

NV-CURE (*Citizens United for the Rehabilitation of Errants*)

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“STRUGGLE IN SOLIDARITY”

“The cruelest tyranny is practiced behind the shield of law and order”

INFORMATIONAL BULLETIN NEWSLETTER

May 2018

No. 29

Discontinued NV-CURE Membership

Unfortunately, and with much regret, NV-CURE has discontinued the membership of approximately 225 people previously in our organization for failure to re-new their annual dues. Those people will not be receiving this newsletter. A warning was provided in our last newsletter to these people that their annual dues were due. We deeply regret this action. However, we simply cannot afford to carry that many people on our membership list without at least some effort to help with our costs.

NV-CURE does not believe that a \$2.00 yearly membership fee is unreasonable. That fee is all that it takes to become a part of our organization and to receive six (6) of our newsletters per year (at a cost to us of approximately \$10.50 per year per person). Many of our members send us more than the minimum amount and we sincerely appreciate their generosity. We want every prisoner to be a member of our organization. Unfortunately, we cannot carry all without help.

NV-CURE assumes that if a person has not paid membership dues in over a year, the person is not really interested in our newsletter. We encourage all to join us in the struggle for change.

Look at your mailing label on this edition, #29. If you see an X by your name, it means that you have not paid membership dues since 2016, and this will be your last newsletter from NVCURE. Send in your stamps or check today!

Don't Just Read - Think

Big Thank You To Las Vegas RTC

NV-CURE hereby extends a big Thank you to Las Vegas RTC for their donation grant of \$2,500.00 in the form of one day bus passes to our prisoner transport program. Our Members and the prisoners we help with bus passes sincerely appreciate the generosity of the Las Vegas RTC in this matter. Thank you.

Our Vice President Craig Caples handles the bus pass donations. He works with the Division of Parole and Probation (P&P), currently Sgt. Mallory Tripet, and others to insure that newly released prisoners have transportation when needed for job and housing trips. The transportation program is a big help and a success. We sincerely thank all involved for their efforts and particularly the Las Vegas RTC.

Election of Legislative Committee Chair

Sara Bartel, a Member of NV-CURE, has been elected as our Legislative Committee Chair. She will run the Legislative Committee, track legislation pertaining to the prison and parole systems, testify or make public comments at ACAJ meeting or legislative hearings, discussing issues with legislators and report to us what the legislature is doing with respect to the prison and parole systems. In addition, Sara is a member of the Rights Society and works closely with other organizations, such as, Mass Incarceration Project, PLAN and Committee for a Just DA. We are hopeful she will soon be a Director in our organization.

HELP NEEDED. Sara is going to need some help with the activities of the Legislative Committee. It is a big job and can not be done alone. Anyone in the community with an interest in working with Sara on the NV-CURE Legislative

Committee, please contact Sara through NV-CURE and indicate your desire to help with the Committee work. It may involve attending ACAJ and Legislative meetings, researching issues at the library or on the internet, writing reports for Sara or NV-CURE, or any other work Sara deems appropriate. Call us and let's make things happen.

Election of Prison Commission Chair

Craig Caples, NV-CURE Vice President, has been elected as our Prison Commission Chair. He will run the Prison Commission Committee, track and make proposed changes to administrative regulations (ARs), discuss issues with NDOC and Prison Commission officials, and suggest and comment at Prison Commission meetings. In addition, Craig chairs NV-CURE meetings, runs our former prisoner transportation program with Parole and Probation officials and performs other duties as our Vice President.

HELP NEEDED from incarcerated people with knowledge and understanding of NDOC regulations and operating -procedures to identify problems with current Ars and to suggest proposed changes to existing Ars and/or creation of additional ARs. Any prisoners willing to assist Craig with this project should write NV-CURE, Attn: Craig Caples, Prison Commission Chair, 540 E. St. Louis Ave., Las Vegas, NV 89104, and volunteer your assistance. Craig will advise of what he needs done.

Don't like the rules – help us try to change them!

Forging Alliances Conference

A group of concerned people meet on April 28, 2018, at the UNR Library for a Rhetoric Reno Event Forging Alliances: Connecting Academic and Community Activism conferences. Each person was an activist and interested in helping people in the community. They were there to discuss issues with a panel of activists involved in the matters. The issues discussed were housing and community health reform, immigration reform, and prison reform, with working group roundtables and concluding remarks.



Leslie R. Anglesey, PHD Candidate, Graduate Teaching Assistant, with NV-CURE President John Witherow, at Forging Alliances Event

John Witherow was invited to attend the conference by Leslie Anglesey, one of the organizers of the event, as a panelist. He spoke on issues related to mass incarceration and the need for prison reform. It was a great opportunity to forge alliances with other activists in the community helping to make life better for all of us.

Thank you, Leslie, and all of the other activists and UNR students involved in the opportunity. We will look forward to working together with you in the future.

CCA for Just DA Event

Clark County Committee (CCC) for Just DA Event will be held on May 21, 2018, from 6-8 PM, at the Victory Missionary Baptist Church, 500 W. Monroe Ave, Las Vegas, NV 89106, 702 648-2286. Candidates for District Attorney in the forthcoming election will be questioned on their position on various matters by a panel of people interested in criminal justice reform. You are invited to attend this event and NV-CURE is a co-sponsor of this event.

Congratulations on Release

Congratulations to long time NV-CURE supporters, Deborah and Norn, on their being granted parole. We will look forward to having you both in the community in the very near future and hope to see you at NV-CURE Meetings. Welcome home.

NV-CURE Donations to NDOC

NV-CURE book donations to NDOC facilities continues. We have recently donated books to SDCC, NNCC and WSCC and we are in the process of collecting books for a donation to LCC. In addition, we have donated the materials for a Therapeutic Garden for the Medical Unit at FMWCC. The women did an excellent job of using those materials to build the garden and erecting the picnic tables.

Working together we can make a little difference in conditions of confinement.

Donations to NV-CURE By Prisoners

Donations to NV-CURE by NDOC prisoners is increasing. FMWCC women have been the leaders in holding fundraisers for us and have been extremely helpful in the continued publication of our newsletter. The women are currently in the process of holding another fundraiser for us. We are very grateful to them for their ongoing support. We donate back to the NDOC for them 40% of the funds received from their fundraisers in the form of items for their facility.

Prisoners at LCC, WSCC and HDSP have indicated they have or will try to set up fundraisers to benefit NV-CURE. We are currently expecting a check from LCC from their fundraiser. We can use all the help we can secure for our activities on behalf of NDOC prisoners and we thank all of you for your help. As previously indicated, we will donate back to each facility that donates to us 40% of the funds raised for us in the form of items needed by the people at the NDOC facility and all of funds

we retain will be used in our activities to reform and change the prison and parole systems. Help us to help you. Thank you.

Tablet Pilot Program In NDOC

NV-CURE has received a number of requests for information on the new pilot program for Tablets being considered by the NDOC. The following information was received in response to our inquiry:

“NDOC has identified two pilot programs for tablets. The first pilot program will be utilized in coordination with the Second Chance Act Grant, substance abuse program. The tablets will include educational programs, and other activities that will provide incentives for completing programming. The second pilot program will be specific to educational program at High Desert State Prison and Florence McClure Women's Correctional Center. These tablets will include a variety of educational options for up to two-hundred inmates. Both of these projects will be utilizing tablets donated to NDOC for trial purposes. After the trial period, NDOC will be examining the tablet programs, security, flexibility and success with the selected groups. It is anticipated the first pilot project for the educational tablets will be implemented by fall of 2018.”

Mental Illness Being Addressed In NDOC

By Paul R Hill

NDOC Director Dzurenda and NNCC Warden Baca have begun the process of taking mental illness seriously in Nevada prisons.

Pilot programs are being allowed into NNCC. The National Association on Mental Illness (NAMI) is teaching prisoners how to facilitate these mental health programs. It is my understanding that this is the very first male prison in the country that is currently using these peer-based programs. There are two female prisons that have these mental health programs and one of them is in Nevada, too. I have personally been a part the pilot program called *Connections*; also, there is a second program beginning called *Peer-to-Peer*, with the possibility of more to come. I am whole-heartedly encouraged by the direction that Director Dzurenda and Warden Baca have taken.

Many, many men in Nevada's prisons know me personally as having lived and survived inside for almost four decades. New prisoners deal with so many personal issues, but to deny prisoners any process with mental illness because of the stigma attached to it is ludicrous. If at all possible, I strongly urge prisoners to take advantage of the support and process that NAMI offers. This is a non-profit organization that is nationwide. NAMI is powerful in Nevada's legislation and in the US Congress; for that matter there is also a lot of support available to our families who either have a mental illness or live with a person with mental illness.

Perhaps some examples will help you consider whether or not you have a mental illness. A low-level mental illness can be described as trauma or situational depression (feel nothing inside), to anxiety, to a higher level of full blown schizophrenia.

We as felons have to realize that continually breaking societal norms and laws over and over again indicates that there may be something mentally wrong. The State of California has determined that recidivism is not entirely the recidivist's fault. There may be underlying mental issues that have never been addressed. The Social Security Administration has also determined that you may be 100% disabled after 10 calendar years of incarceration. I am assuming that part of this is for a mental disability because of the prison induced trauma that we have endured.

As men and women, a label of being mentally disabled is a negative attitude that needs to change. Mental illness should be classified as a disease, just as alcoholism and drug addictions.

Take advantage if NAMI comes to your institution. Better yet, write to your Associate Warden of Programs (AWP) or Director Dzurenda to ask about NAMI coming to your facility.

I can't begin to thank all of the senior staff, psychologists and administrator Bill Pence of the Senior Structures Living Program (SSLP) for their tenacity helping us get these programs off the ground. We are all grateful.

NAMI Mental Health Program

Laura O'Neill, NAMI Program and Volunteer, has contacted NV-CURE and provided information regarding NAMI for consideration. We want to share that information with you. In the event you have a mental health problem with which you would like assistance, or if you would like to join NAMI and assist with the Corrections Program in Nevada, you are urged to review the websites and contact NAMI Executive Director Robin Reedy, 3100 Mill St., Ste. 206, Reno, NV 89502, robin@naminevada.org. From Laura:

Thank you so much to speaking with me this morning about NAMI's efforts in Corrections and how we can partner. I have included Robin Reedy, NAMI Nevada's Executive Director. As I mentioned, my primary focus is on the rural areas of Nevada. Robin is over all programs in Nevada. I am also including Linda Porzig, NAMI Western Nevada's Education and Outreach Director. She was the one with the passion to make sure these programs happened including bring in a culturally component training to increase my knowledge on how to provide a successful training, identifying volunteers appropriate to be CIT Coordinators and finding over \$10,000 of funding to pay for the needed trainings to launch both programs.

Below are links for Crisis Intervention Team (CIT) and NAMI's information on the program.

<http://www.citinternational.org/>

<https://www.nami.org/Law-Enforcement-and-Mental-Health/What-Is-CIT>

<https://www.nami.org/cit>

Below is a link to the NAMI Connection Program from our National Site. I am also attaching the Cultural Competent Corrections Connection information. It is in a Zip file to ensure that it is not too big to send. The program became nationwide earlier this month. Our Facilitators at NNCC wrote several of the role plays and really deserve the credit for helping show the

success of the program that lead to NAMI National taking the program nationwide. I am very proud of all they have accomplished with the program and they really deserve the credit for the success of the program. It is an honor to have been involved and offer them support.

<https://www.nami.org/Find-Support/NAMI-Programs/NAMI-Connection>

People in the community may access these websites for further information.

NV-CURE believes there is a severe mental health crisis in Nevada prisons and that a mental health Corrections Program at every NDOC would be beneficial to all in reducing mass incarceration and reintegrating our people back into the community.

Unnecessary Dropped Calls By Telecommunications Act

By: Travers A. Green, Death Row.

“Unnecessarily Dropped Calls Violate Telecommunications Act of 1934, as Amended in 1996, 47 U.S.C. § 201(b), a Three Part Series”.

Many Nevada prisoners recently experienced dropped calls. NDOC Inmate Phone Providers (“IT Providers”) may have intentionally dropped calls to offset revenue losses while the Federal Communication Commission (“FCC”) was investigating and poised to regulate these entities. This Three Part series discloses the background, parties and records involved to support the issue presented.

Part I

IT Providers were unregulated prior to 2015. See, *Global Tel*Link v FCC*, 859 F.3d 39, 42 (D.C. Cir. 2017) (“the Commission had never sought to impose rate caps on intrastate calls. Rather the FCC consistently construed its authority...as limited to addressing the problem of under-compensation for [inmate calling services (“ICS”)] providers.”). As unregulated entities, IT Providers charged what they wanted, and courts declined to intervene. See, e.g., *Johnson v. State of California*, 207 F.3d 650, 656 (9th Cir. 2000). Prisons uniformly acquiesced to IT Providers and reaped the rewards of kickbacks, masqueraded as “site-commissions”. In 2000, Martha Wright, a grandmother from Washington D.C., began a journey to change this monopolized system.

In *Wright v. Corrections Corporation of America, et. al.*, No. 00-cv-0293-Gk (D.D.C. 2000), Ms. Wright brought suit to declare prison rates “unjust and unreasonable.” The Court dismissed it in 2003, noting that, under the doctrine of “primary jurisdiction” the FCC was “clearly in the best position to resolve the core issues in this case, namely, the reasonableness of the rates charged”, but noted that “[a]fter the FCC does so...the Court will have the benefit of the agency’s expert findings in addressing them.” Id. Dkt No. 94; see, *Clark v. Time Warner Cable*, 523 F.3d 1110 (9th Cir. 2008) to better understand “primary jurisdiction” doctrine.

Ms. Wright then petitioned the FCC seeking to prohibit exclusive ICS contracts, collect call-only restrictions, per-call charges, and to establish intrastate rate caps. See, *Petition of Martha Wright, et. al, For Rulemaking or, in the Alternative,*

Petition to Address Referral Issues in Pending Rulemaking, CC Docket No. 96-128 at 3 (Nov. 3, 20003). In 2012, the FCC issued a “Formal Notice of Proposed Rulemaking” which, understandably, made IT Providers especially nervous. See, 27 FCC Rcd 16629 (2012).

IT Providers such as Securus, Global Tel*Link, IC Solutions and Century Link, whom controlled 85% of the market, spent considerable resources lobbying against reform. In the Matter of Rates for Interstate Inmate Calling Services, 30 FCC Rcd 12763, 12801 (Oct., 2015). But, Ms. Wright had considerable support, including the Human Rights Defense Center (Prison Legal News (“PLN”)), American Bar Association and, The Congressional Defense Black Caucus. See, 28 FCC Rcd. 14107, 14110, n. 9; 14155, n. 323; 14157, n. 338 (Sept. 2013).

Ten years later, Ms. Wright succeeded. The FCC declared that intrastate phone rates must be just and reasonable under 47 U.S.C. § 201(b), leaving them positioned to adopt comprehensive rules for the first time. See, In the Matter of Interstate Inmate Calling Services, 28 FCC Rcd., at 12769-12772. This background and record sets the stage for Part II. As IT Providers foresaw revenue losses, they deployed alternative practices.

Part II

In Part I, I identified the background and record inferring why IT Providers needed to deploy alternative practices to offset revenue losses. Part II addresses how they potentially did it.

The FCC’s twelve (12) year investigation and public record discloses that IT Providers engaged in unjust and unreasonable sub-practices apart from the exorbitant phone charges. The FCC noted:

“commenters raise issues regarding per-call charges that may be unjust, unreasonable and unfair because callers are often charged more for one per-call charge for a single conversation when calls are dropped, which the record reveals can be a frequent occurrence with ICS.” 28 FCC Rcd., at 14154, ¶ 85.

A “per-call” charge is “a one-time fee charged to a consumer at call initiation.” See, 47. C.F.R. § 6000. Nevada’s per-call charge was, upon call-acceptance, \$1.65 (plus \$0.13 per minute). The FCC cited records from the Massachusetts Department of Telecommunications and Cable establishing that it received 228 written complaints and “[e]xperience with dropped calls was mentioned in 79% of the letters”. Id., n. 320. In 2015, a riot in Alaska jumped off “[s]parked by a widespread disconnection of phone calls.” See, PLN, p. 38-39 (Jan. 2017).

Ultimately, the FCC concluded that “unnecessarily dropped calls that incur multiple per-call charges”, which means being assessed a second \$1.65 charge when you are forced (and eventually able) to call the person back after disconnection, thereby “completing”, i.e., entirely achieving and expiring your full one per-day/month 15 minute call, “are not just and reasonable.” 28 FCC Rcd., at 14155 ¶ 86; 30 FCC Rcd., at 12811

(“allowing such fees may encourage providers to charge end-users for dropped calls, which could lead to the ‘assessment of multiple per-call charges for what was, in effect, a single conversation,’ which has no place in a framework for just, reasonable, and fair compensation.”).

The FCC defined “unnecessarily” dropped calls; calls dropped “without regard to whether there is a potential security or technical issue”, i.e., 3-way attempts. 28 FCC Rcd., at 14155, ¶ 86, n. 321. Cellphone, “Google voice” or Voice over Internet Protocol (“VoIP”) type platforms do not qualify either, as the FCC long ago restricted this type of “call-blocking”. FCC Rcd., at 14168 & n. 411 (referencing “the Commission’s long-standing position against reasonable call-blocking” and citing its USF/ICC Transformation Order, 26 FCC Rcd. 17663, 18029-29, ¶’s 973-974 (2011)(“this prohibition also extends to providers of interconnected and of ‘one-way’ VoIP traffic”)). This is precisely what Nevada IT Provider’s may have engaged in.

In Part III, I will conclude with a brief discussion on information obtained via the Freedom of Information Act (“FOIA”) and identify litigation in Nevada that addresses dropped calls, as you may be a victim or witness that can impact that litigation.

Part III

In Part II, I demonstrated how the FCC’s investigation into exorbitant phone rates uncovered evidence of widespread dropped calls which the FCC prohibited in 2013. This final part identifies prior complaints, connects the background and evidence from Parts I and II, and identifies litigation in Nevada addressing dropped calls.

In July, 2017, via a FOIA request, I obtained hundreds of nationwide consumer complains about IC Solutions, Century Link and Embarq Payphone Services -- Nevada’s IT Providers. These complaints identified some of the same issues Nevada prisoners have complained of for years, including repeating your name or “United States of America” to begin the calling process, “please hold” delays after dialing the number, and dropped calls. Coincidence? Not when a corporation is bringing in \$460 million annually, and the prospect of settling a complaint or civil case challenging a particular practice versus abandoning the practice was part of their risk assessment analysis. 30 FCC Rcd., at 12821.

Basically, it appears that IT Providers were intentionally dropping calls a few minutes after connection prompting inmates to hang up then redial, thereby collecting another \$1.65 per-call charge, generating enormous profits for IT Providers at our expense. IT Providers then slowed the practice down once sufficient complaints reached the controlling state entity, as was the case in Massachusetts.

Prisoners should know that 47 U.S.C. § 201(b) states “[a]ll charges, practices, classifications, and regulations for and in connection with [communication by wire], shall be just and reasonable, and any such charges, practices, classifications, or regulations that is unjust or unreasonable is declared to be unlawful.” *Id.* As noted in Part I, the FCC must declare what is unjust or unreasonable. Because the FCC declared in 2013 that unnecessarily dropped calls are unjust and unreasonable, 28

FCC Rcd., at 14155, ¶ 86, 27 U.S.C. § 207 authorizes “any person” who has been damaged to either make a complaint with the FCC, or “bring suit for the recovery of damages...in any district court of the United States...[,] but such person shall not have the right to pursue both such remedies.” And, because private contractors are not “government” entities, officers or employees, the screening or exhaustion provisions of 28 U.S.C. § 1915A and 42 U.S.C. § 1997(e)(a) may not apply, but exhaustion is encouraged.

Nonetheless, this obscure and rarely invoked statute will soon form the basis of an amended complaint in Greene v. State of Nevada, et. al., 3:17-cv-00366-MMD-VPC (2017) (ECF No. 8), United States District Court of Nevada, which seeks to end the practice of dropping calls in the NDOC. Between 2012 and 2015 hundreds of prisoners whose calls were dropped contributed to the IT Provider’s annual revenue. If you have been a victim of unnecessarily dropped calls, you may be a witness, potential intervenor (see, Fed. R. Civ. P 24), or potential plaintiff. Your experience with dropped calls is invaluable to me, for us. As Nevada CURE has always said, “Know your rights.” The Corporations do.

Access Prices for Nevada and California

By: Maria Lopez

Death Row Prisoner Don Sherman published an article in NV-CURE Newsletter No. 27 regarding the difference in prices for prisoners in Nevada and California for items from Access, the only company allowed to sell specific items to these prisoners.

NV-CURE President and Editor John Witherow in Newsletter No. 28 published an article requesting someone in the community assist in preparing a price comparison of items for sale to NV and CA prisoners by Access.

The author of this article, a member of the community, has stepped forward to volunteer and devoted a significant amount of time in obtaining the required information from Access and NV and CA prisons to prepare this article. As the following facts will show, NV prisoners are paying substantially higher prices for the same item from Access. See for yourself.

Item	NV Cost	CA Cost
Cactus Annie’s Popcorn	\$3.80	\$2.15
Folgers Decaffeinated Jar	\$11.95	\$8.00
Crush Cherry Lime Aid	\$3.05.	\$2.15
Maxwell House 8 oz. Jar	\$11.10	\$5.80
Bigelow peach herbal tea	\$6.50	\$3.30
Paramount French vanilla	\$3.00	\$1.50
Captain Crunch 16 oz.	\$5.75	\$4.95
Hostess Twinkies	\$1.15	\$0.70
Hostess glazed donuts	\$4.25	\$3.15
Buffalo wings blue cheese	\$2.95	\$1.85
Corn nuts chili picante con	\$1.00	\$0.65
Cheese it pepper-jack	\$5.75	\$3.20
Keebler’s fudge cookies	\$4.95	\$2.50
Sweet and low sugar	\$2.90	\$1.85
Hot and spicy beef sausage	\$5.00	\$2.30
Fresh Catch salmon flakes	\$2.95	\$1.80

Mission flour tortillas	\$6.95	\$3.75
Ramen soup	\$0.75	\$0.34

CLOTHES

VO5 12.6 oz men’s ring	\$4.10	\$2.25
Irish Spring body wash	\$9.75	\$6.00
Colgate 4.6 toothpaste	\$5.75	\$4.50
V neck shirts pack 2XL 3XL.	\$19.65	\$13.60
Ankle length drawers 2x 3XL	\$10.30	\$7.30
Thermal long sleeve shirt	\$18.50	\$13.80
Nike tennis shoe B&W	\$99.95	\$63.95
Ccross training shoe	\$45.95	\$31.95
Reebok cross training shoe	\$79.95	\$50.00

PROMO ITEMS/CAI

Honey buns.	\$1.25
Hostess 10.5 glazed -donuts.	\$0.95
The whole shebang -original.	\$0.01
B C 5 oz beef summer sausage	\$0.01
Starkist tuna creations.	\$1.00
B C 8-ounce Cajun style rice	\$0.45
Old Spice 16 oz Hydro wash	\$0.99

CLOTHES

Heavy crew t-shirt 5xl 7xl in large	\$0.01
Gray thermals large 5xl.	\$6.95
Grey thermal shirt large to 5xl	\$4.95
Dickies gray beanie with Brim.	\$1.95
DSL Magazine.	\$0.45
Lowrider magazine.	\$0.65
Maxim magazine.	\$0.45

SPENDING AMOUNTS

\$50.01 to \$75.00	SCORE 2 PROMO ITEMS
\$75.01 to \$100.00.	SCORE 5 PROMO ITEMS
\$100.01 \$ \$125.00.	SCORE 6 PROMO ITEMS
\$125.01 to \$150.00.	SCORE 7 PROMO ITEMS
\$150.01 to \$175.00.	SCORE 8 PROMO ITEMS
\$175.01 to \$225.00.	SCORE 9 PROMO ITEMS
\$225.01 and up.	SCORE 10 PROMO ITEMS

Maria spoke with her husband Paul by phone several weeks ago. He asked that I investigate this horrible situation. I did. This is unacceptable. We all work hard for our money. They make a bad situation much worse. Tell your friends, and family of these ACCESS dirty dealings.

This is outrageous. This is costing the families and friends of loved ones in prison a substantially higher amount of their hard-earned money. This is not right and something must be done. We must end these disproportionate prices.

NV-CURE suggests all prisoners concerned for the higher prices charged to them by Access and the NDOC, and their family and friends, write letters, call, or e-mail Access, NDOC Director James Dzurenda, and their Legislators demanding price corrections of the prices being charged to them for items to the same prices being charged to CA prisoners. Their contact information is available on their websites.

Get Involved. Write, call or e-mail your Legislators!

**Hepatitis C Drugs Save Lives,
but Sick Prisoners Aren't Getting Them**

180316 PLN Article

Any national campaign to eliminate hepatitis C, an insidious virus that kills tens of thousands of Americans a year, would almost certainly involve prisons.

One in seven state inmates are believed to be infected, and the regimented environment of a prison has its advantages when it comes to screening and treatment.

The problem is, the drugs that effectively cure the disease are priced in the tens of thousands of dollars - far more than prisons can pay. In 2015, state corrections departments were treating less than 1 percent of those inmates known to be infected, a survey found.

Now courts have begun ordering states to provide the drugs regardless of cost, prompting an unusual showdown over how pharmaceutical companies set prices for the treatments.

In at least nine states, prisoners have filed lawsuits arguing that withholding drugs constitutes deliberate indifference to their dire medical needs, violating a constitutional ban on cruel and unusual punishment.

Last week, Massachusetts settled a lawsuit by agreeing to give all prisoners in advanced stages of the disease access to drugs.

In November, a federal district judge in Florida was the first to order a state prison to begin treating sick inmates. The state must now provide drugs to all inmates with severe liver damage by the end of this year and those with significant damage in 2019.

“This Court will not tolerate further foot dragging,” Judge Mark E. Walker wrote. “One can only wonder how long Defendant would have kicked the can down the road had Plaintiffs not filed this case.”

Dr. Anne Spaulding, an associate professor of public health at Emory University and the former medical director of the Rhode Island Department of Corrections, called the order an unfunded mandate. “It’s an impossible situation that the prison administrators are put in,” she said. “You can’t buy something you don’t have any money for.”

Prisons would be a logical linchpin in a campaign to eliminate hepatitis C: [some studies](#) suggest that one in three Americans with the disease pass through a correctional facility in any given year.

Delaying treatment has grave consequences. A leading cause of cirrhosis and end-stage liver disease, hepatitis C wreaks irreversible but invisible damage for years; when symptoms become apparent, it is too late to treat. The disease is blood-borne and usually acquired from unsafe transfusions or injection drug use, but perhaps only half of those infected know they have it. It can also be transmitted through tattooing using nonsterile equipment.

Early therapies for hepatitis C induced fatigue and depression in many patients and cleared the infection in less than half of them. But four years ago drug-makers began to introduce new medicines that do not have the same debilitating

side effects and cure nearly all patients, revolutionizing treatment.

In return, the companies demanded high prices — Gilead Science debuted the first of the new class of hepatitis C drugs, Sovaldi, at \$84,000 per course of therapy — and private insurers proved willing to pay.

Competitors have driven down the price. The latest entrant, AbbVie's Mavyret, was introduced in August 2017 at \$26,400. But the treatments remain highly profitable. Manufactured for just dollars per course of treatment, [Gilead's hepatitis C drugs](#) have brought in more than \$55 billion in revenue since 2014.

Drug-makers have long defended their high prices, arguing that their business model for developing new drugs depends on being able to reap a profit from existing ones. In the case of hepatitis C, this system has yielded drugs that the most affected populations have no way to afford.

"We are harming millions of people because of allegiance to a model of innovation that constrains delivering that innovation," said Peter Bach, a drug pricing expert who directs the Center for Health Policy and Outcomes at the Memorial Sloan Kettering Cancer Center. "That model — the central dogma of pharmaceutical development — is broken."

As people with private insurance gained access to hepatitis C treatment, it became less defensible to withhold it from prisoners. Florida had treated just 13 inmates when the federal court intervened. More than 5,000 inmates there have been diagnosed with chronic hepatitis C, but the corrections department does not conduct proactive screening, so officials concede there are likely closer to 20,000.

The Florida Legislature has allocated \$36 million to fund treatment through June 30, 2019, in a budget bill that awaits the governor's signature. State Senator Jeff Brandes, chairman of the Appropriations Subcommittee on Criminal and Civil Justice, believes that amount will be sufficient to satisfy the court's order to treat the sickest inmates, but it will leave thousands of others infected.

"You kind of feel like Sisyphus pushing the rock up the hill," he said.

Left untreated, prisoners will suffer irreparable liver damage and may transmit the infection to others. While state prisons that withhold drugs may protect their own budgets, the cost will likely still fall on taxpayers once the prisoners are released and seek care through Medicaid or other avenues, said Dr. Harish Moorjani, an infectious disease specialist who oversees care for prisoners in New York State.

"You may take a short-term view, whether you are a governor or a state legislature or whatever budget authority you are, but there is a price to be paid for that," Dr. Moorjani said.

New York has taken a longer view, approving 2,009 inmates for treatment between 2014 and 2017 at a cost of about \$140 million.

Some states have tried to obtain drugs at lower prices by banding together for greater bargaining power and by enrolling prisoners as patients in hospitals that already get

discounted drugs. These tactics have moderately reduced prices, but corrections officials say they would need to be vastly cheaper to even consider treating all eligible prisoners.

Lower prices are available — in Egypt. Once the country with the highest rate of hepatitis C in the world, it may become [the first to eliminate it](#). Gilead allows manufacturers there to license its drugs, and the price of treatment is just \$80 per patient. The country has already cured 1.6 million cases.

Gregg Alton, an executive vice president at Gilead, defended the prices the company charges in the United States. Like other drug-makers, Gilead promises its best price to state Medicaid programs, the Department of Veterans Affairs, and certain hospitals. If the company lowered the price for prisons, Mr. Alton said, it would have to further reduce it for these other entities. Giving prison health systems access to the same discounted price would require an act of Congress.

"I would love to see all the poor people in the United States have unlimited access to hepatitis C medication," Mr. Alton said. But, he argued, states must pay for it. "They have to be accountable for providing a reasonable budget."

Some experts worry that drug companies will become even more reluctant to reduce their prices as courts order states to treat their inmates, since it effectively prevents them from leaving the negotiating table.

In an attempt to break the impasse, the National Governors Association recently convened representatives from states and drug-makers. Louisiana brought up a little-used section of patent law that would allow the federal government to manufacture the drugs for the public interest, paying only reasonable compensation.

Participants also broached the idea of a Netflix-type model, in which states would license bulk use of drugs rather than pay per patient. They reason that drug companies might vie for the large, untapped market of state prison inmates.

Whether the idea becomes a reality is up to the drug-makers. Asked about the company's position, a Gilead spokesman wrote in an email, "We're open to discussing all innovative access solutions that can help patients access important therapies."

Prisoners Are Organizing a Nationwide Strike Against "Modern-Day Slavery"

BY [Michael Arria](#), May 3, 2018

Prisoners across the country say they are gearing up for an end-of-summer nationwide strike against inhumane living conditions and unpaid labor—or, in their words, "modern-day slavery."

The strike was announced in an April 24 [press release](#) and shared by a number of advocacy groups. According to one of the outside organizers who was contacted by *In These Times*, the press released was developed and written by prisoners. The strike, which is primarily being organized by the prisoners, will start on August 21 and last until September 9.

The action will involve work stoppages, sit-ins and a boycott of purchases from prison stores. The prisoners are demanding improved living conditions and an end to unpaid labor, as well

as progressive sentencing reform and access to rehabilitation programs.

Organizers say they derived their boycott tactics from the Redistribute the Pain campaign, a plan put forward by the prisoners' rights group [Free Alabama Movement](#) earlier this year. That [campaign](#) declares that "our goal is to remove the assets and monetary gain from those who practice slavery, especially those in the U.S. and their allies."

"It is time that we take a new look and what is taking place across our nation in our prisons," reads the April 24 statement from prisoners. "Not only is it important for us to take a look, but we must also take in consideration that for years we have neglected what is actually taking place."

The strike comes in response to a riot that broke out at Lee Correctional Institution in Lee County, South Carolina on April 15. Seven prisoners were killed and 17 were seriously injured in an incident allegedly sparked by a gang rivalry within the prison. It is the deadliest U.S. prison riot in 25 years. Prison authorities say they didn't send guards to intervene until they had assembled enough officers to do it safely. [This took more than four hours](#). Prison killings have reached a critical mass in South Carolina, as they've quadrupled from 2015 to 2017.

South Carolina activist Malcolm Harris, one of the organizers outside of prisons helping to coordinate the upcoming strike, told *In These Times* that the violence in South Carolina is "reflective of what's going on in the rest of the nation." Nineteen percent of [male prisoners](#) in the United States say they've been assaulted by other prisoners, and 21 percent of them say they've been assaulted by prison guards. Women only make up 7 percent of the total prison population, but 33 percent of prisoners who are [sexually victimized](#) by prison staff members are women.

South Carolina corrections department director Bryan Stirling claims he's identified the specific cause of the riot: cell phones. "Our preliminary investigation has found that this is gangs fighting over territory," [declared](#) Stirling shortly after the riot. "And if they're incarcerated, then they're going to have to have a cellphone to continue their criminal ways from behind bars."

Many have [pushed back](#) on this analysis, pointing out that without cell phones, the grisly details of South Carolina's riot wouldn't be known to the public. Critics also mention that South Carolina's Department of Corrections has been pushing for the Federal Communications Commission (FCC) to allow authorities to use cell phone jammers for years. This effort is taking place nationwide: In 2016, 10 GOP governors wrote a [letter](#) to FCC Chairman Thomas Wheeler asking the agency to grant states the "flexibility and authority" to stop communication within prisons. One of the lawmakers who signed the letter is former South Carolina Governor Nikki Haley, current United States Ambassador to the United Nations.

Critics of mass incarceration attribute incidents like the South Carolina riot to the overall conditions of our punitive justice system, like the eradication of incentive programs for prisoners. "They've steadily cut back what little programs they had, and they're just warehousing people in understaffed,

overcrowded prisons," Paul Wright, the director of the Human Rights Defense Center, a nonprofit that advocates on behalf of people in detention, [told CBS](#). According to Wright, "Prison and penal operations have been studied pretty extensively for the last 15 years. When you take away all hope and you take away any reason for [prisoners] to behave themselves, then that's when you start having higher levels of violence, assaults, and attacks."

Harris echoed Wright's sentiments. "All these things we're fighting against with the strike, they've exacerbated everything in the prisons and they've bred violent reactions," he said. He also pushed back on the narrative that more guards would necessarily mean less violence. "There's always going to be more prisoners than guards," he said. "More guards are not going to stop the problem."

Isaac Bailey, whose brother is imprisoned at Lee, wrote an [editorial](#) for the *The Charlotte Observer* on April 18th summarizing what he had heard about the riot from his brother. According to Bailey, the actions of prison authorities helped facilitate the gang violence. "Prisoners knew officers would not come to the rescue if they were attacked—which provided a major incentive to join gangs as a means of self-preservation," wrote Bailey. "After every incident, prisoners are locked down longer, which leads to more resentment and unrest and more violence, a vicious cycle."

This strike is slated to follow similar collective actions throughout the country's prison system. Last December, 45 prisoners in Iowa Park, Texas began a hunger strike. The following month, prisoners in eight Florida prisons initiated a work stoppage to protest against unpaid wages and inhumane living conditions. Many claim that they faced [retaliation](#) for their efforts, with some allegedly sent to solitary confinement for participating. That same month, 45 prisoners in Iowa Park, Texas began a hunger strike. This past Easter, roughly 1,000 prisoners at Washington State Penitentiary [participated](#) in a hunger strike to protest the quality of their food. A couple weeks later, prisoners in Huntsville, Texas went on a [hunger strike](#) in response to an imposed lockdown in their prison.

It's unclear how many prisons throughout the country will end up participating in the action, but the organizers are calling on individuals to "spread the strike and word of the strike in every place of detention."

South Carolina Prisons Not Adequately Treating Prisoners for Hepatitis C, Lawsuit Claims ***180313 PLN Article***

A lawsuit filed Tuesday in federal court by a South Carolina inmate alleges that the state may be failing to provide proper treatment and medication for more than 5,000 inmates potentially living with Hepatitis C.

The class-action suit was filed by Russell Geissler, 24, an inmate at Perry Correctional Institution in Anderson County. Geissler discovered he had Hepatitis C, a viral infection that can lead to chronic liver disease, after regular blood drawings related to a different medication he was taking cued a prison

doctor to test him, according to Geissler's court-appointed attorney Chris Bryant.

The Centers for Disease Control estimates that one third of U.S. prisoners have Hepatitis C.

The S.C. Department of Corrections has a population of more than 19,000 inmates, meaning that more than 6,000 people would require treatment and care under the CDC's estimates. SCDC has identified 624 inmates as living with the illness, according to Bryant, something he calls "luck of the draw" considering they do not provide mandatory or opt-out testing for incoming inmates.

Geissler first filed the lawsuit by himself last summer, but was appointed an attorney by a judge after similar cases picked up steam in other states.

"The lawsuit seeks really two things: One is opt-out testing, testing for all inmates," Bryant said. "And the second is treatment that is in line with the standard of care. The standard of care is, with very few exceptions, everyone who has HepatitisC should be treated because there is a cure."

Another Judge Jones Reversal

Yes, another U.S. District Judge Robert Clive Jones reversal by the 9th Circuit Court of Appeals. This time for Death Row Prisoner Paul Browning. Hopefully, another innocent man will secure his freedom.

On September 20, 2017, the U.S. Court of Appeals for the 9th Circuit, in a published opinion, in *Browning v. Baker*, 875 F.3d 444 (9th Cir. 2017), reversed the decision of U.S. District Judge Robert Clive Jones denying a Petition for Writ of Habeas Corpus in which *Browning* contended the prosecution withheld material evidence favorable to the defense in violation of Brady; presented false and misleading evidence at trial in violation of *Napue*; and he was denied effective assistance of counsel due to inadequate pretrial investigation and preparation. The Court of Appeals agreed that it was an objectively unreasonable application of Supreme Court precedent by the Nevada Supreme Court and the U.S. District Court should have granted relief.

Congratulations Paul. We hope you are acquitted and will be out soon.

Prisons, Privatization and Profit

180422 PLN Article

America has the highest number of incarcerated individuals per-capita than any other country on earth. Including inmates in all federal prisons, those in the 50 state systems and those held in the thousands of county and local facilities, more than 1.3 million people were behind bars last year, and when counting those on probation or parole, the

figure increases to 2.3 million, according to the Prison Policy Initiative. There are myriad reasons for these numbers, but putting the morality and efficacy of mass incarceration aside, much of the responsibility of handling imprisoned individuals comes down to state, county and local leaders.

As prison populations have increased, it's been a challenge for these officials to find the funding to house and provide services for those in detention, leading many to privatize these functions. By relying on two major companies - GEO Group and CoreCivic* (formerly the Corrections Corporation of America) - communities have been able to cut costs related to corrections, and these organizations have been able to turn significant profits. However, these private facilities are plagued with complaints about lack of transparency, lack of oversight, higher rates of violence and inhumane conditions, raising the question if privatizing corrections is really worth it.

Mark Scott, a commissioner of Berks County, Pa., feels privatizing his community's correctional facility makes sense - particularly from a financial standpoint. He says over the years, he's become frustrated in dealing with the prison labor force, saying that their union has been particularly unreasonable in the face of a growing prison population.

He explains that when the state cut mental health facility funding, many troubled individuals were left with no place to go. More often than not, these people end up in some stage of the county's correctional system. "The state basically has abandoned its former role and left us to pick up the slack and provide the care that they should be providing in a more centralized and specialized facility," he says. "It's really a disgrace, but in any event, it's something we have to deal with."

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Articles and Information Wanted

Please provide NV-CURE with suggestions for articles and information you may want included in our Newsletter. We are interested in bringing you information on events and issues related to the prison and parole systems. We will attempt to gather the facts on issues of concern and write articles that may be of interest to all.

If you want to write an article for publication, write it and send to NV-CURE and we may edit and publish it.

NV-CURE is looking for Sustaining Contributors

NV-CURE is looking for Sustaining Contributors who want to advertise their businesses and/or corporations in our IB Newsletter. We currently publish the Newsletter bi-monthly. Every two (2) months our Newsletter goes out to almost eight hundred prisoners and 1200 people and organizations in the community. Our primary costs are printing and mailing. It currently costs NV-CURE over \$820.00 to mail our Newsletter to Prisoners – the very people who need our help. NV-CURE would like to increase our mailing to over 1000 prisoners. Our costs would increase accordingly. NV-CURE, a tax exempt non-profit organization, and needs at least twenty (20) Sustaining Contributors to accomplish our goals. With twenty Sustaining Contributors, contributing \$500.00 per year, which is tax exempt, we can reach our goal. Is your organization interested in becoming a NV-CURE Sustaining Contributor? Visit our Website, nevadacure.org, and see what we do and call our office to sign up. Thank you.

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