

# CA Bulletin

A Force for Progressive Change in the Criminal Justice System since 1844

Spring 2006

## Jack Beck Testifies on the National Stage

In February, Prison Visiting Project Director Jack Beck and Executive Director Bob Gangi traveled to Los Angeles to attend hearings for the Commission on Safety and Abuse in America's Prisons, a nationwide task force examining violence, abuse and harassment in prison. The Commission brought together correction officials, formerly incarcerated people, advocates and government leaders to testify about their experiences and findings. After receiving their testimony, the Commission will report its findings to policymakers and the public, making recommendations on how to make prisons safer for both inmates and staff.

During the week of the hearings, Los Angeles jails were plagued by violence, in a sadly fitting testament to the importance of the Commission's issues. Jack Beck testified about the CA's role as a citizens' prison monitoring organization and discussed the findings from some of the CA's recent research. Here's what he had to say about the experience.

*What was the CA's role in the Commission's hearing?*

JB: This hearing was specifically focused on prison monitoring. The task is to make the practices in prison more transparent to policymakers and the public and to hold the corrections system accountable when problems are detected. The CA submitted substantial written testimony, and then I participated in a panel discussion about various monitoring issues, including how other states might replicate the CA's model as an effective citizens' oversight agency.

*The CA has a unique legislative mandate to monitor New York's prisons—how could other states replicate that?*

Though it's true that legislatures today would be unlikely to grant the kind of authority the CA secured in 1846, there

are certainly elements of our work that could be replicated in other states—they could form private citizen groups or semi-autonomous government agencies that could monitor the prisons. What's important is that, like the CA, any new prison monitoring organization report its results to the public. If they're just providing an internal review for the corrections department, you don't achieve transparency or foster change.

**What's important is that we pierce the veil of secrecy that surrounds prisons... Transparency and accountability are crucial to making change.**

*What have you learned from the CA's research into safety and abuse issues?*

We are in the process of preparing a report on our study of safety and violence in New York prisons, following visits to 12 prisons and obtaining more than 1,000 surveys from inmates about their experiences at these institutions. We haven't crunched all the numbers yet, but we do know that there's a great variability between the levels of abuse at different prisons. In the

*continued on back page*

### Excerpt from the Testimony

"We urge the Commission to recommend increased outside scrutiny of prison systems, increased transparency and increased accountability for how inmates are treated and for the state of conditions of confinement. Violence and abuse, along with a lack of programming and

inadequate general conditions, hinder inmates' ability to learn and grow while they are incarcerated—a reality that haunts society in the form of high recidivism rates and bloated prison budgets. In too many cases, we return individuals to society in far worse condition than when they entered. This is a lost opportunity. Reducing violence

and increasing safety in our correctional facilities are not only moral imperatives, they are also fiscally responsible, critical steps in moving toward a more effective prison system."  
—excerpt from Jack Beck's written testimony to the Commission on Safety and Abuse in America's Prisons, available online at [www.correctionalassociation.org](http://www.correctionalassociation.org).

# A Law's Fallout: Women in Prison Fight for Custody

The *Wall Street Journal* recently published a front-page story about the far-reaching consequences of maternal incarceration on children and families. The February 27 article, written by Laurie P. Cohen, focused on the difficulties incarcerated mothers face in maintaining their parental rights to their children. It references the recently released report by the CA's Women in Prison Project, *When "Free" Means Losing Your Mother: The Collision of Child Welfare and the Incarceration of Women in New York State*, which takes an in-depth look at these same issues. The following was excerpted from the *Wall Street Journal* article; the complete text—as well as the new WIPP report—is available on our website, [www.correctionalassociation.org](http://www.correctionalassociation.org).

## THE WALL STREET JOURNAL.

In January 2004, Tamika Davis was leaving a department store in a mall with her son, when security officers nabbed her for stealing men's jeans and shirts.

Her children, an 11-year-old boy and a 7-year-old girl, were eventually sent to foster care. Last summer, while Ms. Davis was completing her jail term, child-welfare authorities moved to end her parental rights, so the children could be available for adoption. Now free, Ms. Davis, 29, is fighting the move. ...“I'm numb,” she says. “I fear I'll never see my kids again.”

Under a 1997 federal law, states must move to end the rights of parents whose children have been in foster care for 15 of the past 22 months. The law, known as the Adoption and Safe Families Act, was intended to keep abused or neglected children from languishing in foster care while their biological parents, often drug-addicted, tried to kick their habits. ...Prison sentences for many women are longer than the 15-month period the law dictates, meaning they automatically risk losing their children.

...The Act creates a situation that is “a violation of the fundamental rights of parents and children to have relationships with one another,” says Tamar Kraft-Stolar, director of the Correctional Association of New York's Women in Prison Project. The nonprofit group will release a report soon calling for changes in a New York law with requirements similar to the federal act. The report argues that the government should make exceptions to the 15-month rule for inmates with children in foster care. It recommends that child-welfare agencies help maintain relationships between children and their incarcerated parents.

...Jacqueline Smith spent more than nine years in a federal prison in Connecticut for possessing crack cocaine with intent to sell. She says the first time she learned she might lose her parental rights was when her daughter, Tracey, then 9, confided to her during a visit that she was going to be adopted. “Adoption? Where'd you get that from? Nobody said nothing to me about this,” Ms. Smith recalls telling her. ... Both mother and daughter protested the idea of Tracey being adopted. ... The goal for Tracey was eventually changed to reunification with her mother, who got out of prison in 2004. The two now live in an apartment in Brooklyn. “She made mistakes in her life,” Tracey says of her mother. “But I still knew I wanted her to be my mom and that I didn't want to be adopted.”

For more information about *When "Free" Means Losing Your Mother*, or the work of the Women in Prison Project, contact Tamar Kraft-Stolar at 212-254-5700 x306 or [tkstolar@correctionalassociation.org](mailto:tkstolar@correctionalassociation.org)

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Suzanne E.W. Gray, Editor

# Prison through the Lens of Gender

**Do women in prison receive adequate medical and gynecological care?**

**Do pregnant women in prison get proper nutrition in their diets?**

**What could improve interactions between correction officers and women inmates?**

To answer these and many other questions, the CA's Women in Prison Project (WIPP) has recently intensified its monitoring of the seven New York prisons that house women. As part of its effort to be more rigorous in its visiting work, the Project has hired a researcher to help hone its visiting methodology and create new survey tools (building on the tools previously developed by the Prison

Visiting Project to monitor men's facilities) that recognize women inmates' needs and circumstances.

Before using the survey tools, WIPP conducted two focus groups with formerly incarcerated women to ensure that the survey's questions were comprehensive, clear, and sensitive to women's specific experiences. WIPP has already used these new survey tools during recent visits to Bedford Hills and Albion Correctional Facilities (the former, New York's only maximum security prison for women, located in Westchester, and the latter, a medium security facility near Rochester), and also plans to use them during upcoming visits to Taconic, Bayview and Beacon Correctional Facilities.

After each visit, the Project sends a detailed letter to the facility superintendent explaining its findings, observations and recommendations for change. The Proj-

ect then creates a report which is posted on the CA website and distributed to key legislators, advocates, and members of the Coalition for Women Prisoners, which the Project coordinates.

At the end of its visiting cycle, WIPP plans to use the information it has gathered to publish a State of the Women's Prisons report, which will analyze conditions in women's prisons across the state and make recommendations for system-wide improvements. The Project will also continue to build its ongoing advocacy for improved conditions of confinement at all the prisons it visits.

Like the Project's prison monitoring and advocacy efforts, the State of the Women's Prisons report will be the first of its kind in the state and the country, making WIPP an even stronger voice for incarcerated women and their families.

*For more information about the Women in Prison Project, please contact Tamar Kraft-Stolar at 212-254-5700 ext. 306 or [tkstolar@correctionalassociation.org](mailto:tkstolar@correctionalassociation.org)*

Tuesday, May 9, 2006

## Join us for the 1844 Medal Award Dinner Honoring Lucy N. Friedman and Joan Steinberg

Please join us on May 9, 2006, for the Correctional Association's 16<sup>th</sup> annual 1844 Medal Award Dinner.

The *1844 Medal* pays tribute to individuals whose work and ideals reflect the core values of the distinguished citizens who founded the Correctional Association more than 160 years ago: a passion for civic activism and a commitment to a more fair and humane criminal justice system.

**Lucy Friedman** is the founder and 20-year president of Safe Horizon (formerly Victim Services) and current president of The After-School Corporation (TASC). At TASC, her work enriches the lives of thousands of young people, including those who are



Lucy Friedman will be awarded the **1844 Medal**



Joan Steinberg will receive the **Civic Leadership Award**

at risk of getting caught up in the criminal justice system. Lucy exemplifies a spirit of compassionate citizen action and we are very pleased to honor her dedication and achievement with the *1844 Medal*.

For many years, **Joan Steinberg** (*Civic Leadership Award*) has devoted her talent and energies to nurturing New York City's artistic and social justice communities. Through her 18 years of diligent service as a leading CA board member and her myriad contributions to many other worthy organizations, Joan has proven herself a model of civic action, advocacy, and thoughtful philanthropy.

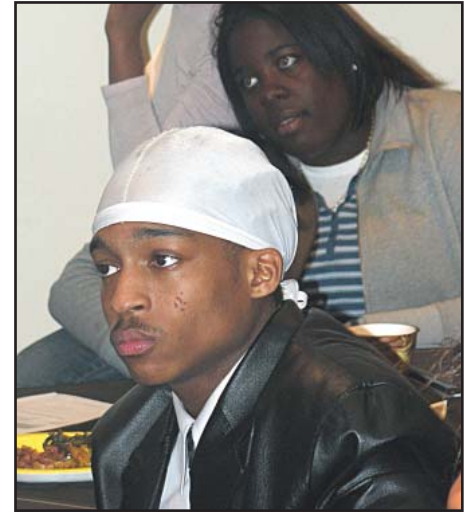
*For more information about this event or to purchase tickets, call our event organizers, events et cetera, at 516-681-2037.*

# Each One Teach One and ReConnect:



Poet and singer Queen Godis performed for the youth at the certificate ceremony.

The Fall 2005 sessions of Each One Teach One and ReConnect—our leadership training programs for young people and formerly incarcerated women, respectively—ended with celebratory certificate ceremonies. Participants left both programs with a deeper understanding of New York’s criminal justice policies and how to effect change, increased skills to advocate for themselves and for the issues they care about, and new colleagues and friends.



Each One Teach One intern Abraham Montgomery and graduate Ebonee Willoughby during a serious moment at the ceremony.

## Community Connections

### The end of ATD may bode well for juvenile justice

Most young people awaiting trial in family court are charged with low-level offenses and pose no threat to public safety. According to the Department of Juvenile Justice, 65% of detained youth are charged with non-violent crimes or probation violations. Yet every year, New York City spends millions of tax dollars to keep pre-trial youth locked in secure detention centers until they go to court.

The Juvenile Justice Coalition (JJC), coordinated by the CA’s Juvenile Justice Project, has long advocated for community-based alternative-to-detention (ATD) programs, which cost far less than secure detention and benefit youth and society

far more. So the Coalition was upset in January, when the New York City Department of Probation closed the city’s only ATD program, claiming an under-funded budget and overburdened facilities.

Now the Coalition is advocating that Community Connections, a comprehensive ATD program that it designed, be implemented to fill the gap.

How youth spend the time between their arrest and disposition is crucial to the outcome of their trials—and their lives. If they are detained in a secure facility before trial, they are more likely to be sentenced to a youth prison, more likely to face barriers in returning to school or work after their release, and more likely to be locked up again—in New York City, 44% are re-admitted to detention within a year.

But if youth stay in a community-based program before trial, they’re more likely to be sentenced to an alternative-to-incarceration program, which greatly reduces

the chance that they’ll be re-arrested. In Chicago, 90% of young people who are released from detention to participate in community programs do not re-offend during the course of their case.

In addition, ATD programs are cost-effective. Secure detention is hugely expensive, costing New York City \$410 per youth per day, or almost \$150,000 a year. Alternative programs cost only \$42 per day.

Many cities across the country have implemented ATD programs, with excellent results. For example, Chicago cut its youth detention population in half while reducing juvenile crime. New York, by contrast, opened two new secure youth facilities in 1998, and they quickly filled.

“New York City is behind the curve on this issue,” said Mishu Faruquee, director of the CA’s Juvenile Justice Project.

Twenty-six organizations signed the Juvenile Justice Coalition’s letter opposing the demise of New York City’s ATD program and encouraging the city to adopt

# training new advocates and leaders

**“I heard someone once say that ‘You must fall away from the past that prevents you from seeing the potential ahead.’ By becoming a member of the ReConnect leadership training program, I’ve done just that.”— Casey Deas, ReConnect Graduate & Community Outreach Educator**



Fall 2005 ReConnect graduates proudly display their certificates, with Andrea Williams, ReConnect Program Coordinator (back left), and community co-trainer Celeste Day Moore from Neighborhood Economic Development Advocacy Project (back right).

Community Connections, the JJC’s proposed community-based program.

Community Connections is based on successful ATD programs in Chicago, Philadelphia, Portland, OR and other cities, and will reduce the use of youth detention without jeopardizing community safety.

The program will be operated by a community organization and serve youth aged 7 to 15 who have already been assigned to secure detention. The organization will monitor participants’ school attendance, provide recreational and academic after-school activities and ensure that youth attend all their court dates.

In January, Bronx Connect, a community-based youth organization, applied for a state grant to implement Community Connections. An impressive number of agencies supported the proposal, including the NYC Department of Education, Bronx Family Court, the Legal Aid Society, the Mayor’s office and the Corporation Counsel, the city agency that prosecutes delinquency cases. The Juvenile Justice Coalition expects that once the program is established in the Bronx, it will expand to every borough.

“Community Connections is a significant opportunity for New York City to embrace juvenile detention reform,” said Faruquee. “We urge the city to use this chance to make a difference in young people’s lives.”

*For more information on Community Connections or the Juvenile Justice Project, please contact Mishi Faruquee at 212-254-5700 ext. 315 or mfaruquee@correctionalassociation.org.*

## Money Talks

One reason New York City has been reluctant to implement alternative-to-detention programs is that half of the exorbitant cost of incarcerating youth is paid for by New York State. Conversely, the city receives very little state money for ATD programs; even though they are far more economical, the city has less financial incentive to create them.

That’s why the Juvenile Justice Coalition has developed and proposed Redirect New York, a plan in which the state will reimburse cities for ATD programs—and at a higher rate than detention. Similar incentive programs have been very effective in other states: Ohio, for example, reduced its youth detention population by 40% in 10 years.

Several legislators have expressed their support for Redirect New York, and the Coalition expects that it will soon be introduced to the legislature as a bill.

## What's New

### Board Member

The Correctional Association welcomes **Barbara J. Berg** to our Board of Directors.

Ms. Berg, who holds a Ph.D. in history, is an accomplished writer, teacher and consultant, specializing in women's history, parenting and feminism. She also serves on the ethics committee and community board of Mount Sinai Hospital.

"Barbara is a wonderful addition to the Board," said Board Chair John Brickman. "She brings a sensitivity to the issues that are vital to the work of the Correctional Association, as well as years of experience working with not-for-profit organizations in New York."

### Staff Member

Welcome to **Jackie Ross**, our new *Drop the Rock* Coordinator. Jackie has taken over for **Simone Levine**, who returned to her work at the Legal Aid Society in January. Thanks, Simone, for all your good work.

### On the Web

[www.correctionalassociation.org](http://www.correctionalassociation.org)

- **When "Free" Means Losing Your Mother: The Collision of Child Welfare and the Incarceration of Women in New York State**  
A report by the Women in Prison Project (see page 2)
- **LGBT Youth in Detention: Myth and Reality** A fact sheet from the Juvenile Justice Project
- Updated *Drop the Rock* fact sheets
- Facility reports from the Prison Visiting Project's recent visits to Auburn, Eastern and Gowanda Correctional Facilities

## On a Bad Day

by Robert Gangi, Executive Director



Several years ago Mishi Faruque, then director of our Women in Prison Project, now director of our Juvenile Justice Project, was asked by a funding source to prepare a statement on the principles guiding the Correctional Association's efforts. Her eloquent write-up included the line: "The driving force behind our work is a strong belief in the inherent dignity of all human beings."

Mishi's words came to mind during the CA's latest visit to our city's court pens, which hold recently arrested individuals who are awaiting their first appearance before a judge. On a bad day, conditions there are the closest thing to the heart of the beast we see. Hundreds of people packed into decrepit, inadequate spaces; unsanitary, open toilets; vermin; peeling paint; darkened cells; breakdowns in medical care; and, virtually everyone locked up is a poor person of color. Cell after cell filled with black and brown faces—it's what you imagine you'd find in South African jails at the height of apartheid, not what you'd observe in the criminal court buildings of America's greatest city.

Remember that at this stage of the criminal justice process, detainees are not just presumed innocent, they have not been formally charged with a crime, seen a judge or spoken with an attorney. They are in custody solely because of a police officer's decision to arrest them.

The CA has been monitoring the pens since 1989. Over that time—partly because of our efforts, partly because of the good work of responsive government officials—the city has instituted many improvements: installed pay phones in every cell; placed medical screening workers in every criminal court building; partitioned toilets and added lights in some cells; placed mats in the women's pens, especially for women who may be pregnant; and reduced the average arrest-to-arraignment time from about 40 hours or more to under 24—although

many detainees are still held for longer than a day.

We continue these visits both to forestall slippage and to maintain pressure on the city to address persistent, systemic problems, such as the dank, deplorable, poorly ventilated physical plant in Brooklyn, and the irresponsible practice by arresting officers of discouraging detainees from informing the on-site screening workers about their health problems.

Then there are the very bad days, like our last visit to the Brooklyn and Manhattan facilities that, due to the unexpectedly high volume of recent arrests, were jammed full of "presumably innocent" people. Things had started to fall apart, and we were reminded of how brutally the criminal justice system can treat individuals, especially the vulnerable persons who get caught up in these circumstances. CA representatives respond by listening to the detainees' complaints and bringing their problems to the attention of on-line officials. So sandwiches are delivered, cases get expedited, ambulances—five alone in Manhattan on the day of our visit—get called.

When we return to our offices, we discuss follow-up advocacy strategies to address these breakdowns systematically, not just on a case by case basis. Because that's a principal part of our job as a prison watchdog organization.

One incident especially stays with me. Upon entering one of Manhattan's cells for women, we encountered a detainee laying semi-conscious on a mat, moaning in pain. The other detainees told us that she was going through drug withdrawal, obviously cold turkey, that she had been "like that" for hours, and that none of the officers on duty had responded to their pleas for help. The woman's mother was there, apparently having been arrested with her daughter. She said to me: "She may have brought this on herself"—pointing to her daughter and referring to the heroin addiction— "but she still is a human being."

At our Advocacy Days and throughout the year, we at the CA work hard to promote our

# 2006 Legislative Priorities

Legislators are paid to listen to their constituents.

Call or email your representatives and tell them that you support these bills. To find their contact information, visit [www.vote-smart.org](http://www.vote-smart.org)

Bill ID	Goal	Description	Status
A.6334	Stopping the Abuse of Incarcerated Young People	Creates an independent Child Advocate Office to monitor state juvenile justice and child welfare facilities. Increases oversight of Office of Children and Family Services (OCFS) facilities to protect incarcerated youth from harassment and abuse.	Passed Assembly in 2005; stalled in Senate. Referred to Assembly Children & Families Committee, 1/4/06
A.6502—The Safe, Fair and Equal Treatment for Youth (SAFETY) Act	Protecting the Rights of Lesbian, Gay, Bisexual and Transgendered (LGBT) Young People in Prison and Jail	Bans all forms of discrimination in state juvenile facilities and requires OCFS to provide staff training to address homophobia and to protect the rights of LGBT youth confined in its facilities. This bill was drafted by the Juvenile Justice Coalition.	Referred to Children and Families Committee, 1/4/06
A.6597	Ending the Prosecution of Sexually Exploited Young People	Prohibits the prosecution of persons under age 18 for prostitution and creates a continuum of community services to help young people recover from the trauma of sexual exploitation. This bill was drafted by Juvenile Justice Project staff and the Juvenile Justice Coalition.	Referred to Assembly Children and Families Committee, 1/4/06
S.4423			Referred to Senate Social Services Committee, 1/4/06
A.3926	Treating Inmates with Mental Illness	Prevents the isolation of inmates with mental illness in segregated housing units, requires the development of additional residential mental health treatment programs and provides training to officers so that they can recognize mental illness and develop the skills to communicate with and pacify inmates with mental illness.	Passed Assembly in 2005; stalled in Senate. Referred to Assembly Rules Committee, 3/6/06
S.2207			Referred to Senate Corrections Committee, 1/4/06
A.3544	Ensuring Public Health	Requires Department of Health oversight of HIV, AIDS and Hepatitis C treatment in correctional facilities.	Passed Assembly in 2005; stalled in Senate. Passed Assembly 2/8/06; referred to Senate Health Committee
A.3720	Ensuring Public Health	Requires correctional facilities to develop programs to prevent the spread of sexually transmitted diseases.	Referred to Corrections Committee, 1/4/06
A.3586	Ensuring Public Health	Gives the Department of Health jurisdiction over all prison health care facilities.	Referred to Ways & Means Committee, 1/18/06
A.3924	Providing Continuous Medicaid Coverage for Those in Need	Requires New York State and City Departments of Correction to file Medicaid applications for inmates prior to their release from prison, preventing a potentially hazardous gap in medical and mental health care.	Referred to Ways & Means Committee, 2/28/06
A.6796	Repealing the Rockefeller Drug Laws	Restores sentencing discretion to judges in all drug cases, and makes sentencing reform retroactive for all inmates convicted of drug offenses, who can then petition the courts for review of their sentences.	Referred to Codes Committee, 1/4/06
A.8024	Permitting Merit Time for Survivors of Domestic Violence	Grants merit time eligibility and increased merit time allowances to survivors of abuse convicted of defending themselves against their batterers, or convicted of committing crimes as a result of the abuse they have endured. This bill was drafted by Women in Prison Project staff and members of the Coalition for Women Prisoners.	Referred to Assembly Corrections Committee, 1/4/06
S.5124			Referred to Senate Committee on Corrections, 1/4/06
A.8173	Establishing Program Equality in State Prisons	Requires that vocational, educational and rehabilitation programs for female inmates in state correctional facilities be equivalent to those provided for male inmates. While over 30 different vocational programs are offered in men's correctional facilities, only 11 such programs are available at women's correctional facilities.	Passed Assembly in 2005; stalled in Senate. Referred to Assembly Rules Committee, 1/4/06

## PRISON VISITING *continued from page 1*

prisons with the least tension, we found relatively open communication between staff and inmates, leading to greater mutual respect. For example, although we heard some complaints about abuse at Sing Sing, inmates there can casually approach correction officers and executive staff to ask questions about programs or services, and we even heard some inmates shouting greetings to staff as they passed in the hallway. This type of informal interaction would be out of the question at some prisons located further upstate.

At Attica, where inmates reported much higher rates of physical confrontations with staff and verbal harassment, inmates repeatedly told us that they are afraid to even speak with correction staff, and many stay in their cells as much as possible to avoid any interaction at all. It is clear that the ability to simply communicate on a human level diminishes

tension and promotes more manageable prison environments.

### *How does race fit into the picture?*

Not surprisingly, race makes a big difference: At facilities where the correction staff are almost all white and the inmates are almost all people of color (which is common at many of the prisons in upstate New York, including Attica), there is more tension and more abuse, both between COs and inmates and among inmates themselves.

### *Do you think the Commission will be effective in producing change?*

The Commission's members are very concerned with how to make their recommendations a reality. They've made a point of including correction and government officials in the hearings, which

will help. But some of the problems can't be changed, even by well-meaning correction officials—it comes down to basic issues of funding, and a willingness to address the larger problems that put so many people in prison to begin with: harsh and ineffective drug laws, lack of resources for the mentally ill, and racial bias within the criminal justice system.

What's important, though, is that we pierce the veil of secrecy that surrounds prisons. They're closed institutions that people hardly know about. Transparency and accountability are crucial to making change, and these hearings are an important first step towards that.

*For more information about the forthcoming report on safety and abuse in New York's prisons, contact Jack Beck at 212-254-5700 ext. 310 or [jbeck@correctionalassociation.org](mailto:jbeck@correctionalassociation.org).*

## Thank You for Your Support

**You can make a difference in prison conditions by making a gift to the Correctional Association.**

Because it is our mission to hold the criminal justice system accountable for its policies and practices, the CA receives very little government funding. We rely on contributions from concerned citizens like you who share our determination to create a just and humane society.

You can help ensure that we stand strong in our advocacy on behalf of the men, women and youth caught up in the criminal justice system. To support the CA via credit card or check, please complete the enclosed reply envelope or call Marci McLendon at 212-254-5700 x314.

A truly meaningful way to support the CA is with a planned gift. From including the Correctional Association in your will to setting up a charitable gift annuity, planned gifts help secure the Correctional Association's valuable programs for decades to come.

If you are curious about how planned giving can further your own financial goals while providing for the future of the Correctional Association, please contact Susan Gabriel at 212-254-5700 x309 or [sgabriel@correctionalassociation.org](mailto:sgabriel@correctionalassociation.org).

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