had a guy in jail for two and a half years on a case they didn't have much evidence on."
6. We need more diversion programs. ARD costs a lot of money. People have to pay several hundred dollars to get in. Too much for some of my clients.
7. Judges have some discretion, but it's the DA's that have the power. They decide what charges to bring. They decide whether to seek the mandatory minimums. The district attorney routinely overcharges so much that each of our clients is genuinely not guilty of something they're charged with.
8. The good news is that drug mandatorys are no unconstitutional in Pennsylvania. (Alleyne) The DA's are pissed.
9. You have a whole generation of people whose parents are in jail. When I go to the prison, there are children everywhere visiting their parents. At least at the county level, they're nearby, but when the guys are sent up state, they're just out there. Gone.





## PENNSYLVANIA'S SPEEDY TRIAL RULE

### Speedy Trial: When Can I get my Case Dismissed?

Rule 600 of the Pennsylvania Rules of Criminal Procedure was recently amended.

The full text of the rule, which became effective on July 1, 2013 is set forth below:

#### **Rule 600. Prompt Trial.**

##### (A) COMMENCEMENT OF TRIAL; TIME FOR TRIAL

(1) For the purpose of this rule, trial shall be deemed to commence on the date the trial judge calls the case to trial, or the defendant tenders a plea of guilty or *nolo contendere*.

(2) Trial shall commence within the following time periods.

(a) Trial in a court case in which a written complaint is filed against the defendant shall commence within 365 days from the date on which the complaint is filed.

(b) Trial in a court case that is transferred from the juvenile court to the trial or criminal division shall commence within 365 days from the date on which the transfer order is filed.

(c) When a trial court has ordered that a defendant's participation in the ARD program be terminated pursuant to Rule 318, trial shall commence within 365 days from the date on which the termination order is filed.

(d) When a trial court has granted a new trial and no appeal has been perfected, the new trial shall commence within 365 days from the date on which the trial court's order is filed.

(e) When an appellate court has remanded a case to the trial court, the new trial shall commence within 365 days from the date of the written notice from the appellate court to the parties that the record was remanded.

##### (B) PRETRIAL INCARCERATION

Except in cases in which the defendant is not entitled to release on bail as provided by law, no defendant shall be held in pretrial incarceration in excess of

(1) 180 days from the date on which the complaint is filed; or

(2) 180 days from the date on which the order is filed transferring a court case from the juvenile court to the trial or criminal division; or

(3) 180 days from the date on which the order is filed terminating a defendant's participation in the ARD program pursuant to Rule 318; or

(4) 120 days from the date on which the order of the trial court is filed granting a new trial when no appeal has been perfected; or

(5) 120 days from the date of the written notice from the appellate court to the parties that the record was remanded.

### (C) COMPUTATION OF TIME

(1) For purposes of paragraph (A), periods of delay at any stage of the proceedings caused by the Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence. Any other periods of delay shall be excluded from the computation.

(2) For purposes of paragraph (B), only periods of delay caused by the defendant shall be excluded from the computation of the length of time of any pretrial incarceration. Any other periods of delay shall be included in the computation.

(3)(a) When a judge or issuing authority grants or denies a continuance:

(i) the issuing authority shall record the identity of the party requesting the continuance and the reasons for granting or denying the continuance; and

(ii) the judge shall record the identity of the party requesting the continuance and the reasons for granting or denying the continuance. The judge also shall record to which party the period of delay caused by the continuance shall be attributed, and whether the time will be included in or excluded from the computation of the time within which trial must commence in accordance with this rule.

(b) The determination of the judge or issuing authority is subject to review as provided in paragraph (D)(3).

### (D) REMEDIES

(1) When a defendant has not been brought to trial within the time periods set forth in paragraph (A), at any time before trial, the defendant's attorney, or the defendant if unrepresented, may file a written motion requesting that the charges be dismissed with prejudice on the ground that this rule has been violated. A copy of the motion shall be served on the attorney for the Commonwealth concurrently with filing. The judge shall conduct a hearing on the motion.

(2) Except in cases in which the defendant is not entitled to release on bail as provided by law, when a defendant is held in pretrial incarceration beyond the time set forth in paragraph (B), at any time before trial, the defendant's attorney, or the defendant if unrepresented, may file a written motion requesting that the defendant be released immediately on nominal bail subject to any nonmonetary conditions of bail imposed by the court as permitted by law. A copy of the motion shall be served on the attorney for the Commonwealth concurrently with filing. The judge shall conduct a hearing on the motion.

(3) Any requests for review of the determination in paragraph (C)(3) shall be raised in a motion or answer filed pursuant to paragraph (D)(1) or paragraph (D)(2).

(E) Nothing in this rule shall be construed to modify any time limit contained in any statute of limitations.



## Beverages

- instant coffee, 10 packets - \$3.20
- fruit punch drink mix, 10 packets - \$3.21
- hot chocolate, 1 packet - \$0.55

## Candy

- regular size - \$1.12
- large size - \$1.40
- hard candy, bag of 15 - \$1.40

## Clothing

- boxers, m - \$3.51
- bra - \$14.00
- t-shirt, m - \$3.60
- sneakers - \$11.24

## Health/Beauty

- ibuprofen, 2 pills - \$0.50
- lotion - \$2.35
- deodorant - \$4.33
- shampoo/conditioner - \$2.99 ea
- hair relaxer - \$15.96
- hair food - \$2.27

## Misc

- bowl - \$1.00
- earplugs - \$0.80

## Non Food Items

- mesh laundry bag - \$6.45

## Phone Time

- 15 min local call - \$4.00

## Post

- book of stamps - \$4.90
- stamped envelope - \$0.68
- stamped postcard - \$0.43

## Prepared Foods

- Ramen noodles - \$0.70 each
- Tuna - \$2.75 single serve pouch

## Snacks

- chips - \$0.95
- pop-tarts, 2 pastries - \$1.25
- pastry - \$1.10
- brownie - \$0.90
- peanut butter, 1 oz - \$0.69
- salt + pepper, 10 single serve packets - \$0.62
- mayo - 12 single packets - \$1.70
- cookies, 12 oreo sized - \$1.15

## Stationary

- white writing pad - \$1.50
- sketch pad - \$5.24
- playing cards - \$2.75
- flex pen - \$0.50
- legal envelope - \$0.34

## Welfare/Indigent

- Orders placed by 10:00am Friday are delivered on the following Monday, \$50 max/order
- Internet care packages ordered by 12:00am Thursday are also delivered the following Monday, 1 pack max/inmate
- Interim ordering available on Thursday mornings and delivered Thursday afternoons. Available items:
  - snack pack: 3 chips, 3 candy bars, 1 pastry - \$7.37
  - hygiene kit: bar soap, deodorant, shampoo, toothpaste - \$9.60
  - soup pack: 10 beef ramen, 10 chicken ramen - \$14.00
  - tube socks - \$2.03
  - boxers - \$3.51 - \$5.30 by size
  - hair food - \$2.27



## MARCELLA'S STORY

State prison officials hold inmates beyond their release dates every year -- not because they pose a threat to the public but because they cannot find a place to live that parole officers find suitable. (Marcella's Story, 2014).

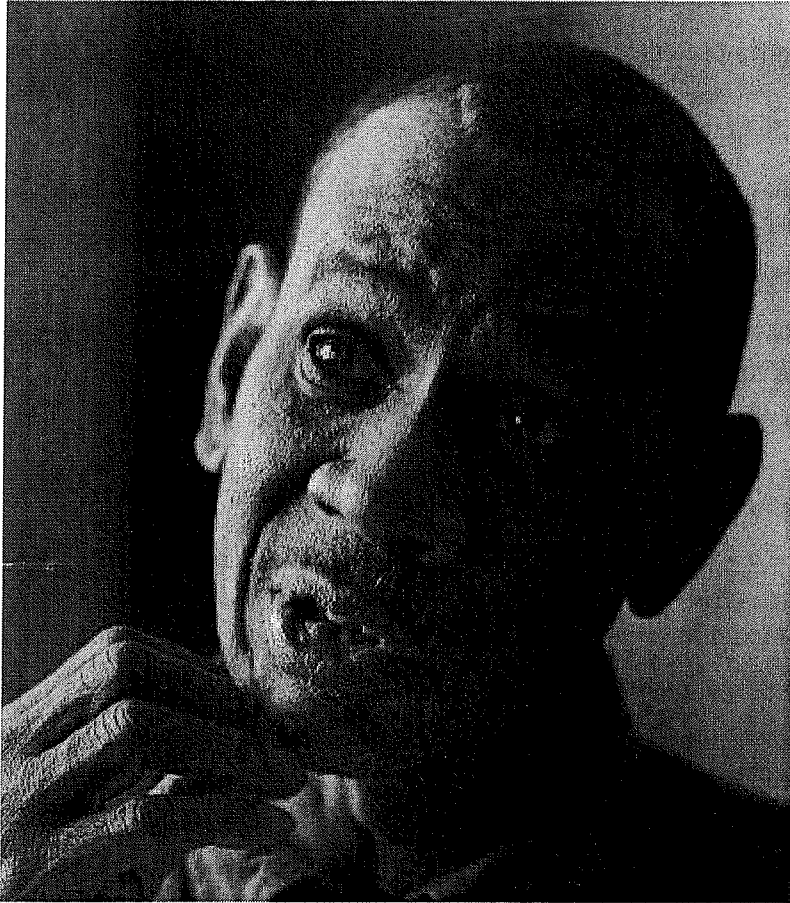
It's a practice commonly known as "violating at the door" because guards at one time walked inmates who had completed their sentences to the prison gates, only to return them to their cells for failing to find a suitable home -- considered a parole violation.

Now, according to prison officials, such dramatic "turn arounds" rarely if ever take place, yet hundreds of inmates continue to be held every year for months or even years beyond their release dates. They must be set free by the time their terms of parole end, sometimes as long as three years later. We have young men and women of all ages locked up because they have no place to stay!





# Shock of freedom: Life after prison



TOM GRALISH / STAFF PHOTOGRAPHER Baker: Being bitter is "wasted energy."

BY VINNY VELLA, Daily News Staff Writer [vellav@phillynews.com](mailto:vellav@phillynews.com), 215-854-2513

POSTED: MARCH 26, 2015

DURING HIS first moments as a free man in nearly 45 years, Clarence Safwat Davis was thinking about groceries. Specifically, about whether his family needed to pick up bread and milk on the drive home to Tioga from the state correctional institution at Graterford.

"It's something that's part of our normal flow as a family, something we always do and ask about," Davis, 64, said the other day, a few weeks after that January night. "I didn't want to miss that step. I really just wanted to pick up where we had left off."

But his first thought, even before pantry staples, was how surreal it felt to be able to do whatever he wanted for the first time since he was 20 years old. "I hoped that no one would come along and pinch me and wake me up from this dream," he said. "It was unreal, and, in many respects, it still is unreal."

Davis' experience of re-entering society in what he calls a "second childhood" after years of captivity, of struggling to ease back into a world that evolved while he sat frozen in time, is shared by scores of men and women every year.

According to data from Philadelphia's Office of Reintegration Services, about 300,000 former inmates live among the city's 1.5 million residents. The *Daily News* interviewed three of these "returning citizens," three men from Philadelphia born anew after many years in prison.

Life on 'another planet'

A few days after Davis made that trip into the parking lot in Graterford pushing a cart full of the belongings he had accumulated in prison, someone asked him what was new.

"Everything," he said. "It's like they let me down on another planet."

Philly was a city that, more than 40 years ago, Davis knew like "the back of my hand." Now, on SEPTA buses he has to ask the driver where his stop is.

"I don't mean it's things I'd never seen before, but everything is like a new experience," he said.

Davis is still having "firsts" with his family: first dinner at his nephew's house, first time eating his wife's French toast. Going to a hibachi restaurant was a big kick for him.

When he went to get his driver's license, he was floored that he didn't have to take another road test. It might not have been a bad idea, he joked, given that the last car he drove - a 1963 Chrysler - was light-years away from his current ride, a 2003 Saturn.

But he's grateful for those differences, especially considering the alternative.

Davis shuttled around the state prison system after 1972, when he was convicted of first-degree murder in the death of Arthur Gilliard during a robbery in North Philly. In 2008, he uncovered evidence that the two witnesses used by the state to convict him hadn't disclosed that they were receiving leniency for cooperating. Davis appealed to the state Supreme Court, which ordered a new hearing.

On Jan. 8, a Common Pleas judge accepted Davis' reduced plea of third-degree murder and allowed him out on parole. He was released days later.

He's fortunate, he said, that his loved ones stuck by him. Too often, he saw inmates walk to the phone bank, dial a random number and act out a conversation just to keep up appearances.

"My family always encouraged me to keep my head up and keep my hope up," he said. "That's why I never gave up on myself, or life in general."

They persuaded him to get an education. In 1988, he was one of the first inmates at the state correctional institution at Dallas, Luzerne County, to get a four-year degree from nearby Misericordia University.

After that, Davis helped inmates learn to read. He hopes one day to get a job helping other returning inmates connect with services and support groups.

"I've had so much success, and been fortunate because of my family and through the grace of God to be here today, that I want to help other people reach that level," he said.

Touch-tone amazement

Ed Baker knows the beauty of success.

"Every day, I try to hold on to something good to feel about, and I have so much," he said recently over coffee at the Broad Street Diner, near Ellsworth Street in South Philly.

"I don't even have to talk about it with you, I don't have to share it. It just feels good to know it's there."

Baker, 58, has crammed plenty into the past 15 years: He got a job as a city electrician, bought a house, got a car and built a life.

He had a lot of time to make up for.

In 1974, at age 17, Baker was convicted of the murder and robbery of Steve Gibbons, an elderly neighbor. He maintained his innocence for decades, claiming that he was at a wake during the murder.

Years later, Centurion Ministries, a Princeton, N.J.-based nonprofit, tracked down Donahue Wise, the state's key witness in Baker's trial. Wise, an admitted drug addict who suffered from schizophrenia, recanted his statement, saying he had sold Baker out in exchange for a lesser sentence of his own. Baker, Wise said, was never involved in the crime.

In a 1997 opinion reversing Baker's conviction, Common Pleas Judge C. Darnell Jones called his ordeal a "miscarriage of justice."

Baker was released from prison in 1999 and moved in with a cousin in South Philly, a part of the city that he barely recognized. Sure, the streets were the same, the houses still stood where they had been. But things were quieter, calmer. Gone was the rampant gang violence that he once dodged constantly: As a teen, he'd been afraid to walk in certain parts of his own neighborhood.

Now, he took great pleasure in walking. Sometimes, he'd skip the bus to work and make the first leg of his commute a little longer. "I just loved the freedom," he said. "Just being able to walk around and see everything, to take it all in."

Little details would amaze him, like touch-tone phones that replaced the bulky rotaries everyone had used when he went away. Or GPS devices, which resembled the radar that James Bond used in "Goldfinger," one of his favorite movies as a kid.

He had the luxury of enjoying these everyday marvels because he left prison with a plan.

"When I was in jail, I had my focus; I knew what I wanted to do," Baker said. "Now, I'm on my own, and I still have that focus."

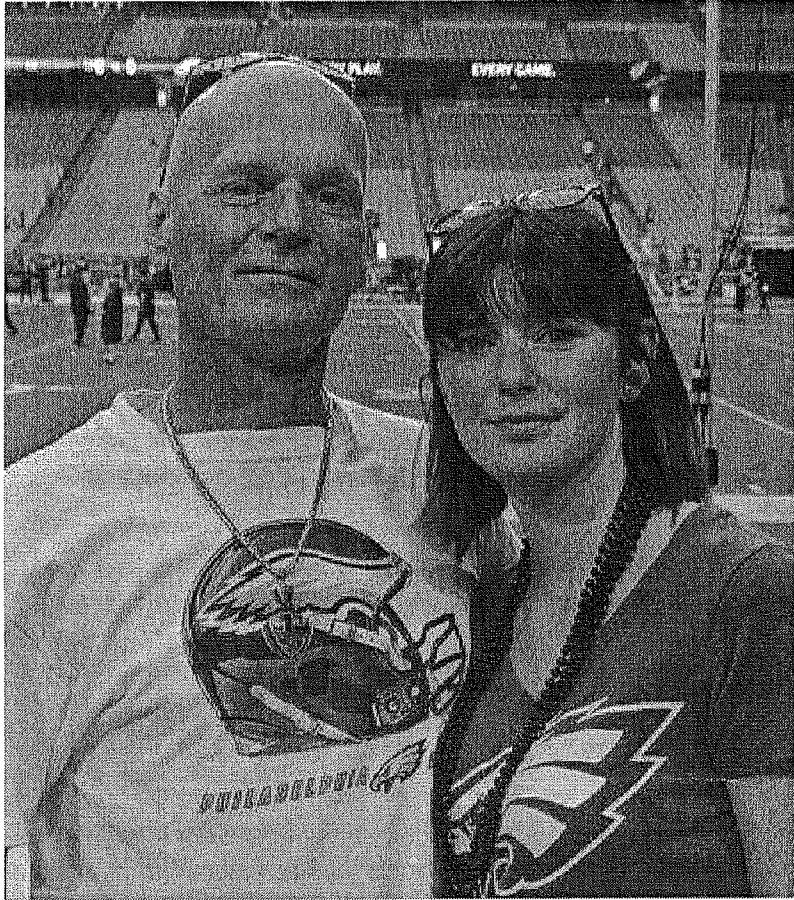
During his time behind bars, Baker turned a childhood curiosity with the way things work - his parents would scold him for "tearing up" all of his toys - into an electrician's apprenticeship at the state correctional facility at Camp Hill.

When he got out, Baker took the city's electrician test. His score was so high that he was offered a job at Veterans Stadium. Since then, he's moved to the city's Southwest Water Pollution Control Plant and has been promoted three times.

"Jail took a big chunk of my life, don't get that messed up, but I got something out of it and I put it to use to sustain my life," Baker said.

Baker said he's left anger and bitterness - emotions that once ruled his life as a young man wrongfully serving a life sentence - far behind.

"I didn't like being in there, but I can't be bitter, because it's wasted energy," he said of prison. "When you think about it, who are you going to be bitter to?"



Nick Yarris, who went through an ordeal like Baker's, also says he has no reason to be bitter.

Yarris, 53, lives in sunny Claremont, Calif., with his third wife and an 8-year-old daughter. They take day trips, ride bikes, go hiking. But life wasn't always like that for the Southwest Philly native.

In 1981, Yarris, then 20, high on methamphetamine, was pulled over by a cop in Chester. A fight broke out, and he was charged with attempted murder of a police officer.

As he sat in prison, he heard about the murder of Linda Mae Craig in Upper Chichester Township, Delaware County. Desperate for freedom, Yarris lied to police, claiming that he had information about the

case. He was acquitted in the Chester case - but later convicted of Craig's murder and sentenced to death.

Yarris sat on death row for years, often in solitary confinement.

"I guess I'm always going to be a 20-year-old kid who hit the wall and didn't die, but just stopped there for a little," he said recently. "My growth as a human being in life stopped. It's like I was put on pause."

In July 2003, DNA evidence showed that Yarris didn't kill Craig. He was released a year later.

"Everyone has the image that when the door opens it's the end of a long journey," Yarris said. "The truth is that it's the beginning of an ordeal."

He got headaches from changes in barometric pressure. Natural sunlight irritated his skin. It took him weeks before he could stomach food that wasn't prepared in a commissary.

His body was literally fighting to adapt to freedom.

When he moved back home to Elmwood Avenue in Southwest Philly, his two retired parents having been "handed back a child with no support," he felt like a burden.

He struggled to find work.

"I was given a blank piece of paper and asked to tell the world who I am, and I was judged by my defining trait: being in jail," he said.

After weeks of fruitless searching, he landed a job cleaning shuttle buses at Philadelphia International Airport for \$30 a day. It wasn't cutting it.

Two years later, Yarris moved to London, where nobody knew him as "Nick Yarris, former felon." He could be anonymous. There he married his current wife.

Last year, he dropped anchor on the West Coast. These days he spends his time volunteering with the California Innocence Project, which advocates for people who are wrongly convicted, and he lectures about his life story.

"I could sit down, beat my head against the wall and be bitter," he said, "or I can use the one tool that could change my life - belief in myself."

---

**On Twitter:** @Vellastrations



**From:** The White House <noreply-correspondence@whitehouse.gov>

**Date:** March 16, 2015 at 5:52:09 PM EDT

**To:** "jennifer.levytatumlaw@verizon.net" <jennifer.levytatumlaw@verizon.net>

**Subject:** Response to Your Message



**THE WHITE HOUSE**  
WASHINGTON

Dear Jennifer:

Thank you for writing. I have heard from many Americans about our Nation's criminal justice system, and I appreciate your perspective.

As we work to improve security on our streets and in our neighborhoods, we are also fighting to build a more fair and balanced criminal justice system. All Americans deserve to be treated equitably, and that is why I support the efforts of Federal, State, and local law enforcement authorities to prohibit racial profiling—a practice that has targeted too many Americans.

In addition, my Administration has taken action to address the vast sentencing disparities faced by those convicted of possession of crack cocaine as compared to powder cocaine. Consequences should follow if you break the law, but our Nation must ensure that sentencing fits the crime. In 2010, I was proud to sign into law the Fair Sentencing Act to help right a long-standing wrong by narrowing these sentencing disparities. We further advocated for the retroactive application of these revised sentencing guidelines—a crucial change that took effect on November 1, 2011. I also support funding for drug courts, which give first-time, non-violent offenders a chance to serve their sentence—if appropriate—in drug rehabilitation programs that have often been proven to work better than prison.

Just as we must instill fairness within the criminal justice system, we should

lives around. I am committed to helping formerly-incarcerated people reenter society through programs that provide job training, work incentives, transitional assistance, and substance abuse and mental health treatment—all of which can reduce the likelihood that a person will return to destructive criminal behavior and can encourage a more productive society.

Thank you, again, for writing. To learn more about my Administration's work on criminal justice reform, please visit [www.WhiteHouse.gov/Issues/Civil-Rights](http://www.WhiteHouse.gov/Issues/Civil-Rights).

Sincerely,

Barack Obama

WWW.WHITEHOUSE.GOV



Facebook



Twitter



YouTube



Flickr



iTunes



## LWV ALABAMA (2014-2015)

### HUMAN RESOURCES

Criminal Justice 1975, 1976, 1977 and 1979 (Updated 1995 and 2003)

The League of Women Voters favors an adequate budget to support criminal justice needs throughout the state. In order to deal with the problems of reintegration of offenders into the community and to minimize the use of traditional incarceration, the League of Women Voters supports maximum efforts to expedite trial and to ensure swift and consistent justice. It also supports the concept of rehabilitation as a major goal of the criminal justice system. The League recognizes the need to deal with the special problems of the juvenile offender by the development of programs and policies designed to aid in rehabilitation and prevention of further delinquency.

I. The League supports the following actions in relation to bail and pre-trial confinement:

- A. Reform of bail and pre-trial release practices with use of release on recognizance when possible. Cash bail should not discriminate against the poor, should be administered through the courts, and should be publicly accountable.
- B. Revocation of release for noncompliance with the terms of release, should occur only if the accused has had adequate notification of appearance, place and time.
- C. According persons held pending trial the presumption of innocence and the privileges consistent with this assumption.
- D. Granting the right to appeal a decision to detain pending trial.
- E. Crediting to a sentence all time spent in custody pending trial.
- F. Use of citation or summons by appropriate officials rather than arrest procedures where appropriate.
- G. Use of counseling programs as alternatives to pretrial detention.
- H. Provision of medical treatment in a medical environment when needed for those held in custody.

II. The League supports the following actions with regard to the Alabama prison system:

- A. Use of a classification system run by adequately trained personnel.
- B. Rehabilitation opportunities offered for all inmates regardless of the length of their sentence or the offense committed. We support programs focusing on substance abuse as well as assistance to inmates in overcoming a lack of education. Emphasis should be placed on basic skills with a high school equivalency diploma as the minimum goal.
- C. Priority given to prison industries that provide inmates with vocational training that they can use after release.
- D. Minimizing the use of traditional incarceration. Should more prisons be built, smaller minimum security facilities should be located in areas where work release opportunities exist.

III. The League supports the following actions in the area of juvenile justice:

- A. Creation and maintenance of a family court system.
- B. A standard maximum legal age for juveniles set at 18.
- C. Creation and maintenance of community facilities to treat status offenders<sup>1</sup> under the jurisdiction of the juvenile court.
- D. Coordination by the Department of Youth Services (DYS) of services for delinquent youth and status offenders, including services provided by private agencies regulated and subsidized by DHS.
- E. Establishment of uniform standards and procedures for the screening and diversion of juvenile offenders to non institutional programs and agencies.
- F. Uniform probation services supported by state funding.
- G. Appropriate time limits on periods of institutionalization rather than indeterminate periods.
- H. Use of parole for juveniles held in state juvenile institutions.
- I. Community aftercare programs and local case worker supervision for those released from juvenile institutions.

---

<sup>1</sup> Status offenders are those who are offenders only because of their status e.g. underage drinking...

## REFERENCES

- <http://www.dailylocal.com/general-news/20150503/innovative-montco-court-program-gets-national-attention>
- <http://www.nytimes.com/2015/03/29/magazine/prison-planet.html>
- <http://www.nytimes.com/2015/03/29/magazine/inside-americas-toughest-federal-prison.html>
- <http://www.nytimes.com/2015/03/29/magazine/inside-americas-toughest-federal-prison.html>
- [http://www.nytimes.com/2015/04/26/opinion/sunday/forcing-black-men-out-of-society.html?\\_r=0](http://www.nytimes.com/2015/04/26/opinion/sunday/forcing-black-men-out-of-society.html?_r=0)
- <http://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html>
- <http://www.nytimes.com/2015/02/11/us/jails-have-become-warehouses-for-the-poor-ill-and-addicted-a-report-says.html>
- <http://harvardmagazine.com/2013/03/the-prison-problem>
- [http://www.huffingtonpost.com/francine-sherman/locking-up-traumatized-girls-is-no-way-to-help-them\\_b\\_6929764.html](http://www.huffingtonpost.com/francine-sherman/locking-up-traumatized-girls-is-no-way-to-help-them_b_6929764.html)
- <http://www.newyorker.com/magazine/2015/04/13/the-price-of-a-life>
- <http://www.newyorker.com/magazine/2012/01/02/no-remorse>
- [http://www.nytimes.com/2015/02/19/us/politics/unlikely-cause-unites-the-left-and-the-right-justice-reform.html?mwrsm=Email&\\_r=0](http://www.nytimes.com/2015/02/19/us/politics/unlikely-cause-unites-the-left-and-the-right-justice-reform.html?mwrsm=Email&_r=0)
- <http://mobile.nytimes.com/2008/04/23/world/americas/23iht-23prison.12253738.html?pagewanted=all&referrer=>
- <http://www.deathpenaltyinfo.org/documents/PAwrongfulconvictions.pdf>
- <http://www.cor.pa.gov/Documents/2015-2016%20DOC%20Budget%20Testimony.pdf>
- [http://www.hrw.org/sites/default/files/related\\_material/2014\\_US\\_Nation\\_Behind\\_Bars\\_0.pdf](http://www.hrw.org/sites/default/files/related_material/2014_US_Nation_Behind_Bars_0.pdf)