

Orange County Human Rights Association Run Conference Proposal

Submitted by:

Orange County Human Rights Association (OCHRA)

- Carly Edelstein, Caitlin Emmons, Adam Deskus, Erik Johnson, Claire-Lise Kutlay, Coral Lopez, Monica Poremba, Margaux Poueymirou, Chariese Solorio, Brooke Weitzman

Conference Topic and Importance:

Access to Rights in the Prison Industrial Complex

The prison system in America is a depiction of one of the greatest democratic failures. Recent discoveries paint a picture of a system that fails to rehabilitate, drains state and federal budgets, and does little to prevent the proliferation of crime in American communities. This symposium will look at the current state of affairs in the prison industrial complex by using civil rights and access to the services guaranteed by those rights as an analytical lens. The panelists selected will provide insight into prisons and prison litigation across the nation. This symposium will engage organizations and scholars from within and outside the legal community, creating an opportunity to develop a dialogue between inmates, activists, scholars, politicians and attorneys. The panels will explore inmates' "access to" services including medical, legal, and education, and will also address the current rights afforded to inmates, and the realities associated with those rights.

Prisoners' rights issues have been a pervasive issue in the criminal justice system for decades. Political and judicial decisions in the last twenty years have profoundly shaped the present system that this symposium will analyze. In 1996, in an attempt to curtail "frivolous" litigation by inmates, Congress passed the Prison Litigation Reform Act [PLRA]. PLRA requires a physical injury requirement and proof of exhaustion of internal complaint procedures before a suit can be taken before a court. As a result,

access to justice in a traditional sense has been disastrously hampered for inmates.¹ In 2011, for example, the Supreme Court ruled that overcrowding conditions in California prisons were a violation of the inmates 8th Amendment rights and ordered an overhaul of the California prison system. In 2012, however, the Supreme Court found that those being held in private prisons did not have the ability to sue for civil rights violations despite the state's role in funding these institutions. Around the same time, the American Civil Liberties Union published its findings of heinous abuse from its observations of the Los Angeles County Jails, igniting a firestorm from the press.

The abuse of inmates in prisons across the nation has become an issue of public debate, yet there is still a lack of educational opportunities for law students on the rights granted to inmates and an understanding of how those rights are accessed. In Sharon Dolovich's article "Teaching Prison Law," she claims that American law schools focus on the "front-end" of the criminal justice system. Because of this focus, she argues, students remain unaware of the extensive of the legal issues facing those behind bars. America has 2.3 million Americans living behind bars and millions more remain under state surveillance in probation programs.² Those languishing under state control are largely those who, for a variety of reasons—ranging from financial problems to illiteracy—are unable to advocate effectively for themselves. Furthermore, many law students will ultimately go into some kind of criminal law. Whether its defense or prosecutorial work, an understanding of the "back-end" of the criminal justice system will greatly enhance their representational abilities. This, in itself, is a critical reason to

¹ "Slamming the Courthouse Doors: Denial of Access to Justice and Remedies in America," American Civil Liberties Union Report, (December 2010)

² "Teaching Prison Law," Sharon Dolovich, *Journal of Legal Education*, Volume 62, Number 2 (November 2012)

endorse OCHRA’s symposium proposal for 2014. It will expose the UCI Law community to a persistently underrepresented section of the law through a human rights framework.

Schedule:

Thursday:

Late Afternoon: Screening of the film “Torture: America’s Brutal Prison Documentary” which shows the abuses in the United States prison systems. The film documents prison conditions including “shackled and hooded *for their own protection*; pepper spray is used as an alternative to physical force, but in sufficient quantities to cause second-degree burns; beatings are frequent and sometimes fatal.” The film suggests that the prison conditions result from a “pervasive culture of dehumanization and brutality.” This would be a good introduction to prison conditions and help focus the panel discussions.

Evening: Conference paper presentation will allow students from universities across the country to present their research work on issues that are covered later in the symposium. These papers will be selected in advance and limited to the subject matter of the symposium. This will open the symposium up to a range of students and disciplines.³

Friday:

- 8:00 - 8:30 Welcome breakfast and registration
- 8:30 - 9:15 Introduction speaker
- 9:15 - 10:30 Panel 1
- 10:30 - 10:45 Break
- 10:45 - 12:00 Panel 2
- 12:15 - 1:15 Lunch and Keynote Speaker
- 1:15 - 2:30 Panel 3
- 2:30 - 2:45 Break
- 2:45 - 4:00 Panel 4
- 4:00 - 5:00 Closing Panel
- 5:00 - 6:00 Reception

Proposed Budget: (numbers are based on Professor Lee’s Immigration Symposium and have been modified for a one day symposium)

Item	Cost
Panel speaker travel costs - airfare for panelists from out of town (15 panelists x \$400 = \$8,000)	\$6,000
Panel speaker travel costs - gas reimbursements for local (LA, OC, San	\$420

³ More information on this is provided on page 12.

Diego) panelists traveling 20 miles or more (7 panelists x \$60 = \$420)	
Hotel (\$119 per night at the Radisson which includes breakfast, free parking, and internet, 2 nights per panelist - \$119 x 2 x 22 = \$6,426)	\$5,236
Parking and Transportation (\$20 road signs, \$124 parking attendant, \$325 shuttle)	\$469
Movie Snacks - popcorn, soda, water (100 attendees x \$3 = \$300)	\$300
Breakfast - coffee, tea, juice, bagels, fruit, etc. (100 attendees x \$5 = \$500)	\$500
Lunch - catering (100 attendees x \$10 = \$1,000)	\$1,000
Daylong supply of coffee, tea, water, etc. (100 attendees x \$3 = \$300)	\$300
Reception - wine and hors d'oeuvres (100 attendees x (\$3 wine + \$5 food) = \$800)	\$800
Panelist dinner after reception (22 panelists + 10 organizers and guests = 32 attendees x \$50 for food, drink, tax, and tip under the \$64 maximum = \$1,600)	\$1,600
Thank you gifts for speakers (\$15 x 22 panelists + \$50 for keynote speaker = \$330)	\$330
Screening "Torture: America's Brutal Prison Documentary": movie cost from Icarus Films \$298 (licensed for non-commercial and educational exhibition where no admission fees are charged)	\$298
Administrative costs (special paper for posters and program \$20 for 200 sheets from Office Max + \$4 cardstock for handwritten invitations + \$75 program stapling + \$100 t-shirts + other miscellaneous = approx. \$250)	\$250
Total	\$17,503

Suggested dates:

The symposium will take place on a Thursday night and all day Friday. Preferably in February or March of 2014.

List of potential sponsoring organizations that may be able to provide ideas or alternative funding sources:

ACLU National Prison Project: the ACLU is focused on prison reform and working to ensure that conditions of confinement are constitutional and consistent with health, safety, and human dignity. The ACLU has addressed medical care in prison, prison conditions, private prisons, and the restriction of prison rights. We would be working with the Southern California branch.

California Coalition for Women Prisoners: the coalition is based in San Francisco and advocates for changes in intolerable conditions inside prisons such as grossly inadequate health care, rampant sexual abuse and security housing. The California Coalition for Women's Prisoners involves the community in their work.

Center for Human Rights and Constitutional Law: The Center for Human Rights and Constitutional Law is based in Los Angeles. It works on increasing access to justice for

prisoners and to fight inhuman conditions in our nation's prisons and immigrant detention centers.

California Prison Focus: we would use the California Prison Focus primarily as an informational resource. Its mission is to investigate and expose human rights abuses with the goal of ending long-term isolation, medical neglect, and all forms of discrimination.

Justice Now: Justice Now is a law clinic that focuses on the needs of female prisoners. Justice Now's mission is to end violence against women and stop their imprisonment. It also works to promote alternatives to policing and prisons and challenge the prison industrial complex in all its forms. Justice Now provides speakers to community events.

Legal Aid Society Prisoner Rights Project: The Prisoner Rights Project is a nationally known law reform office and members of its staff regularly consult with other prisoner advocates locally and nationally, testify in legislative forums and work directly with legislators, and work with other professional and human rights organizations concerned with the protection of prisoners.

National Commission on Correctional Health Care: The mission of the National Commission on Correctional Health Care is to improve the quality of health care in jails, prisons and juvenile confinement facilities. The NCCHC offers a broad array of resources to help correctional health care systems provide efficient, high quality care. This would be an informational resource for the access to medical care panel

List of suggested speakers and participants:

Local Orange County/ Los Angeles Speakers:

- Sharon Dolovich: Professor at UCLA Law, Deputy General Counsel for the Los Angeles Citizens' Commission on Jail Violence
- Peter Eliasberg: Director of Legal Affairs at the American Civil Liberties Union in Los Angeles
- Ruth Gilmore: Professor at the University of Southern California
- Esther Lim: Jails Project Director at ACLU of Southern California
- Michelle Newell: Policy Associate at Children's Defense Fund.
- Mark Rosenbaum: Chief Counsel at the ACLU-Southern California
- David Sapp: Staff Attorney at the ACLU- Southern California

Out-of-Town Speakers:

- Elizabeth Alexander: ACLU National Prison Project, Former Director
- Kaitlin Banner: staff attorney at the Advancement Project's Ending the Schoolhouse to Jailhouse Track program.
- Greg Berman: Director of the Center for Court Innovation in New York
- Sue Burrell: Staff Attorney at Youth Law Center.
- Charles Carbone: San Francisco prison rights lawyer.
- Vanessa Carroll: Senior Staff Attorney at the Southern Poverty Law Center.

- Jabbar Collins: Renowned “jailhouse lawyer” who was imprisoned for 16 years.
- Angela Davis: Distinguished Professor Emerita at the University of California, Santa Cruz; author; and activist.
- Alex Friedmann: President of the nonprofit watchdog organization, Private Corrections Institute, Managing Editor of Prison Legal News
- Craig Haney: University of California, Santa Cruz Psychology Department Professor
- Peter Leone: Professor of Special Education at the University of Maryland.
- Rachel Meeropol: co-author of Jailhouse Lawyers Handbook, Senior Staff Attorney at the Center for Constitutional Rights.
- Jed Oppenheim and/or Jody Owens II: Attorneys at the Southern Poverty Law Center.
- Christopher Petrella: Author of Race, Markets, and the Rise of the Private Prison
- Rachel Roth: The Nation, Author
- Donna Strugar-Fritsch: Health Management Associates, Correctional Health Care Professional
- Justice Barry Stuart: former Chief Judge of the Territorial Court of Yukon
- Susan Sturm: George M. Jaffin Professor of Law and Social Responsibility at Columbia University School of Law
- Paul Wright: Author of Prison Profiteers: *Prison Profiteers: Who Makes Money from Mass Imprisonment*, Editor of Prison Legal News
- Judge Mark Wolf: U.S. District Court, District of Massachusetts, Chief Judge

Organization of Panels with Ideas for Potential Panelists and Areas of Discussion:

Introductory Speaker:

- This speaker will briefly introduce the scope of issues facing inmates in American prison facilities and the importance of these issues to communities outside of prison. The introductory speaker will reflect on the important relationship between the law and the experiences of inmates, focusing on the role that the legal community can and should have in securing access to rights in prisons. This speaker will provide the framework for the symposium, understanding the conditions in prisons as human rights issues.
- Possible speakers
 - Sharon Dolovich. Her piece Teaching Prison Law from the Journal of Legal Education highlights the relationship, or lack thereof, between law students, lawyers, and the prison industrial complex. Dolovich claims that studying the legal deficiencies faced by incarcerated Americans is absolutely critical to promoting humanity far beyond the scope of prisons.
 - Peter Eliasberg, the Director of Legal Affairs at the American Civil Liberties Union in Los Angeles. Eliasberg was recently awarded (find the name of the award) and would be able to speak about the conditions in American prisons from the perspective of a practitioner working to ensure access to basic rights in prison facilities.

Panel 1: Access to Medical Services (co-sponsored by the Women's Law Society and OutLaw)

- This panel will address the deficiencies and/or strengths of health care in the prison system and where there is room to improve. Ideally there would be an expert in mental health, an expert in reproductive health in women's prisons, a medical practitioner who has worked in prisons and a litigator who has worked on cases concerning medical services in prisons. The goal would be to give a big picture of all the medical concerns prisoners face and how access to care can be improved.
- Participants:
 - Professor Craig Haney, Professor at UC Santa Cruz
 - Donna Strugar-Fritsch, Health Management Associates, Correctional Health Care Professional
 - Elizabeth Alexander, ACLU National Prison Project, Former Director
 - Rachel Roth, The Nation, Author
 - Judge Wolf, U.S. District Court, District of Massachusetts, Chief Judge
- Professor Haney is an expert in the area of mental health and was one of the researchers in the Stanford Prison Experiment. He can discuss how prisons are failing to address prisoner's mental health needs.
- Ms. Strugar-Fritsch has worked with many prisons on their health care systems. She'd be able to speak about the health care system as someone in the medical field and give a ground-level view of the problems they face.
- Ms. Alexander has litigated many prison cases, included three cases before the United States Supreme Court. She has also testified before Congress on the subject of health care within prisons. She would provide a legal perspective of the problems prisoners face in accessing health care.
- Ms. Roth authored a book about reproductive health within prisons, specifically when women are pregnant. She was the recipient of a Soros Justice Fellowship for her work on prisons and reproductive justice. She could give insight into the unique problems women's prisons face when it comes to addressing women's health.
- Judge Wolf is the Chief Judge in the U.S. District Court, District of Massachusetts. He recently ordered a prison to provide a sex change operation after learning that it was the only accepted medical treatment to a medical condition in a very controversial opinion.

Panel 2: Access to Education (co-sponsored by the Children's Advocacy Group)

- The "school to prison pipeline" refers to an evolving and disturbing national trend wherein children leave the public schools system for the juvenile and criminal justice systems. Many of these children have learning disabilities or are the product of histories of poverty, abuse, and neglect. Most come from failing public schools where "'zero-tolerance' policies criminalize minor infractions of school rules, while high-stakes testing programs encourage

educators to push out low-performing students to improve their schools' overall test scores." Students of color have been especially vulnerable to push-out trends and the discriminatory application of discipline. These children frequently end up in detention facilities that are ill equipped to provide them with the educational opportunities they deserve, and have an established right to. This panel will look at the work that has been done to increase access to educational resources in the juvenile detention facilities and will focus on what legal strategies can and should be used to guarantee the right to education for incarcerated youth.

- Participants:
 - Mark Rosenbaum, Chief Counsel at the ACLU-Southern California
 - David Sapp, Staff Attorney at the ACLU- Southern California
 - Michelle Newell, Policy Associate at Children's Defense Fund.
 - Vanessa Carroll, Senior Staff Attorney at the Southern Poverty Law Center.
 - Jed Oppenheim and/or Jody Owens II, Attorneys at the Southern Poverty Law Center.
 - Peter Leone, Professor of Special Education at the University of Maryland.
 - Kaitlin Banner, staff attorney at the Advancement Project's Ending the Schoolhouse to Jailhouse Track program.
 - Sue Burrell, Staff Attorney at Youth Law Center.
- Mr. Rosenbaum and Mr. Sapp worked on a case entitled *Casey A. v. Gundry*, through which they sought to provide minimally adequate education and rehabilitation to detained youth in Los Angeles. Both attorneys focus a great deal of their energies on education issues. Mr. Sapp also spends time working on juvenile justice and the school-to-prison pipeline.
- Ms. Newell is a policy associate with the Children's Defense Fund where she uses research, policy analysis and coalition work to reform the juvenile justice system in Los Angeles and California. Through her work, she seeks to ensure that the system provides necessary rehabilitative services to meet the needs of detained youth.
- Ms. Carroll seeks to protect Mississippi children's rights in both public schools and detention facilities. Through her work, she seeks to ensure that detained children receive the education and rehabilitative services to which they are legally entitled.
- Mr. Oppenheim and Ms. Owens represent vulnerable children and seek to reform the Mississippi juvenile justice system. In particular, they use litigation to contest unconstitutional conditions in both for-profit and public juvenile detention facilities in the state.
- Dr. Leone is a Professor of Special Education who has written extensively on the juvenile justice system's impacts on students with special education needs. In particular, an article entitled "Education Services for Youth with Disabilities in A State-Operated Juvenile Correctional

System” provides a glimpse into the experience of children with disabilities as they make their way through the juvenile justice system.

- Ms. Banner is a staff attorney in the national office of the Advancement Project’s Ending the Schoolhouse to Jailhouse Track program, which seeks to find alternative ways to deal with student extreme student misconduct that ultimately pushes students into the juvenile justice system.
- Ms. Burrell works primarily in the area of juvenile justice through which she has consulted with and trained numerous juvenile system professions, has written articles on education, mental health and funding issues, and juvenile law, and has litigated cases concerning detention facility conditions.

Keynote Speaker:

- The Keynote speaker should be able to attest to the conditions in America’s prisons but more importantly activism efforts to reform or abolish the current prison system. A historical look at the activism surrounding incarceration would add another dimension to the symposium that won’t arise through the other panels in the same way. A perfect example of this type of speaker would be Angela Davis, Distinguished Professor Emerita at the University of California, Santa Cruz. Davis served time in jail before she was acquitted of the crimes against her; at the time of her arrest then President Richard Nixon congratulated the FBI on capturing a “dangerous terrorist.” She was associated with the Black Panther Party and the Communist Party at the time. She has dedicated her life to activism and the study of the prison industrial complex. Her work *Prison Abolition* provides insight into a model of criminal justice that does not focus on retribution but restoration and rehabilitation. She would provide invaluable insights into the growth of the prison industrial complex, its abuses, and solutions to that complex.

Panel 3: Access to Legal Services (co-sponsored by the Disability Law Society)

- Limited access to legal services affects every aspect of an inmate's life. If an inmate needs to file a writ of habeas corpus, is working on an appeal, is concerned that their civil rights have been violated inside prison, is at risk of losing custody of a child, has been a victim of prosecutorial misconduct, or needs access to the services we discussed earlier today, they may need access to an attorney. Even when an attorney is not available, self-representation requires adequate access to a law library, the internet, and potential evidence. Here, we will address the current state of prisoners’ access to legal services, legal materials, and legal representation. Next we will consider the impact of the current level of access on justice.
- Participants:
 - Susan Sturm, George M. Jaffin Professor of Law and Social Responsibility at Columbia University School of Law.
 - Esther Lim, Jails Project Director at ACLU of Southern California
 - Charles Carbone, San Francisco prison rights lawyer.
 - Rachel Meeropol, co-author of Jailhouse Lawyers Handbook; Senior Staff Attorney at the Center for Constitutional Rights.

- Jabbar Collins, New York. Renowned “jailhouse lawyer” who was imprisoned for 16 years.
- Professor Sturm has published numerous articles on the impact of and course of prison litigation. Her work focuses on the work that can be done by the legal profession to do corrections advocacy.
- Ms. Lim, Jails Project Director at ACLU of Southern California. Ms. Lim monitors overcrowding, conditions of confinement and issues of violence within Los Angeles County jail facilities. Ms. Lim has also worked with adolescent sex offenders and assisted them in preparing for parole board hearings and release. Ms. Lim can provide insight into the needs of prisoners within the Los Angeles County jails.
- Mr. Carbone is a San Francisco based prison rights lawyer. Mr. Carbone was the previous Director of the Litigation in Prison Project for California Prison Focus. Mr. Carbone has litigated state and federal prisoner right law suits in the areas of excessive force, parole, medical neglect, and solitary confinement policies. Mr. Carbone can share his experience to provide insight into the differing legal needs of prison inmates.
- Ms. Meeropol is the co-author of Jailhouse Lawyers Handbook. She is also a Senior Staff Attorney at the Center for Constitutional Rights. Ms. Meeropol can discuss the legal resources available to prisoners, including her handbook.
- Mr. Collins, New York. Renowned “jailhouse lawyer” who was imprisoned for 16 years, but is now working as a paralegal at Joel B. Rudin law firm in Manhattan. He can discuss his own experience in the prison system.

Panel 4: Private Prison Panel (co-sponsored by the Black Law Students Alliance)

- The growth of private prisons has exploded in recent decades. These facilities operate with tax dollar funding but are not subject to the regulations, for example the Freedom of Information Act, that provide at least some transparency in traditional state-run prisons. In 2012, in *Minneeci v. Pollard* the Supreme Court held that state based tort law was sufficient to deter and compensate victims of abuse in privately run prisons and that they could not initiate Bivens actions against the employees of federally funded private prisons. This panel will look at what kind of access, if any, to the rights explored by the other panels (medical, educational, legal representation) is available to those serving time in private prisons. This panel will also explore the rise of these facilities and the economics that contribute to their development.
- Participants:
 - Christopher Petrella, Author of *Race, Markets, and the Rise of the Private Prison*
 - Paul Wright, Author of *Prison Profiteers: Prison Profiteers: Who Makes Money from Mass Imprisonment*
 - Alex Friedmann, President of the nonprofit watchdog organization, Private Corrections Institute
- Mr. Petrella is the author of *Race, Markets, and the Rise of the Private Prison*. Mr. Petrella is a doctoral student at the University of Berkeley who has studied private prisons. His work on the private corrections industry has been cited by a number

of national organizations and campaigns including Prison Legal News, the ACLU's National Prison Project, Southern Poverty Law Center, and others. Mr. Petrella is currently working on a campaign to increase transparency in private prisons and could act as the moderator for this panel.

- Mr. Wright is the author of *Prison Profiteers: Who Makes Money from Mass Imprisonment*. Mr. Wright is also the Executive Director of the Human Rights Defense Center and the Editor of the Prison Legal News. Mr. Wright is a former inmate and can speak to conditions in prisons and provide an interesting economic view to the criminal justice system.
- Alex Friedmann, President of the nonprofit watchdog organization, Private Corrections Institute and the Managing Editor of the Prison Legal News. Mr. Friedmann was formerly incarcerated and is an active advocate for prisoner's rights and criminal-justice reform. He is considered a national expert on prison privatization, and could give a unique perspective of public compared to private prisons.

Closing Panel: Alternatives to the Prison System (co-sponsored by the Criminal Law Society)

- The closing panel will address alternatives to the prison system or comparative rehabilitation schemes. It will look at alternatives used in other communities and/or countries and will compare the results to the prison system. It will discuss when these alternatives are preferable and, whether in some cases, prison is the preferable option. It will look at the successes and failures of these other systems and how they can be incorporated into the current justice system.
- Participants:
 - Justice Barry Stuart
 - Ruth Gilmore, University of Southern California
 - Greg Berman, Director of the Center for Court Innovation in New York.
- Justice Barry Stuart is a retired Canadian judge who pioneered the use of peacemaking circles for public processes in North America. He focuses on dispute resolution and has worked as a lawyer, mediator, policy analyst, professor and speaker. He has worked all over the world to develop restorative justice processes to enhance community well being and sustainability.
- Ruth Gilmore is a professor at the University of Southern California and helped found Critical Resistance, which seeks to abolish prisons in the US. Critical Resistance works to “build healthy, self-determined communities and promote alternatives to the current system”
- Greg Berman is the director of the Center for Court Innovation in New York. The Center creates new programs that test innovative approaches to public safety programs. They believe that the justice system should seek to change the behavior of offenders and improve public safety. They use community courts, including drug courts, domestic violence courts, and mental health courts to collaborate with every party involved to enforce compliance with court orders.

Conference Paper Presentation

Local graduate students will be invited to present papers that relate to the theme of the symposium. The planning committee will select five papers to present at the symposium. The papers will be presented the Thursday before the symposium in different rooms so attendees can choose which to attend. This will be a great opportunity to attract scholars in a variety of fields. Interdisciplinary education is critical to better understanding the issues we face. It could also start a tradition that would make the symposium appeal to other areas of academia. This is one of the ways, in addition to inviting activists, practitioners, and academics from all over the country this symposium will be able to attract audience from outside UCI Law. It would require putting together a group of professors to select papers and advertising in graduate programs across the country but we think it be a really wonderful tradition to start at the symposium.

Alternative Publication:

Typically the student-run symposium has been linked to an issue of Law Review. We are more than prepared to request that our panelists submit written work appropriate for Law Review, but we would also like to propose an alternative publication. We would like to see an online Public Policy Journal emerge from this symposium. Many top-tier law schools have developed these as prestigious Law Review alternatives (e.g. The Harvard Journal of Law & Public Policy, The Stanford Law and Policy Review (which is specifically linked to symposia on campus), The Northwestern Journal of Law and Policy, and many more). We believe that this would be a great way to get this project started. The online journal would not have to be linked to symposia but it could be if that was the course it took.